

ENROLLED ORIGINAL

AN ACT

D.C. ACT 16-211

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
NOVEMBER 28, 2005*Codification
District of
Columbia
Official Code*

2001 Edition

2006 Winter
Supp.West Group
Publisher

To authorize the issuance of District of Columbia general obligation tax revenue anticipation notes to finance general governmental expenses for the fiscal year ending September 30, 2006.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Fiscal Year 2006 Tax Revenue Anticipation Notes Act of 2005".

Sec. 2. Definitions.

For the purposes of this act, the term:

- (1) "Additional Notes" means District general obligation revenue anticipation notes described in section 9 that may be issued pursuant to section 472 of the Home Rule Act and that will mature on or before September 30, 2006, on a parity with the notes.
- (2) "Authorized delegate" means the City Administrator, the Chief Financial Officer, the Treasurer, or any officer or employee of the executive office of the Mayor to whom the Mayor has delegated any of the Mayor's functions under this act pursuant to section 422(6) of the Home Rule Act.
- (3) "Available funds" means District funds required to be deposited with the Escrow Agent, receipts, and other District funds that are not otherwise legally committed.
- (4) "Bond Counsel" means a firm or firms of attorneys designated as bond counsel or co-bond counsel from time to time by the Mayor.
- (5) "Chief Financial Officer" means the Chief Financial Officer established pursuant to section 424(a)(1) of the Home Rule Act.
- (6) "City Administrator" means the City Administrator established pursuant to section 422(7) of the Home Rule Act.
- (7) "Council" means the Council of the District of Columbia.
- (8) "District" means the District of Columbia.
- (9) "Escrow Agent" means any bank, trust company, or national banking association with requisite trust powers and with an office in the District designated to serve in this capacity by the Mayor.

Note,
§ 1-204.72

ENROLLED ORIGINAL

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

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

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

(13) "Notes" means one or more series of District general obligation revenue anticipation notes authorized to be issued pursuant to this act.

(14) "Receipts" means all funds received by the District from any source, including, but not limited to, taxes, fees, charges, miscellaneous receipts, and any moneys advanced, loaned or otherwise provided to the District by the United States Treasury, less funds that are pledged to debt or other obligations according to section 9 hereof or that are restricted by law to uses other than payment of principal of, and interest on, the notes.

(15) "Secretary" means the Secretary of the District of Columbia.

(16) "Treasurer" means the Treasurer of the District of Columbia established pursuant to section 424(a)(2) of the Home Rule Act.

Sec. 3. Findings.

The Council finds that:

(1) Under section 472 of the Home Rule Act, the Council may authorize, by act, the issuance of general obligation revenue anticipation notes for a fiscal year in anticipation of the collection or receipt of revenues for that fiscal year. Section 472 of the Home Rule Act provides further that the total amount of general obligation revenue anticipation notes issued and outstanding at any time during a fiscal year shall not exceed 20% of the total anticipated revenue of the District for that fiscal year, as certified by the Mayor as of a date not more than 15 days before each original issuance of the notes.

(2) Under section 482 of the Home Rule Act, the full faith and credit of the District is pledged for the payment of the principal of, and interest on, any general obligation revenue anticipation note.

(3) Under section 483 of the Home Rule Act, the Council is required to provide in the annual budget sufficient funds to pay the principal of, and interest on, all general obligation revenue anticipation notes becoming due and payable during that fiscal year, and the Mayor is required to ensure that the principal of, and interest on, all general obligation revenue anticipation notes is paid when due, including paying the principal and interest from funds not otherwise legally committed.

(4) The Mayor has advised the Council that, based upon the Mayor's projections of anticipated receipts and disbursements during the fiscal year ending September 30, 2006, it may be necessary for the District to borrow a sum not to exceed \$350 million, an amount that does not exceed 20% of the total anticipated revenue of the District for such fiscal year, and to

ENROLLED ORIGINAL

accomplish the borrowing by issuing general obligation revenue anticipation notes in one or more series.

(5) The issuance of general obligation revenue anticipation notes in a sum not to exceed \$350 million is in the public interest.

Sec. 4. Note authorization.

(a) The District is authorized to incur indebtedness by issuing the notes pursuant to sections 472 and 482 of the Home Rule Act, in one or more series, in a sum not to exceed \$350 million, to finance its general governmental expenses, in anticipation of the collection or receipt of revenues for the fiscal year ending September 30, 2006.

(b) The Mayor is authorized to pay from the proceeds of the notes the costs and expenses of issuing and delivering the notes, including, but not limited to, underwriting, legal, accounting, financial advisory, note insurance or other credit enhancement, marketing and selling the notes, and printing costs and expenses.

Sec. 5. Note details.

(a) The notes shall be known as "District of Columbia Fiscal Year 2006 General Obligation Tax Revenue Anticipation Notes" and shall be due and payable, as to both principal and interest, on or before September 30, 2006.

(b) The Mayor is authorized to take any action necessary or appropriate in accordance with this act in connection with the preparation, execution, issuance, sale, delivery, security for, and payment of the notes, including, but not limited to, determinations of:

- (1) The final form, content, designation, and terms of the notes, including any redemptions applicable thereto and a determination that the notes may be issued in book-entry form;
- (2) Provisions for the transfer and exchange of the notes;
- (3) The principal amount of the notes;
- (4) The rate or rates of interest or the method of determining the rate or rates of interest on the notes; provided, that the interest rate or rates borne by the notes of any series shall not exceed in the aggregate 10% per year calculated on the basis of a 365-day year (actual days elapsed); provided, further, that if the notes are not paid at maturity, the notes may provide for an interest rate or rates after maturity not to exceed in the aggregate 15% per year calculated on the basis of a 365-day year (actual days elapsed);
- (5) The date or dates of issuance, sale, and delivery of the notes;
- (6) The place or places of payment of principal of, and interest on, the notes;
- (7) The designation of a registrar, if appropriate, for any series of the notes, and the execution and delivery of any necessary agreements relating to the designation;

ENROLLED ORIGINAL

(8) The designation of paying agent(s) or escrow agent(s) for any series of the notes, and the execution and delivery of any necessary agreements relating to such designations; and

(9) Provisions concerning the replacement of mutilated, lost, stolen or destroyed notes.

(c) The notes shall be executed in the name of the District and on its behalf by the manual signature of the Mayor or an authorized delegate. The official seal of the District or a facsimile of it shall be impressed, printed, or otherwise reproduced on the notes. If a registrar is designated, the registrar shall authenticate each note by manual signature and maintain the books of registration for the payment of the principal of, and interest on, the notes and perform other ministerial responsibilities as specifically provided in its designation as registrar.

(d) The notes may be issued at any time or from time to time in one or more issues and in one or more series.

Sec. 6. Sale of the notes.

(a) The notes of any series shall be sold at negotiated sale pursuant to a purchase contract or at competitive sale pursuant to a bid form. The notes shall be sold at a price not less than par plus accrued interest from the date of the notes to the date of delivery thereof. The purchase contract or bid form shall contain the terms that the Mayor considers necessary or appropriate to carry out the purposes of this act. The Mayor's execution and delivery of the purchase contract or bid form shall constitute conclusive evidence of the Mayor's approval, on behalf of the District, of the final form and content of the notes. The Mayor shall deliver the notes, on behalf of the District, to the purchasers upon receiving the purchase price provided in the purchase contract or bid form.

(b) The Mayor or an authorized delegate may execute, in connection with each sale of the notes, an offering document on behalf of the District, and may authorize the document's distribution in relation to the notes.

(c) The Mayor or an authorized delegate shall take actions and execute and deliver agreements, documents, and instruments (including any amendment of or supplement to any such agreement, document, or instrument) in connection with any series of notes as required by or incidental to:

(1) The issuance of the notes;

(2) The establishment or preservation of the exclusion from gross income for federal income tax purposes of interest on the notes, the treatment of interest on the notes as not constituting an item of tax preference for purposes of the federal alternative minimum tax ("non-AMT"), if the notes are originally issued as non-AMT notes, and the exemption from District income taxation of interest on the notes (except estate, inheritance, and gift taxes);

(3) The performance of any covenant contained in this act, in any purchase contract for the notes, or in any escrow or other agreement for the security thereof;

ENROLLED ORIGINAL

(4) The provision for securing the repayment of the notes by a letter or line of credit or other form of credit enhancement, and the repayment of advances under any such credit enhancement, including the evidencing of the repayment obligation with a negotiable instrument with such terms as the Mayor shall determine; or

(5) The execution, delivery, and performance of the Escrow Agreement, a purchase contract, or a bid form for the notes, a paying agent agreement, an agreement relating to credit enhancement, if any, including any amendments of any of these agreements, documents, or instruments.

(d) The notes shall not be issued until the Mayor receives an approving opinion of Bond Counsel as to the validity of the notes and the establishment or preservation of the exclusion from gross income for federal income tax purposes of the interest on the notes and, if the notes are issued as non-AMT notes, the treatment of the interest as not an item of tax preference for purposes of the federal alternative minimum tax, and the exemption from District income taxation of the interest on the notes (except estate, inheritance and gift taxes).

(e) The Mayor shall execute a note issuance certificate evidencing the determinations and other actions taken by the Mayor for each issue or series of the notes issued and shall designate in the note issuance certificate the date of the notes, the series designation, the aggregate principal amount to be issued, the authorized denominations of the notes, the sale price, and the interest rate or rates on the notes. The Mayor shall certify in a separate certificate, not more than 15 days before each original issuance of a series, the total anticipated revenue of the District for the fiscal year ending September 30, 2006, and that the total amount of all general obligation revenue anticipation notes issued and outstanding at any time during the fiscal year will not exceed 20% of the total anticipated revenue of the District for the fiscal year. These certificates shall be delivered at the time of delivery of the notes and shall be conclusive evidence of the actions taken as stated in the certificates. A copy of each of the certificates shall be filed with the Secretary to the Council not more than 3 days after the delivery of the notes covered by the certificates.

Sec. 7. Payment and security.

(a) The full faith and credit of the District is pledged for the payment of the principal of, and interest on, the notes when due.

(b) The funds for the payment of the notes as described in this act shall be irrevocably deposited with the Escrow Agent pursuant to the Escrow Agreement. The funds shall be used for the payment of the principal of, and interest on, the notes when due, and shall not be used for other purposes so long as the notes are outstanding and unpaid.

(c) The notes shall be payable from available funds of the District, including, but not limited to, any moneys advanced, loaned or otherwise provided to the District by the United States Treasury, and shall evidence continuing obligations of the District until paid in accordance with their terms.

ENROLLED ORIGINAL

(d) The Mayor may, without regard to any act or resolution of the Council now existing or adopted after the effective date of this act, designate an Escrow Agent under the Escrow Agreement. The Mayor may execute and deliver the Escrow Agreement, on behalf of the District and in the Mayor's official capacity, containing the terms that the Mayor considers necessary or appropriate to carry out the purposes of this act. A special account entitled "Special Escrow for Payment of District of Columbia Fiscal Year 2006 General Obligation Tax Revenue Anticipation Notes" is created and shall be maintained by the Escrow Agent for the benefit of the owners of the notes as stated in the Escrow Agreement. Funds on deposit, including investment income, under the Escrow Agreement shall not be used for any purposes except for payment of the notes or, to the extent permitted by the Home Rule Act, to service any contract or other arrangement permitted under subsections (k) or (l) of this section, and shall be invested only as provided in the Escrow Agreement.

(e) Upon the sale and delivery of the notes, the Mayor shall deposit with the Escrow Agent to be held and maintained as provided in the Escrow Agreement all accrued interest and premium, if any, received upon the sale of the notes.

(f)(1) The Mayor shall set aside and deposit with the Escrow Agent funds in accordance with the Escrow Agreement at the time and in the amount as provided in the Escrow Agreement.

(2) If Additional Notes are issued pursuant to section 9(b), and if on the date set forth in the Escrow Agreement, the aggregate amount of principal and interest payable at maturity on the outstanding notes, including any Additional Notes, less all amounts on deposit, including investment income, under the Escrow Agreement exceeds 90% of the actual receipts of District taxes (other than special taxes or charges levied pursuant to section 481(a) of the Home Rule Act, and taxes, if any, dedicated to particular purposes pursuant to section 490 of the Home Rule Act), for the period August 15, 2006, until September 30, 2006, then beginning on the date set forth in the Escrow Agreement, the Mayor shall promptly, upon receipt by the District, set aside and deposit with the Escrow Agent the receipts received by the District after the date set forth in the Escrow Agreement, until the aggregate amount of principal and interest payable on the outstanding notes, including Additional Notes as described above is less than 90% of actual receipts of District taxes (other than special tax or charges levied pursuant to section 490 of the Home Rule Act).

(3) The District covenants that it shall levy, maintain, or enact taxes due and payable during August 1, 2006, through September 30, 2006, to provide for payment in full of the principal of, and interest on, the notes when due. The taxes referred to in this paragraph shall be separate from special taxes or charges levied pursuant to section 481(a), or taxes, if any, dedicated to particular purposes pursuant to section 490 of the Home Rule Act.

(4) The District covenants that so long as any of the notes are outstanding, it shall not grant, create, or permit the existence of any lien, pledge, or security interest with respect to its taxes due and payable during the period August 1, 2006, through September 30, 2006, or commit or agree to set aside and apply those tax receipts to the payment of any obligation of the District other than the notes. The taxes referred to in this paragraph shall not include special taxes or

ENROLLED ORIGINAL

charges levied pursuant to section 481(a), or taxes, if any, dedicated to particular purposes pursuant to section 490 of the Home Rule Act, or any real property tax liens created or arising in any fiscal year preceding the issuance of the notes.

(g) Before the 16th day of each month, beginning in August 2006, the Mayor shall review the current monthly cash flow projections of the District, and if the Mayor determines that the aggregate amount of principal and interest payable at maturity on the notes then outstanding, less any amounts and investment income on deposit under the Escrow Agreement, equals or exceeds 85% of the receipts estimated by the Mayor to be received after such date by the District but before the maturity of the notes, the Mayor shall promptly, upon receipt by the District, set aside and deposit with the Escrow Agent the receipts received by the District on and after that date until the aggregate amount, including investment income, on deposit with the Escrow Agent equals or exceeds 100% of the aggregate amount of principal of, and interest on, the notes payable at their maturity.

(h) The Mayor shall, in the full exercise of the authority granted the Mayor under the Home Rule Act and under any other law, take actions as may be necessary or appropriate to ensure that the principal of, and interest on, the notes are paid when due, including, but not limited to, seeking an advance or loan of moneys from the United States Treasury if available under then-current law. This action shall include, without limitation, the deposit of available funds with the Escrow Agent as may be required under section 483 of the Home Rule Act, this act, and the Escrow Agreement. Without limiting any obligations under this act or the Escrow Agreement, the Mayor reserves the right to deposit available funds with the Escrow Agent at his or her discretion.

(i) There are provided and approved for expenditure sums as may be necessary for making payments of the principal of, and interest on, the notes, and the provisions of the District of Columbia Appropriations Act, 2006, if enacted prior to the effective date of this act, relating to short-term borrowings are amended and supplemented accordingly by this section, as contemplated in section 483 of the Home Rule Act.

(j) The notes shall be payable, as to both principal and interest, in lawful money of the United States of America in immediately available or same-day funds at a bank or trust company acting as paying agent, located in the District, and at not more than 2 co-paying agents that may be located outside the District, one of which shall be located in New York, New York. All of the paying agents shall be qualified to act as paying agents under the laws of the United States of America, of the District, or of the state in which they are located, and shall be designated by the Mayor without regard to any other act or resolution of the Council now existing or adopted after the effective date of this act.

(k) In addition to the security available for the holders of the notes, the Mayor is hereby authorized to enter into agreements, including any agreement calling for payments in excess of \$1 million during fiscal year 2006, with a bank or other financial institution to provide a letter of credit, line of credit, or other form of credit enhancement to secure repayment of the notes when due. The obligation of the District to reimburse the bank or financial institution for any advances

ENROLLED ORIGINAL

made under any such credit enhancement shall be a general obligation of the District until repaid and shall accrue interest at the rate of interest established by the Mayor not in excess of 15% per year until paid.

(l) The District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Official Code § 2-301.01), and the Financial Institutions Deposit and Investment Amendment Act of 1997, effective March 18, 1998 (D.C. Law 12-56; D.C. Official Code § 47-351.01 *et seq.*), shall not apply to any contract which the Mayor may from time to time determine to be necessary or appropriate to place, in whole or in part:

- (1) An investment or obligation of the District as represented by the notes;
- (2) An investment or obligation or program of investment; or
- (3) A contract or contracts based on the interest rate, currency, cash flow, or other basis as the Mayor may desire, including, without limitation, interest rate swap agreements; currency swap agreements; insurance agreements; forward payment conversion agreements; futures; contracts providing for payments based on levels of, or changes in, interest rates, currency exchange rates or stock or other indices; contracts to exchange cash flows or a series of payments; and contracts to hedge payment, currency, rate, spread or similar exposure, including, without limitation, interest rate floors, or caps, options, puts and calls. The contracts or other arrangements also may be entered into by the District in connection with, or incidental to, entering into or maintaining any agreement that secures the notes. The contracts or other arrangements shall contain whatever payment, security, terms, and conditions as the Mayor may deem appropriate and shall be entered into with whatever party or parties the Mayor may select, after giving due consideration, where applicable, to the creditworthiness of the counterparty or counterparties, including any rating by a nationally recognized rating agency or any other criteria as may be appropriate. In connection with, or incidental to, the issuance or holding of the notes, or entering into any contract or other arrangement referred to in this section, the District may enter into credit enhancement or liquidity agreements, with payment, interest rate, termination date, currency, security, default, remedy, and any other terms and conditions as the Mayor determines. Proceeds of the notes and any money set aside for payment of the notes or of any contract or other arrangement entered into pursuant to this section may be used to service any contract or other arrangement entered into pursuant to this section.

Sec. 8. Defeasance.

(a) The notes shall no longer be considered outstanding and unpaid for the purpose of this act and the Escrow Agreement, and the requirements of this act and the Escrow Agreement shall be deemed discharged with respect to the notes, if the Mayor:

- (1) Deposits with an Escrow Agent, herein referred to as the "defeasance escrow agent," in a separate defeasance escrow account, established and maintained by the Escrow Agent solely at the expense of the District and held in trust for the note owners, sufficient moneys or direct obligations of the United States, the principal of and interest on which, when

ENROLLED ORIGINAL

due and payable, will provide sufficient moneys to pay when due the principal of, and interest payable at maturity on, all the notes; and

(2) Delivers to the defeasance escrow agent an irrevocable letter of instruction to apply the moneys or proceeds of the investments to the payment of the notes at their maturity.

(b) The defeasance escrow agent shall not invest the defeasance escrow account in any investment callable at the option of its issuer if the call could result in less than sufficient moneys being available for the purposes required by this section.

(c) The moneys and direct obligations referred to in subsection (a)(1) of this section may include moneys or direct obligations of the United States of America held under the Escrow Agreement and transferred, at the written direction of the Mayor, to the defeasance escrow account.

(d) The defeasance escrow account specified in subsection (a) of this section may be established and maintained without regard to any limitations placed on these accounts by any act or resolution of the Council now existing or adopted after this act becomes effective, except for this act.

Sec. 9. Additional debt and other obligations.

(a) The District reserves the right at any time to: borrow money or enter into other obligations to the full extent permitted by law; secure the borrowings or obligations by the pledge of its full faith and credit; secure the borrowings or obligations by any other security and pledges of funds as may be authorized by law; and issue bonds, notes, including Additional Notes, or other instruments to evidence the borrowings or obligations. The reserved right with regard to notes and Additional Notes issued pursuant to sections 471, 472, and 490 of the Home Rule Act shall be subject to this act. No borrowings or other obligations, including Additional Notes, shall be entered into that would require an immediate set-aside and deposit under section 7(g) applied as of the date of the issuance.

(b)(1) The District may issue Additional Notes pursuant to section 472 of the Home Rule Act that shall mature on or before September 30, 2006, and the District shall covenant to set aside and deposit under the Escrow Agreement, receipts and other available funds for payment of the principal of, and the interest on, the Additional Notes on a parity basis with the notes.

(2) The receipts and available funds referred to in subsection (a) of this section shall be separate from the special taxes or charges levied pursuant to section 481(a), and taxes, if any, dedicated to particular purposes pursuant to section 490 of the Home Rule Act.

(3) Any covenants relating to any Additional Notes shall have equal standing and be on a parity with the covenants made for payment of the principal of, and the interest on, the notes.

(4) If Additional Notes are issued, the provisions of section 7 shall apply to both the notes and the Additional Notes and increase the amounts required to be set aside and

ENROLLED ORIGINAL

deposited with the Escrow Agent.

(5) As a condition precedent to the issuance of any Additional Notes, the Mayor or the authorized delegate shall deliver a signed certificate certifying that the District is in full compliance with all covenants and obligations under this act and the Escrow Agreement, that no set-aside and deposit of receipts pursuant to section 7(g) applied as of the date of issuance is required, and that no set-aside and deposit will be required under section 7(g) applied immediately after the issuance.

(c) Any general obligation notes issued by the District pursuant to section 471 of the Home Rule Act shall not be scheduled to be due and payable until after the earlier of the following:

(1) The stated maturity date of all outstanding notes and Additional Notes; or

(2) The date an amount sufficient to pay all principal and interest payable at maturity on the notes and the Additional Notes is on deposit with the Escrow Agent.

(d) Revenue notes of the District, which are payable from specified District revenue that is set aside for the payment of the revenue notes and that is included in the amount of receipts estimated by the Mayor, pursuant to section 7(g), to be received after the proposed date of issue of the revenue notes and before the maturity of the notes, shall not be issued if a set-aside and deposit of receipts pursuant to section 7(g) applied as of the proposed date of the issuance of revenue notes would be required. In determining, for purposes of this subsection, whether a set-aside and deposit would be required, there shall be excluded from receipts estimated by the Mayor to be received after the proposed date of issuance of revenue notes and before the maturity of the notes an amount equal to the estimated revenues set aside for the payment of revenue notes.

Sec. 10. Tax matters.

The Mayor shall not (1) take any action or omit to take any action, or (2) invest, reinvest, or accumulate any moneys in a manner, that will cause the interest on the notes to be includable in gross income for federal income tax purposes or, if the notes were issued as non-AMT notes, to be treated as an item of tax preference for purposes of the federal alternative minimum tax. The Mayor also shall take all actions necessary to be taken so that the interest on the notes will not be includable in gross income for federal income tax purposes or, if the notes were issued as non-AMT notes, be treated as an item of tax preference for purposes of the federal alternative minimum tax.

Sec. 11. Contract.

This act shall constitute a contract between the District and the owners of the notes. To the extent that any acts or resolutions of the Council may be in conflict with this act, this act shall be controlling.

ENROLLED ORIGINAL

Sec. 12. District officials.

(a) The elected or appointed officials, officers, employees, or agents of the District shall not be liable personally for the payment of the notes or be subject to any personal liability by reason of the issuance of the notes.

(b) The signature, countersignature, facsimile signature, or facsimile countersignature of any official appearing on the notes shall be valid and sufficient for all purposes, notwithstanding the fact that the official ceases to be that official before delivery of the notes.

Sec. 13. Authorized delegation of authority.

To the extent permitted by the District and federal laws, the Mayor may delegate to any authorized delegate the performance of any act authorized to be performed by the Mayor under this act.

Sec. 14. Maintenance of documents.

Copies of the notes and related documents shall be filed in the Office of the Secretary of the District of Columbia.

Sec. 15. Information reporting.

(a) Within 3 days after the Mayor's receipt of the transcript of proceedings relating to the issuance of the notes, the Mayor shall transmit a copy of the transcript to the Secretary to the Council.

(b) The Mayor shall notify the Council within 30 days of any action taken under section 7(g).

Sec. 16. Fiscal impact statement.

The Office of the Chief Financial Officer estimates that the fiscal impact of issuing the notes is as follows:

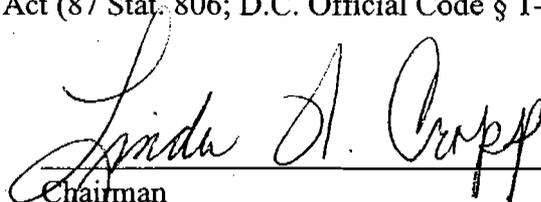
(1) The debt service expense associated with issuing tax revenue anticipation notes to fund Fiscal Year 2006 seasonal cash needs in the amount of approximately \$250 million is incorporated in the District's proposed Fiscal Year 2006 budget. This act has a not-to-exceed amount of \$350 million, as a contingency in the event that the District's actual Fiscal Year 2006 seasonal cash needs exceed the projected cash needs at the time of budget preparation. In that event, the Office of the Chief Financial Officer plans to manage its total debt service expenditures in a manner that keeps such expenditures from exceeding the total debt service budget. As such, there is no additional fiscal impact associated with the passage of this act or the issuance of the notes.

(2) The fiscal impact associated with not passing this act could be an inability of the District to meet numerous operating expenditures during Fiscal Year 2006.

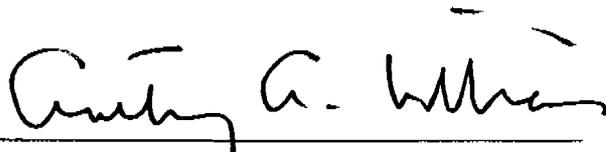
ENROLLED ORIGINAL

Sec. 17. Effective date.

This act shall take effect upon its enactment (as provided in section 472(d)(1) of the Home Rule Act (87 Stat. 806; D.C. Official Code § 1-204.72(d)(1)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
November 28, 2005

ENROLLED ORIGINAL

AN ACT

D.C. ACT 16-212

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

NOVEMBER 30, 2005

*Codification
District of
Columbia
Official Code*

2001 Edition

2006 Winter
Supp.

West Group
Publisher

To amend the Captive Insurance Company Act of 2004 to correct paragraph numbering and a cross-reference and to remove an unintended exception for the deposit of funds in the Insurance Regulatory Trust Fund; to amend Title 47 of the District of Columbia Official Code to add provisions of an amendment that were not reflected in the enrollment of the Tax Abatement Adjustment for Housing Priority Area Act of 2004, to correct a cross-reference, and to correct the name of an entity that was given a tax exemption; to amend the General Legislative Procedures Act of 1975 to clarify the usage of the words "include" and "including;" to amend the Cancer Prevention Amendment Act of 2004 to correct a typographical error; to amend section 1(c)(2) of An Act To prevent the giving of false alarms of fires in the District of Columbia to correct a cross reference; to amend the Office of Property Management Establishment Act of 1998 to correct numbering; to amend section 28-2701 of the District of Columbia Code to add District of Columbia Emancipation Day as a recognized legal public holiday; to amend the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to clarify the designation and classification of personnel authority for staff of the Council; to amend the Rental Housing Conversion and Sales Amendment Act of 2005 to change paragraph designations to subsection designations; to repeal section 604a of the Fiscal Year 1997 Budget Support Act of 1996 to make a conforming amendment; to amend section 301 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to delete obsolete references to the Commission on Health Care Finance; to amend the Fiscal Year 2006 Budget Support Act of 2005 to correct paragraph numbering; the District of Columbia Statehood Delegation Fund Commission Establishment and Tax Check-Off Amendment Act of 2004 to correct a grammatical error; the Confirmation Act of 1978 to change references to the Citizen Complaint Review Board to the Police Complaints Board, to delete the reference to the Local Business Opportunity Commission, and to add the District of Columbia Small and Local Business Opportunity Commission to the list of boards and commissions requiring Council confirmation of members; the Department of Youth Rehabilitation Services Establishment Act of 2004 to correct paragraph numbering; the Technical Amendments Act of 2004 to correct paragraph numbering; the District of Columbia Government

ENROLLED ORIGINAL

Comprehensive Merit Personnel Act of 1978 to conform language to District legislative drafting style; the Omnibus Alcoholic Beverage Amendment Act of 2004 to correct paragraph and subparagraph numbering; the Legal Service Amendment Act of 2005 to correct references to Attorney General and Corporation Counsel; the Disability Compensation Effective Administration Amendment Act of 2004 to correct an error in punctuation; the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to conform the heading of a section with the text and to correct paragraph numbering; the Retirement Reform Act Amendment Act of 2004 to correct paragraph numbering; the Office of Financial Operations and Systems Reorganization Act of 2004 to conform language to District legislative drafting style and correct section and paragraph numbering; the Police Officers, Fire Fighters and Teachers Retirement Benefit Replacement Plan Act of 1998 to correct a typographical error; the Help America Vote Amendment Act of 2004 to correct paragraph and subparagraph numbering and an erroneous reference to the Federal Election Assistance Commission; the District of Columbia Campaign Finance Reform and Conflict of Interest Act of 1974 to make amendments conforming to the Small, Local, and Disadvantaged Business Enterprise Development and Assistance Act of 2005; the Small, Local, and Disadvantaged Business Enterprise Development and Assistance Act of 2005 to correct a section reference; the District of Columbia Procurement Practices Act of 1985 to make amendments conforming to the Small, Local, and Disadvantaged Business Enterprise Development and Assistance Act of 2005; the District of Columbia Government Purchase Care Program Reporting Requirements Amendment Act of 2004 to correct section numbering; the District of Columbia Administrative Procedure Act to move a definition from a substantive section to a definition section and conform language to District legislative drafting style; the Freedom of Information Amendment Act of 2004 to correct a grammatical error; the District of Columbia Administrative Procedure Act to eliminate duplicative language; the District of Columbia Codification act of 1975 to correct a typographical error and to eliminate an unused defined term; the District of Columbia Business and Economic Development Act of 1976 to make amendments conforming to the Small, Local, and Disadvantaged Business Enterprise Development and Assistance Act of 2005; the Economic Development Liaison Office Establishment Act of 1998 to make amendments conforming to the Small, Local, and Disadvantaged Business Enterprise Development and Assistance Act of 2005; the Office of Local Business Development Establishment Act of 1999 to make amendments conforming to the Small, Local, and Disadvantaged Business Enterprise Development and Assistance Act of 2005; the Small, Local, and Disadvantaged Business Enterprise Development and Assistance Act of 2005 to clarify that all positions, personnel, property, records, and unexpended balances of appropriations are transferred from the Office of Local Business Development to the Department of Small and Local Business Development;

ENROLLED ORIGINAL

the Business Improvement Districts and Anacostia Waterfront Corporation Clarification Amendment Act of 2004 to conform language to District legislative drafting style and correct subsection numbering; section 102(12)(A)(iii) of the Omnibus Anti-Terrorism Act of 2002 to strike an unnecessary word; the Tax Increment Financing Authorization Act of 1998 to correct the description of the Ballpark TIF area; the Ballpark Omnibus Financing and Revenue Act of 2004 to clarify that the Ballpark Revenue Fund is the only fund that payments for debt service, funding of required reserves, and making any other payments on the baseball bonds shall be derived and to authorize amounts not required for any purposes under the bond financing documents to be used for other purposes as authorized by law; and section 47-2762 of the District of Columbia Official Code to reduce the amount to be collected under the Ballpark Fee to reflect the amounts to be collected under the increased utility taxes and to clarify the authority of the Chief Financial Officer to increase the ballpark fee to avoid any projected shortfall in debt service on the baseball bonds.

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

TITLE I. TECHNICAL AMENDMENTS ACT OF 2005.

Sec. 101. Short title.

This title may be cited as the "Technical Amendments Act of 2005".

Sec. 102. The Captive Insurance Company Act of 2004, effective May 17, 2005 (D.C. Law 15-262; D.C. Official Code § 31-3931.01 *passim*), is amended as follows:

(a) Section 3(b)(2) (D.C. Official Code § 31-3931.02(b)(2)) is amended by striking the phrase "section 8" and inserting the phrase "section 9" in its place.

Amend
§ 31-3931.02

(b) Section 13(k) (D.C. Official Code § 31-3931.12(k)) is amended by striking the phrase "section 3(b-3) of the Insurance Regulatory Trust Fund Act of 1993, effective October 21, 1993 (D.C. Law 10-40; to be codified at D.C. Official Code § 31-1202(b-3))" and inserting the phrase "section 3(b-1) of the Insurance Regulatory Trust Fund Act of 1993, effective October 21, 1993 (D.C. Law 10-40; D.C. Official Code § 31-1202(b-1))" in its place.

Amend
§ 31-3931.12

(c) Section 25 (D.C. Official Code § 31-1202) is amended to read as follows:

"Sec. 25. Section 3 of the Insurance Regulatory Trust Fund Act of 1993, effective October 21, 1993 (D.C. Law 10-40; D.C. Official Code § 31-1202), is amended by adding a new subsection (b-1) to read as follows:

Amend
§ 31-1202

"(b-1)(1) There is established a separate account within the Insurance Regulatory Trust Fund for the purpose of funding the expenses of the Department of Insurance, Securities, and Banking in the discharge of all of its administrative, regulatory, and marketing functions under

ENROLLED ORIGINAL

the Captive Insurance Company Act of 2004, effective March 17, 2005 (D.C. Law 15-262; D.C. Official Code § 31-3931.01 *et seq.*) ("Captive Insurance Company Act"). All fees, fines, penalties, assessments, and other funds received by the Commissioner under the Captive Insurance Company Act and regulations promulgated thereunder, shall be deposited in, and credited to, the account. The Mayor shall be responsible for the deposit and expenditure of these monies as provided by law. At the end of each fiscal year, any funds in the account shall revert to the General Fund of the District of Columbia.

"(2) Captive insurance companies conducting business in the District under the Captive Insurance Company Act shall be exempt from the assessments imposed on insurers and health maintenance organizations under section 4."

Sec. 103. Title 47 of the District of Columbia Official Code is amended as follows:

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

Amend
§ 47-857.04

(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:

"(A) 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, 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;

"(B) The tax abatement may be transferred by the owner:

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

"(ii) 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:

ENROLLED ORIGINAL

"(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 as follows:

Amend
§ 47-857.06

(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 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 name "Golden Rule Plaza" in its place.

Amend
§ 47-1065

Sec. 104. Section 3 of the Tax Abatement Adjustment for Housing Priority Area Act of 2004, effective April 12, 2005 (D.C. Law 15-329; 52 DCR 5831), is repealed.

Sec. 105. Section 2 of the General Legislative Procedures Act of 1975, effective September 23, 1975 (D.C. Law 1-17; D.C. Official Code § 1-301.45), is amended by adding a

Amend
§ 1-301.45

ENROLLED ORIGINAL

new paragraph (10) to read as follows:

"(10) the words "include" and "including" mean "includes, but not limited to" and "including, but not limited to".

Sec. 106. The Cancer Prevention Amendment Act of 2004, effective April 5, 2005 (D.C. Law 15-291; 52 DCR 4572), is amended by striking the figure "15-815" both times it appears and inserting the figure "15-875" in its place.

Sec. 107. Section 5 of the Emmaus Rehabilitation Project Real Property Exemption Act of 2004, effective April 24, 2004 (D.C. Law 15-153; 51 DCR 2603), is amended to read as follows:

"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), 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."

Sec. 108. Section 1801a(a)(9) of the Office of Property Management Establishment Act of 1998, effective March 16, 2005 (D.C. Law 15-238; D.C. Official Code § 10-1001.01(a)(9)), is amended to read as follows:

Amend
§ 10-1001.01

"(9) "Sole source certification" means a report prepared by the Officer that concludes, setting forth the reasons therefor, in accordance with rules established pursuant to section 1806h, that:

"(A) There is only one source for the required contract; and

"(B) The contract is in the best interests of the District."

Sec. 109. Section 28-2701 of the District of Columbia Code is amended by adding the phrase "District of Columbia Emancipation Day, April 16; " after the phrase "the third Monday in February;".

Amend
§ 28-2701

Sec. 110. 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 406(b)(3)(A) (D.C. Official Code § 1-604.06(b)(3)(A)) is amended by striking the period at the end of the first sentence and inserting the following in its place: "and the employees in the Legal Services employed by the Council of the District of Columbia."

Amend
§ 1-604.06

(b) Section 856 (D.C. Official Code § 1-608.56) is amended by adding a new subsection (d) to read as follows:

Amend
§ 1-608.56

ENROLLED ORIGINAL

"(d) The disciplinary provisions of section 905 shall apply to Legal Service employees of the Council of the District of Columbia."

(c) Section 903(a) (D.C. Official Code § 1-609.03)(a)) is amended as follows:

Amend
§ 1-609.03

(1) Paragraph (3) is amended by adding the phrase "and those in the Legal Service" after the phrase "General Counsel".

(2) Paragraph (6) is repealed.

(d) Section 1109(b)(1) (D.C. Official Code § 1-611.09(b)(1)), is amended by striking the phrase "in the amount of \$102,530 per year" and inserting the phrase "pursuant to section 403(d) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-204.03(d))" in its place.

Amend
§ 1-611.09

Sec. 111. Section 510a of the Rental Housing Conversion and Sales Amendment Act of 2005, effective July 23, 2005 (D.C. Law 16-15; 51 DCR 7168), is amended as follows:

(a) Strike the phrase "(5) The Task Force" and insert the phrase "(e) The Task Force" in its place.

(b) Strike the phrase "(6) The Task Force" and insert the phrase "(f) The Task Force" in its place.

Sec. 112. Section 604a of the Fiscal Year 1997 Budget Support Act of 1996, effective April 9, 1997 (D.C. Law 11-198; D.C. Code § 10-1141.04a), is repealed.

Amend
§ 10-1141.04a

Sec. 113. Section 301(q)(14)(D) and (41) 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)(N)(iv) and (OO)), are repealed.

Amend
§ 1-603.01

Sec. 114. Section 1296 of the Fiscal Year 2006 Budget Support Act of 2005, effective October 20, 2005 (D.C. Law 16-33; 52 DCR 7503), is amended as follows:

(a) Subsection (a) is amended by striking the phrase "Paragraph (27)" and inserting the phrase "Paragraph (26)" in its place.

(b) Subsection (b) is amended by striking the phrase "Paragraph (28)" and inserting the phrase "Paragraph (27)" in its place.

(c) Subsection (c) is amended by striking the phrase "A new paragraph (29) is added to read as follows: "(29)(A) A deed to residential real property" and inserting the phrase "A new paragraph (28) is added to read as follows: "(28)(A) A deed to residential real property" in its place.

Sec. 115. The District of Columbia Statehood Delegation Fund Commission Establishment and Tax Check-Off Amendment Act of 2004, effective March 16, 2004 (D.C. Law 15-226; 51 DCR 10539), is amended by striking the phrase "Use of funds" and inserting

ENROLLED ORIGINAL

the phrase "Use of funds." in its place.

Sec. 116. Section 2 of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01), is amended as follows:

Amend
§ 1-523.01

(a) Subsection (e) is amended as follows;

(1) Paragraph (5) is amended by striking the phrase "Citizen Complaint Review" and inserting the phrase "Police Complaints" in its place.

(2) Paragraph (23) is repealed.

(b) Subsection (f) is amended by adding a new paragraph (44) to read as follows:

"(44) The District of Columbia Small and Local Business Opportunity Commission, established by section 2321 of the Small, Local, and Disadvantaged Business Enterprise Development and Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; 52 DCR 7503)."

Sec. 117. Section 201 of the Department of Youth Rehabilitation Services Establishment Act of 2004, effective April 12, 2005 (D.C. Law 15-335; 52 DCR 2025), is amended as follows:

(a) Subsection (a) is amended by striking the number "51" and inserting the number "52" in its place.

(b) Subsection (b) is amended by striking the number "52" and inserting the number "53" in its place.

(c) Subsection (c) is amended by striking the number "53" both times it appears and inserting the number "54" in its place.

Sec. 118. Section 5 of the Technical Amendments Act of 2004, effective April 13, 2005 (D.C. Law 15-354; 52 DCR 2638), is amended as follows:

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

(1) Paragraph (3) is amended by striking the number "51" and inserting the number "52" in its place.

(2) Paragraph (4) is amended by striking the number "52" both times it appears and inserting the number "55" in its place.

(b) Subsection (c) is amended by striking the section designation "1231(3)" and inserting the section designation "1231(4)" in its place.

Sec. 119. Section 406(b) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-604.06(b)), is amended as follows:

Amend
§ 1-604.06

(a) Paragraph (19) is amended by striking the word "and" at the end.

(b) Paragraph (20) is amended by striking the period at the end and inserting the phrase

“; and” in its place.

Sec. 120. Section 102 of the Omnibus Alcoholic Beverage Amendment Act of 2004, effective September 30, 2004 (D.C. Law 15-187; 51 DCR 6525), is amended as follows:

(a) Subsection (a) is amended by striking the number “17” and inserting the number “21” in its place.

(b) Subsection (b) is amended by striking the section designation “1108(c)(2)(i)” and inserting the section designation “1108(c)(2)(I)” in its place.

Sec. 121. Section 3012(c) of the Legal Service Amendment Act of 2005, effective October 20, 2005 (D.C. Law 16-33; 52 DCR 7503), is amended as follows:

(a) Strike the phrase “Attorney General” and insert the phrase “Corporation Counsel” in its place.

(b) Strike the phrase “Corporation Counsel” and insert the phrase “Attorney General” in its place.

Sec. 122. Section 2(h) of the Disability Compensation Effective Administration Amendment Act of 2004, effective April 5, 2005 (D.C. Law 15-290; 52 DCR 1449), is amended by striking the phrase “decision.” and inserting the phrase “decision;” in its place.

Sec. 123. Section 2408 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 § 1-624.08), is amended as follows:

Amend
§ 1-624.08

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

“Sec. 2408. Abolishment of positions for fiscal year 2000 and subsequent fiscal years.”.

(b) Strike the phrase “each year” wherever it appears and insert the phrase “each fiscal year” in its place.

Sec. 124. Section 2(a) of the Retirement Reform Act Amendment Act of 2004, effective April 8, 2005 (D.C. Law 15-300; 52 DCR 1504), is amended by striking the section designation “(21)” and inserting the section designation “(24)” in its place.

Sec. 125. The Office of Financial Operations and Systems Reorganization Act of 2004, effective December 7, 2004 (D.C. Law 15-205; 51 DCR 8441), is amended as follows:

(a) Section 1012(b)(1) is amended by striking the word “chapter” both times it appears and inserting the word “title” in its place.

(b) Section 1013 is amended as follows:

(1) Subsection(a) is amended by striking the paragraph designation “(21)” and inserting the paragraph designation “(22)” in its place.

ENROLLED ORIGINAL

(2) Subsection (c) is amended by striking the striking the section designation "207a" both times it appears, and inserting the section designation "204a" in its place.

Sec. 126. Section 114(a) of the Police Officers, Fire Fighters and Teachers Retirement Benefit Replacement Plan Act of 1998, effective September 18, 1998 (D.C. Law 12-152; D.C. Official Code § 1-903.04(a)), is amended by striking the phrase "of of" and inserting the word "of" in its place.

Amend
§ 1-903.04

Sec. 127. Section 2 of the Help America Vote Amendment Act of 2004, effective December 7, 2004 (D.C. Law 15-218; 51 DCR 9132), is amended as follows:

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

(1) Strike the subsection designation "(a)(1)" and insert the paragraph designation "(1)" in its place.

(2) Strike the phrase "Federal Election" and insert the phrase "United States Election" in its place.

(3) Strike the phrase "Election Assistance" and insert the phrase "United States Election Assistance" in its place.

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

(1) Paragraph (1) is amended by striking the comma after "2002".

(2) Paragraph (2) is repealed.

(3) Paragraph (5) is amended as follows:

(A) Strike the subparagraph designation "(A)(i)" and insert the subparagraph designation "(A)" in its place.

(B) Strike the sub-subparagraph designation "(ii)" and insert the subparagraph designation "(B)" in its place.

Sec. 128. Section 602(a) of the District of Columbia Campaign Finance Reform and Conflict of Interest Act of 1974, approved August 14, 1974 (88 Stat. 455; D.C. Official Code § 1-1106.02(a)), is amended by striking the phrase "the District of Columbia Local Business Opportunity Commission, established by section 4 of the Minority Contracting Act of 1976, effective March 31, 1977 (D.C. Law 1-95; D.C. Code § 1-853)" and inserting the phrase "the District of Columbia Small and Local Business Opportunity Commission, established by section 2321 of the Small, Local, and Disadvantaged Business Enterprise Development and Assistance Act of 2005, effective October 20, 2005 (D.C. law 16-33; 52 DCR 7503)" in its place.

Amend
§ 1-1106.02

Sec. 129. Section 2354 of the Small, Local, and Disadvantaged Business Enterprise Development and Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; 52 DCR 7503), is amended by striking the section designation "2352(b)" and inserting the section designation "2353(b)" in its place.

ENROLLED ORIGINAL

Sec. 130. The District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Official Code § 2-301.01 *et seq.*), is amended as follows:

(a) Section 105a(c)(2) (D.C. Official Code § 2-301.05a(c)(2)) is amended as follows:

Amend
§ 2-301.05a

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

"(A) "Local business enterprise" means a business enterprise that meets the requirements of section 2331 of the Small, Local, and Disadvantaged Business Enterprise Development and Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; 52 DCR 7503)."

(2) Subparagraph (B) is amended by striking the phrase "\$ 8 million" and inserting the phrase "\$ 20 million" in its place.

(3) Subparagraph (C) is amended to read as follows:

"(C) "Disadvantaged business enterprise" means a business enterprise that meets the requirements of section 2333 of the Small, Local, and Disadvantaged Business Enterprise Development and Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; 52 DCR 7503)."

(b) Section 202(c)(2) (D.C. Official Code § 2-302.02(c)(2)) is amended by striking the phrase "and minority" and inserting the phrase "small, and disadvantaged" in its place.

Amend
§ 2-302.02
Amend
§ 2-304.02

(c) Section 402(c)(1) (D.C. Official Code § 2-304.02(c)(1)) is amended by striking the word "Star-labeled" both times it appears and inserting the phrase "Star labeled" in its place.

(d) Section 501(d) (D.C. Official Code § 2-305.01(d)) is amended by adding the phrase "Small and" before the phrase "Local Business Opportunity Commission".

Amend
§ 2-305.01

(e) Section 804(a)(1) (D.C. Official Code § 2-308.04(a)(1)) is amended as follows:

Amend
§ 2-308.04

(1) The lead-in language is amended by striking the period at the end and inserting a semi-colon in its place.

(2) Subparagraph (A) is amended by striking the semi-colon at the end and inserting the phrase "; and" in its place.

(f) Section 1102 (D.C. Official Code § 2-311.02) is amended as follows:

Amend
§ 2-311.02

(1) Strike the phrase "minority business" and insert the phrase "local, small, or disadvantaged business" in its place.

(2) Strike the phrase "the Minority Contracting Act of 1976, effective March 29, 1977 (D.C. Law 1-95; D.C. Code, Sec. 1-1141 *et seq.*)" and insert the phrase "the Small, Local, and Disadvantaged Business Enterprise Development and Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; 52 DCR 7503)" in its place.

Sec. 131. Section 2 of the District of Columbia Government Purchase Card Program Reporting Requirements Amendment Act of 2004, effective April 12, 2005 (D.C. Law 15-326;

ENROLLED ORIGINAL

52 DCR 1439), is amended by striking the section designation "322" wherever it appears and inserting the section designation "323" in its place.

Sec. 132. Title II of the District of Columbia Administrative Procedure Act, effective March 25, 1977 (D.C. Law 1-96; D.C. Official Code § 2-531 *et seq.*), is amended as follows:

Amend
§ 2-532

(a) Section 202 (D.C. Official Code § 2-532) is amended as follows:

(1) Subsection (b) is amended by striking the second sentence.

(2) Subsection (f) is amended by adding a new paragraph (1A) to read as

follows:

"(1A) "Request" means a single demand for any number of documents made at one time to an individual public body."

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

Amend
§ 2-534

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

(A) Paragraph (10) is amended by striking the word "and" at the end.

(B) Paragraph (11) is amended by striking the semi-colon at the end and inserting the phrase "; and" in its place.

(2) Subsection (a-1)(e) is amended by striking the phrase "this act" and inserting the phrase "this title" in its place.

Sec. 133. Section 1222 of the Freedom of Information Amendment Act of 2004, effective December 7, 2004 (D.C. Law 15-205; 51 DCR 8441), is amended by striking the phrase "Officer. This shall include as follows" and inserting the phrase "Officer, including" in its place.

Sec. 134. Section 301(5)(A) of the District of Columbia Administrative Procedure Act, effective March 6, 1979 (D.C. Law 2-153; D.C. Official Code § 2-551(5)(A)), is amended by striking the last sentence of the subparagraph.

Amend
§ 2-551

Sec. 135. The District of Columbia Codification act of 1975, effective October 8, 1975 (D.C. Law 1-19; D.C. Official Code § 2-601), is amended as follows:

Amend
§ 2-601

(a) The short title is amended by striking the word "act" and inserting the word "Act" in its place.

(b) Section 202(7) (D.C. Official Code § 2-601(7)) is repealed.

Sec. 136. Section 4(b)(4) of the District of Columbia Business and Economic Development Act of 1976, effective March 29, 1977 (D.C. Law 1-97; D.C. Official Code § 2-1201.03(b)(4)), is amended by striking the phrase "minority business development and minority participation" and inserting the phrase "local, small, and disadvantaged business development and participation" in its place.

Amend
§ 2-1201.03

ENROLLED ORIGINAL

Sec. 137. Section 1833(5) of the Economic Development Liaison Office Establishment Act of 1998, effective March 26, 1999 (D.C. Law 12-175; D.C. Official Code § 2-1203.02(5)), is amended by striking the phrase "Office of Local Business Opportunity Administration" and inserting the phrase "District of Columbia Small and Local Business Opportunity Commission, established by section 2321 of the Small, Local, and Disadvantaged Business Enterprise Development and Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; 52 DCR 7503)" in its place.

Amend
§ 2-1203.02

Sec. 138. The Office of Local Business Development Establishment Act of 1999, effective October 20, 1999 (D.C. Law 13-38; D.C. Official Code § 2-1205.01-*et seq.*), is repealed.

Repeal
§ 2-1205.01 -
2-1205.03

Sec. 139. The Small, Local, and Disadvantaged Business Enterprise Development and Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; 52 DCR 7503), is amended by adding a new section 2315 to read as follows:

"Sec. 2315. Transfers from the Office of Local Business Development to the Department of Small and Local Business Development.

"All positions, personnel, property, records, and unexpended balances of appropriations, allocations, and other funds available or to be made available to the Office of Local Business Development established by section 221 of the Office of Local Business Development Establishment Act of 1999, effective October 20, 1999 (D.C. Law 13-38; D.C. Official Code § 2-1205.01.), are hereby transferred to the Department."

Sec. 140. Section 2 of the Business Improvement Districts and Anacostia Waterfront Corporation Clarification Amendment Act of 2004, effective March 17, 2005 (D.C. Law 15-257; 52 DCR 1161), is amended as follows:

(a) Add the phrase "the second time it appears" before the phrase "and insert the word".

(b) Strike the second subsection (b) designation and insert the subsection designation "(c)" in its place.

(c) Strike the subsection designation "(c)" and insert the subsection designation "(d)" in its place.

(d) The newly designated subsection (c) is amended by striking the phrase "this subchapter" and inserting the phrase "this act" in its place.

Sec. 141. Section 102(12)(A)(iii) of the Omnibus Anti-Terrorism Act of 2002, effective October 17, 2002 (D.C. Law 14-194; 49 DCR 5306), is amended by striking the phrase "any device described" and inserting the phrase "any device" in its place.

Sec. 142. Section 1(c)(2) of An Act To prevent the giving of false alarms of fires in the

ENROLLED ORIGINAL

District of Columbia, approved June 8, 1906 (34 Stat. 220; D.C. Official Code § 22-1319(c)(2)), is amended by striking the phrase "102(12)" and inserting the phrase "102(3)" in its place. Amend
§ 22-1319

TITLE II. BALLPARK FINANCING TECHNICAL AMENDMENTS.

Sec. 201. Short title.

This title may be cited as the "Ballpark Technical Amendments Act of 2005".

Sec. 202. Section 12a(a) of the Tax Increment Financing Authorization Act of 1998, effective April 8, 2005 (D.C. Law 15-320; D.C. Official Code § 2-1217.12(a)), is amended by striking the phrase "point of origin." and inserting the phrase "point of origin. The DC Ballpark TIF Area shall not include either: Amend
§ 2-1217.12

"(1) The ballpark site as defined under section 105(a)(2) of the Ballpark Omnibus Financing and Revenue Act of 2004, effective April 8, 2005 (D.C. Law 15-320; D.C. Official Code § 10-1601.05(a)(2)); or

"(2) The ballpark as defined under § 47-2002.05(a)(1)(A)." in its place.

Sec. 203. The Ballpark Omnibus Financing and Revenue Act of 2004, effective April 8, 2005 (D.C. Law 15-320; D.C. Official Code § 10-1601.01 *passim*), is amended as follows: Amend
§ 10-1601.02

(a) Section 102(c) (D.C. Official Code § 10-1601.02(c)) is amended as follows:

(1) Paragraph (8) is amended by striking the word "and".

(2) Paragraph (9) is amended by striking the phrase "this act." and inserting the phrase "this act, which debt service includes funding any required reserves on, and making any other payments related to, the bonds; and" in its place.

(3) A new paragraph (10) is added to read as follows:

"(10) Subject to the provisions of the financing documents, for such purposes as may otherwise be authorized by law."

(b) Section 103(a)(4)(E) (D.C. Official Code § 10-1601.03(a)(4)(E)) is amended by striking the phrase "of funds" and inserting the phrase "of funds constituting the principal amount of bonds" in its place. Amend
§ 10-1601.03

Sec. 204. Section 47-2762(c) of the District of Columbia Official Code is amended to read as follows: Amend
§ 47-2762

"(c) On or before December 1 of each year, the Chief Financial Officer shall certify to the Council the amount of revenue received by the District from imposition of the ballpark fee during the immediately preceding fiscal year and provide an estimate of the amount of revenue expected to be received from the ballpark fee in the then current fiscal year. If the amount estimated to be collected is less than \$14 million plus any amount necessary to replenish any reserve funds in accordance with the financing documents and to avoid any projected shortfall

ENROLLED ORIGINAL

in debt service on the bonds, the Chief Financial Officer shall compute the amount of the ballpark fee under the schedule set forth in subsection (b) of this section needed to provide estimated revenue in the current fiscal year equal to \$14 million plus any amount necessary to replenish any reserve funds in accordance with the financing documents and to avoid any projected shortfall in debt service on the bonds, by applying the same percentage increase to each amount of the then-current ballpark fee under the schedule set forth in subsection (b) of this section. The Chief Financial Officer shall notify the Council, the Mayor, and the feepayers of the new schedule and, upon such notice, the amount of the ballpark fee under the schedule set forth in subsection (b) of this section shall be increased as of October 1 of the current fiscal year."

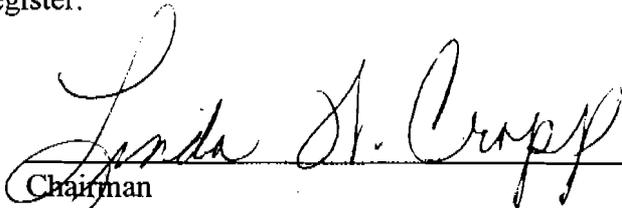
TITLE III. FISCAL IMPACT STATEMENT; EFFECTIVE DATE.

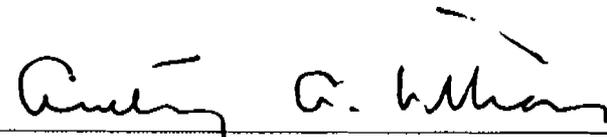
Sec. 301. Fiscal impact statement.

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

Sec. 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), a 60-day period of Congressional review as provided in section 602(c)(2) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-602.02(c)(2)), and publication in the District of Columbia Register.


Chairman
Council of the District of Columbia


Mayor
District of Columbia
APPROVED

November 30, 2005
Codification District of Columbia Official Code, 2001 Edition