

AN ACT

D.C. ACT 15-561

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 26, 2004

*Codification
District of
Columbia
Official Code*

2001 Edition

2005 Winter
Supp.

West Group
Publisher

To amend, on an emergency basis, due to Congressional review, the Eastern Market Real Property Asset Management and Outdoor Vending Act of 1998 to eliminate term limitations for Eastern Market Community Advisory Committee members that are subject to them and to change the composition of the Eastern Market Community Advisory Committee by eliminating the Eastern Market Tenants Council member, by giving a full vote both to the food market inside vendor and the representative from the farmers' line, by keeping the member from the Advisory Neighborhood Commission in which Eastern Market is sited and eliminating the other Advisory Neighborhood Commission member, by giving the Mayor's representative a vote, by requiring the Ward 6 Councilmember's representative to be a resident in the ward and giving the Ward 6 Councilmember's representative a vote, and to require the Eastern Market Community Advisory Committee to conform its bylaws to these amendments.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Eastern Market Second Congressional Review Emergency Amendment Act of 2004".

Sec. 2. Section 12 of the Eastern Market Real Property Asset Management and Outdoor Vending Act of 1998, effective April 16, 1999 (D.C. Law 12-228; D.C. Official Code § 37-111), is amended as follows:

Note,
§ 37-111

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

(1) Paragraph (1) is repealed.

(2) Paragraph (5) is amended to read as follows:

"(5) One member who shall be a resident of Ward 6 and who is appointed by the Ward 6 member of the Council, to serve as a voting member;"

(3) Paragraph (6) is amended to read as follows:

"(6) One member appointed by the Mayor, to serve as a voting member;"

(4) Paragraph (7) is repealed.

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(5) Paragraph (8) is amended to read as follows:

“(8) Two food market vendors, one from the merchants in the South Hall and the other from the farmer’s line, and one non-food market vendor to be selected by those market vendors, respectively, each of whom serves as a voting member.”.

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

“(c) Members of the EMCAC shall serve for 2-year terms, except that the representative from ANC 6B shall not serve for any period longer than his or her service as a Commissioner. ANC 6B shall identify the EMCAC representative within 45 days after April 16, 1999. To create staggered terms, the initial non-ANC members shall determine by lot that half shall serve for one year.”.

(c) Subsection (d) is amended by striking the phrase “With the exception of the non-voting representative of the Tenants Council and the voting representatives of the food market vendors and non-food market vendors,” and inserting the phrase “With the exception of the voting representatives of the food market vendors and non-food market vendors,” in its place.

(d) Subsection (f) is amended by adding a sentence at the end to read as follows:

“Within 90 days after the effective date of the Eastern Market Amendment Act of 2004, signed by the Mayor on July 19, 2004 (D.C. Act 15-469; 51 DCR 7590)(“Act”), the EMCAC shall revise its bylaws to be consistent with the Act.”.

(e) Subsection (i)(1) is amended by striking the phrase “and one member to represent the Tenants Council as a non-voting member on the EMCAC”.

Sec. 3. Applicability.

This act shall apply as of October 19, 2004.

Sec. 4. Fiscal impact statement.

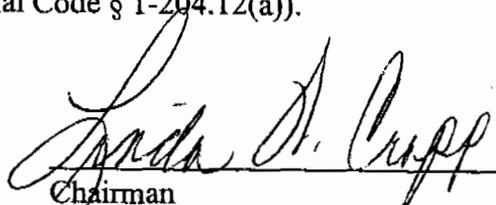
The Council adopts the fiscal impact statement in the committee report for the Eastern Market Amendment Act of 2004, signed by the Mayor on July 19, 2004 (D.C. Act 15-469; 51 DCR 7590), as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

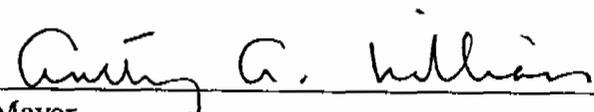
Sec. 5. Effective date.

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

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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 26, 2004

Bill Number:	Type: Emergency (X) Temporary () Permanent ()	Date Reported:
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Subject/Short Title: "Eastern Market Second Congressional Review Emergency Amendment Act of 2004"

Part I. Summary of the Fiscal Estimates of the Bill		
	YES	NO
1. It will impact spending. (If "Yes," complete Section 1 in the Fiscal Estimate Worksheet).	()	(X)
a) It will affect local expenditures.	()	(X)
b) It will affect federal expenditures.	()	(X)
c) It will affect private/other expenditures.	()	(X)
d) It will affect intra-District expenditures.	()	(X)
2. It will impact revenue. (If "Yes," complete Section 2 in the Fiscal Estimate Worksheet).	()	(X)
a) It will impact local revenue.	()	(X)
b) It will impact federal revenue.	()	(X)
c) It will impact private/other revenue.	()	(X)
d) It will impact intra-District revenue.	()	(X)
3. The bill will have NO or minimal fiscal impact. (If "Yes," explain below).	(X)	()
Explanation:		

Part II. Other Impact of the Bill		
If you check "Yes" for each question, please explain on separate sheet, if necessary.		
	YES	NO
1. It will affect an agency and/or agencies in the District.	()	(X)
2. Are there performance measures/output for this bill?	()	(X)
3. Will it have results/outcome, i.e., what would happen if this bill is not enacted?	(X)	()
4. Are funds appropriated for this bill in the Budget and Financial Plan for the current year?	()	(X)

Sources of information:	Councilmember: Jim Graham
	Staff Person & Tel: Steven Hernández (ext. 4-8107)
	Council Budget Director's Signature: <i>[Signature]</i>

10/4/04

ENROLLED ORIGINAL

AN ACT
D.C. ACT 15-562

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
OCTOBER 26, 2004

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

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "District of Columbia Government Purchase Card Program Reporting Requirements Emergency Amendment Act of 2004".

Sec. 2. The District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Official Code § 2-301.01 *et seq.*), is amended by adding a new section 322 to read as follows:

"Sec. 322. Purchase card reporting requirement.

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

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

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

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

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

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

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

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

Sec. 3. Fiscal impact statement.

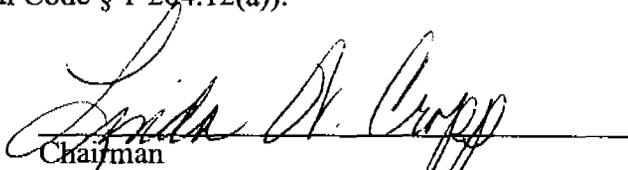
The Council adopts the attached fiscal impact statement as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

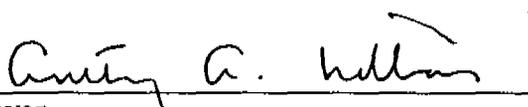
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Sec. 4. Effective date.

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 26, 2004

COUNCIL OF THE DISTRICT OF COLUMBIA
OFFICE OF THE BUDGET DIRECTOR FISCAL IMPACT STATEMENT

Type: Emergency (<input checked="" type="checkbox"/>) Temporary (<input type="checkbox"/>) Permanent (<input type="checkbox"/>)	Date Reported: June 2004
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Subject/Short Title: "District of Columbia Government Purchase Card Program Reporting Requirements Emergency Amendment Act of 2004"
"District of Columbia Government Purchase Card Program Reporting Requirements Temporary Amendment Act of 2004"

Part I. Summary of the Fiscal Estimates of the Bill

	YES	NO
1. It will impact spending. (If "Yes," complete Section 1 in the Fiscal Estimate Worksheet).	()	(x)
a) It will affect local expenditures.	()	(x)
b) It will affect federal expenditures.	()	(x)
c) It will affect private/other expenditures.	()	(x)
d) It will affect intra-District expenditures.	()	(x)
2. It will impact revenue. (If "Yes," complete Section 2 in the Fiscal Estimate Worksheet).	()	(x)
a) It will impact local revenue.	()	(x)
b) It will impact federal revenue.	()	(x)
c) It will impact private/other revenue.	()	(x)
d) It will impact intra-District revenue.	()	(x)
3. The bill will have NO or minimal fiscal impact. (If "Yes," explain below). The proposed legislation is subject to appropriations.	()	(x)

Part II. Other Impact of the Bill

	YES	NO
If you check "Yes" for each question, please explain on separate sheet, if necessary.		
1. It will affect an agency and/or agencies in the District. The proposed legislation will affect all agencies participating in the District of Columbia Purchase Card Program.	(x)	()
2. Are there performance measures/output for this bill? A quarterly report, by agency, of all expenditures in the purchase card program for each quarter of the fiscal year will be required.	(x)	()
3. Will it have results/outcome, i.e., what would happen if this bill is not enacted? The legislation will assist the District of Columbia government in monitoring purchase card utilization.	(x)	()
4. Are funds appropriated for this bill in the Budget and Financial Plan for the current year?	(x)	()

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AN ACT

D.C. ACT 15-563

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

NOVEMBER 1, 2004

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2005 Winter
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To amend the Pedestrian Protection Amendment Act of 1987 to require a driver to bring his or her vehicle to a stop and not traverse a crosswalk when a pedestrian is crossing the roadway; and to amend Title 18 of the District of Columbia Municipal Regulations to increase the fines for pedestrian infractions.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Pedestrian Protection Right-of-Way at Crosswalks Amendment Act of 2004".

Sec. 2. Section 2 of the Pedestrian Protection Amendment Act of 1987, effective October 9, 1987 (D. C. Law 7-34; D. C. Official Code § 50-2201.28(a)), is amended to read as follows:

Amend
§ 50-2201.28

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

"(a) When official traffic-control signals are not in place or not in operation, the driver of a vehicle shall stop and give the right-of-way to a pedestrian crossing the roadway within any marked crosswalk or unmarked crosswalk at an intersection."

(2) Subsection (c) is amended by striking the word "yield" and inserting the phrase "stop and give" in its place.

Sec. 3. Section 2603 of Title 18 of the District of Columbia Municipal Regulations is amended to read as follows:

DCMR

"18-2603 PEDESTRIAN INFRACTIONS.

"2603.1 The following civil infractions and their respective fines set forth in this section refer to pedestrians:

INFRACTION	FINE
"DON'T WALK" or "WAIT" Signal	
Walking against (§ 2302.3)	\$ 20.00
Intersection	
Crossing diagonally (no signal) (§ 2303.3)	20.00
Crossing between (§ 2304.1)	20.00
Lawful order or direction of Police Officer	
[Repealed] D.C. Law 11-157, 43 DCR 3699, 3700 (July 19, 1996)	
Parading without a permit (§ 2218)	50.00
Path of a vehicle	
Walk suddenly into (§ 2303.2)	10.00
Red light, crossing against (§ 2301.4)	20.00
Right-of-way	
Fail to yield to an emergency vehicle (§ 2305.6)	10.00
Roadway	
Cross at other than right angle (§ 2304.3)	10.00
Cross where prohibited (§ 2304)	10.00
Obstructing traffic in	20.00
Walking in (sidewalk provided) (§ 2305.2)	10.00

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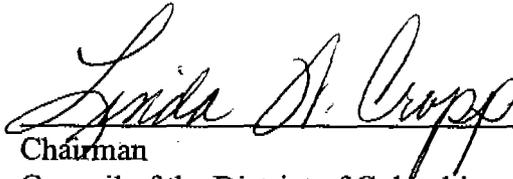
Walking on wrong side (no sidewalk) (§ 2305.3)	10.00
Soliciting rides while standing in roadway (§2305.4)	10.00 .".

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 upon its approval by the Mayor (or in the event of a veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 603(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.03(c)(1)) and publication in the District of Columbia Register.



 Chairman
 Council of the District of Columbia



 Mayor
 District of Columbia
 APPROVED
 November 1, 2004

**COUNCIL OF THE DISTRICT OF COLUMBIA
OFFICE OF THE BUDGET
FISCAL IMPACT STATEMENT**

Bill Number: Bill 15-43	Type: Emergency () Temporary () Permanent (x)	Date Reported: 7/8/04
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Subject/Short Title: "Pedestrian Protection Right-of-Way at Crosswalks Amendment Act of 2004"

Part I. Summary of the Fiscal Estimates of the Bill	YES	NO
1. It will impact spending. (If "Yes," complete Section 1 in the Fiscal Estimate Worksheet).	()	(x)
a) It will affect local expenditures.	()	(x)
b) It will affect federal expenditures.	()	(x)
c) It will affect private/other expenditures.	()	(x)
d) It will affect intra-District expenditures.	()	(x)
2. It will impact revenue. (If "Yes," complete Section 2 in the Fiscal Estimate Worksheet).	()	(x)
a) It will impact local revenue.	()	(x)
b) It will impact federal revenue.	()	(x)
c) It will impact private/other revenue.	()	(x)
d) It will impact intra-District revenue.	()	(x)
3. The bill will have NO or little fiscal impact on spending or revenue. (If "Yes," explain below).	(x)	()
Explanation for NO fiscal impact: No significant revenue increase anticipated.		

Part II. Other Impact of the Bill	YES	NO
If you check "Yes" for each question, please explain on separate sheet.		
1. It will affect an agency and/or agencies in the District.	()	(x)
2. Will there be performance measures/output for bill?	()	(x)
3. Will it have results?	()	(x)
4. Will the Budget and Financial Plan be affected by this bill?	()	(x)
5. The bill will have NO performance or outcome impact.	(x)	()

AN ACT
D.C. ACT 15-564

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

NOVEMBER 1, 2004

*Codification
District of
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To require that a person under 16 years of age when riding roller skates, a skateboard, sled, coaster, toy vehicle, sidewalk bicycle, scooter, or any similar device wear a safety helmet.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Miscellaneous Vehicles Helmet Safety Act of 2004".

Sec. 2. Helmet requirement, miscellaneous vehicles.

(a) It shall be unlawful for any person under 16 years of age to ride roller skates, a skateboard, sled, coaster, toy vehicle, sidewalk bicycle, scooter, or any similar device without wearing a protective helmet of good fit, fastened securely upon the head with the straps of the helmet.

(b) The parents or legal guardians of any child under 16 years of age found in violation of this act shall be liable for a fine of \$25; provided, that the fine shall be suspended for:

(1) First time violators; or

(2) Violators who subsequent to the violation, but prior to the date the fine is due, purchase a helmet as described in subsection (a) of this section and provide proof of the purchase.

(c) Any helmet offered for sale or rent for use by an operator, or passenger, of roller-skates, a skateboard, sled, coaster, toy vehicle, sidewalk bicycle, scooter, or any similar device shall meet or exceed the impact standards for protective bicycle helmets set by the American National Standards Institute, the Snell Memorial Foundation's standards for protective headgear, or the American Society for Testing and Materials for use in bicycling.

Sec. 3. 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)).

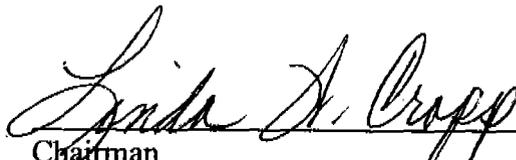
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Sec. 4. Applicability.

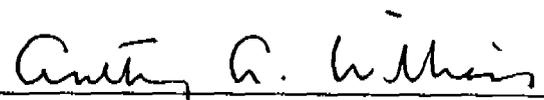
The penalties provided for in section 2(b) shall not be enforced until 90 days after the effective date of this act.

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. 788; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
November 1, 2004

ENROLLED ORIGINAL

AN ACT
D.C. ACT 15-565

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
NOVEMBER 1, 2004

*Codification
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To amend the District of Columbia Statehood Constitutional Convention Initiative of 1979 to establish the District of Columbia Statehood Delegation Fund Commission as an independent public instrumentality of the District of Columbia with the purpose of collecting and disbursing funds to support the offices of the District of Columbia Statehood Delegation, to establish the Statehood Delegation Fund into which shall be deposited funds to be disbursed by the Commission to the District of Columbia Statehood Delegation, to provide procedures for disbursement and restrictions on the use of funds deposited into the Statehood Delegation Fund, to require the Commission to issue a semiannual report on its operations to the Mayor, the Council, and the District of Columbia Board of Elections and Ethics, and to provide for dissolution of the Commission; and to amend Chapter 18 of Title 47 of the District of Columbia Official Code to establish an income tax check-off to enable District of Columbia taxpayers to voluntarily contribute funds to the Statehood Delegation Fund.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "District of Columbia Statehood Delegation Fund Commission Establishment and Tax Check-Off Amendment Act of 2004".

TITLE I

Sec. 101. Short title.

This title may be cited as the "Statehood Delegation Fund Commission Establishment Amendment Act of 2004".

Sec. 102. The District of Columbia Statehood Constitutional Convention Initiative of 1979, effective March 10, 1981 (D.C. Law 3-171; D.C. Official Code § 1-121 *et seq.*), is amended as follows:

- (a) Designate the existing language as Title I.
- (b) A new Title II is added to read as follows:

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"TITLE II. DISTRICT OF COLUMBIA STATEHOOD
"DELEGATION FUND COMMISSION

"Sec. 11. Definitions.

"For the purposes of this title, the term:

"(1) "Commission" means the District of Columbia Statehood Delegation Fund Commission.

"(2) "District of Columbia Statehood Delegation" means the 2 United States Senators and the United States Representative holding office pursuant to section 4.

"(3) "Fund" means the Statehood Delegation Fund established by section 18.

"(4) "Statehood Fund" means the fund established by each United States Senator and United States Representative pursuant to section 4(g), and overseen by the Office of Campaign Finance.

"(5) "United States Representative" means the District of Columbia public official elected pursuant to section 4 to the office of Representative, and charged with promoting statehood and voting rights for the citizens of the District of Columbia.

"(6) "United States Senator" means either of the 2 District of Columbia public officials elected pursuant to section 4 to the office of Senator, and charged with promoting statehood and voting rights for the citizens of the District of Columbia.

"Sec. 12. Establishment of the District of Columbia Statehood Delegation Fund Commission; purpose; fiscal year.

"(a) The District of Columbia Statehood Delegation Fund Commission is established as a body corporate and an independent instrumentality of the District of Columbia, created to effectuate the public purposes provided for in this title, but with a legal existence separate from that of the District government.

"(b) The general purposes of the Commission are to:

"(1) Provide financial assistance to the office functions of the offices of the District of Columbia Statehood Delegation;

"(2) Solicit financial and in-kind contributions, grants, allocations, gifts, bequests, and appropriations from public and private sources on behalf of the District of Columbia Statehood Delegation; and

"(3) Disburse funds and other types of assistance collected by the Commission to the offices of the members of the District of Columbia Statehood Delegation.

"(c) The fiscal year of the Commission shall be the fiscal year of the District government.

"Sec. 13. Commissioners.

"(a) The Commission shall consist of 9 voting members to be appointed as follows:

"(1) Five members appointed by the Mayor;

"(2) Four members appointed by the Chairman of the Council, with the advice and consent of the Council.

"(b)(1) The Commission Chairman shall be chosen by the Mayor.

ENROLLED ORIGINAL

“(2) The Commission Vice Chairman shall be chosen by the Chairman of the Council.

“(3) The Commission shall elect from among its members such other officers of the Commission as it determines appropriate.

“(4) Officers shall have such duties, not inconsistent with this title, provided in the bylaws and as otherwise determined by the Commission.

“(c) Commissioners shall serve 3-year terms, except that the first members appointed by the Chairman of the Council shall serve 2-year terms. All subsequent appointees shall serve 3-year terms.

“(d) Commissioners shall meet the following requirements:

“(1) All shall reside in the District of Columbia;

“(2) None shall be employees of the District or federal governments; and

“(3) None shall concurrently:

“(A) Hold office as a member of the District of Columbia Statehood Delegation; or

“(B) Be employed by a member of the District of Columbia Statehood Delegation.

“(e) When deemed necessary, the Mayor may remove a Commission member, no matter how appointed, for inefficiency, neglect of duty, malfeasance in office, or conduct bringing disrespect to, or impugning the character or integrity of, the Commission.

“(f) A vacancy on the Commission shall be filled for the remainder of the unexpired term and in the same manner in which the original appointment was made.

“(g) Commission members may continue to serve after the expiration of their term until a successor is designated. The term of the successor shall be deemed to have commenced upon the expiration of the term of the previous member.

“(h) A majority of the number of Commission members serving shall constitute a quorum for the conduct of business.

“(i) As soon as practicable after appointment of a majority of its members, the Commission shall adopt bylaws, and may adopt guidelines, rules, and procedures for the governance of its affairs and the conduct of its business.

“(j) Commission members shall serve without compensation, but may receive travel, per diem, and other actual, reasonable, and necessary expenses incurred in the performance of their official duties as Commission members to the same extent as employees of the District government classified at a Grade 15, Step 1 of the District Service Salary Schedule for Nonunion Employees. In no event shall a Commission member receive more than \$1,000 per year. Such reimbursement shall be paid from the Fund as described in section 18(d) and shall be reported in the semiannual report described in section 21.

“(k) The Commission may recruit honorary members based on criteria the Commission shall determine. The honorary members shall have no vote on the administration of the Fund or

operation of the Commission.

“Sec. 14. Meetings of the Commission.

“(a) Upon notice to the public, the Commission shall meet at a place in the District of Columbia open and accessible to the public at the times specified in the bylaws, which shall not be less than quarterly each year, and at other times at the call of the Chairman or as additionally provided in the bylaws. Notwithstanding any other District law or rule to the contrary, the Commission may meet by any electronic means; provided, that:

“(1) Each Commissioner may speak, hear, and be heard by the other Commission members; and

“(2) At least one Commission member is physically located in a site in the District of Columbia which is accessible and open to the public, and that reasonable steps have been taken to allow the public to hear the discussion and deliberation of the Commission.

“(b) All meetings of the Commission at which official action is to be taken shall be open to the public, as provided in section 742 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 831; D.C. Official Code § 1-207.42), except for any portion of a meeting when there is discussion of specific potential donors.

“(c) The books and records of the Commission shall be open to the public, as provided in 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.*), except that documents regarding specific potential donors shall not be available for public inspection or copying.

“Sec. 15. Officers and employees.

“(a) 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.*), shall not apply to employees of the Commission.

“(b) The semiannual report described in section 21 shall describe the compensation structure and amount for any employees of the Commission.

“(c) No political test or qualification shall be used in selecting, appointing, assigning, promoting, or taking other personnel actions with respect to employees of the Commission.

“(d) In carrying out its duties, the Commission may utilize contract services and, to the maximum extent possible, pro bono services; provided, that such services are itemized in the semiannual report of the Commission described in section 21.

“Sec. 16. Limitations on actions; representation by Attorney General of the District of Columbia.

“(a) Any legal action arising from the application of any rule or procedure adopted by or prescribed by, or with respect to any determination of, the Commission pursuant to this title shall be filed within 90 days after the date of the occurrence of the event that is the subject of the legal proceeding.

“(b) In any legal action arising from actions of the Commission, or from the Commission's failure to act, the Commission shall be represented by the Attorney General of

ENROLLED ORIGINAL

the District of Columbia, or counsel of its choosing.

"Sec. 17. Tax-exempt status.

"The Commission and its income, property, transactions, and right to do business shall be exempt from any taxation, direct or indirect, within the District, including any sales, use, franchise, gross sales or receipts, income, personal property, transfer, or excise tax. Contributions to the Fund shall be tax deductible.

"Sec. 18. Establishment of Statehood Delegation Fund.

"(a) There is established a Statehood Delegation Fund, which shall be operated and maintained by the Commission in accordance with generally accepted accounting principles.

"(b) The Commission shall solicit contributions, appropriations, and grants to and for the benefit of the Fund from public and private sources.

"(c) Except as provided in section 22, all revenues, proceeds, and monies, from whatever source, collected or received by the Commission shall be credited to the Fund and shall not, at any time, be transferred to, lapse into, or be commingled with the General Fund of the District of Columbia, or any other funds or accounts of the District of Columbia.

"(d) The Commission shall pay its expenses from the Fund. Such expenses shall be for administrative purposes, for maintenance of its existence, preparation of reports pursuant to subsection (g) of this section and to section 21, and to raise funds; provided, that the Commission may not expend more than 25% of the Fund on an annual basis for its expenses.

"(e)(1) Quarterly, equal disbursements shall be made from the Fund to the Statehood Fund of each member of the District of Columbia Statehood Delegation. The amount of each disbursement shall be reported in the semiannual report described in section 21.

"(2) Except as provided in subsection (f) of this section or in paragraph (3) of this subsection, each quarter, the 3 equal disbursements under subsection (a) of this section shall total an amount equal to the balance of the Fund after payment of expenses pursuant to subsection (d) of this section.

"(3) The Commission may disburse less than the full balance of the Fund, as provided in paragraph (2) of this subsection, if it determines, by a 2/3 vote of the Commission, that disbursing the full balance would be fiscally imprudent.

"(f) No disbursement shall be made under subsection (e) of this section to a member of the District of Columbia Statehood Delegation who is out of compliance with the filing and disclosure requirements of this title and applicable District or federal law, or who has used funds in violation of section 19, until such time as the violation has been corrected. In this instance, the 1/3 disbursement held back shall become part of the corpus from which the next quarterly disbursement, pursuant to subsection (e)(1) of this section shall be made.

"(g) The Commission shall transmit to the Mayor, the Council, and the Chief Financial Officer quarterly reports summarizing the revenues and expenditures of the Fund.

"(h) All revenues and expenses of the Fund shall be audited annually by the Chief Financial Officer, who shall transmit the audit to the Mayor and the Council. The expenses of

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the annual audit shall be defrayed by the Fund.

“Sec. 19. Use of funds

“(a) Except as provided in subsection (b) of this section, members of the District of Columbia Statehood Delegation may use funds provided by the Commission for any expense closely and directly related to the operation of their office.

“(b)(1) Fund monies shall not be used by members of the District of Columbia Statehood Delegation for:

“(A) Campaign expenses related to any election, local or national;

“(B) Any contributions to any candidate for federal or non-federal office;

“(C) Any personal expenses, or travel expenses not closely and directly related to the office the member holds; or

“(D) Any personal salary, or stipend.

“(2) The prohibition in paragraph (1)(D) of this subsection shall not limit the ability of a member of the District of Columbia Statehood Delegation to pay salaries to employees other than the member, or to pay vendors providing services closely and directly related to the office the member holds.

“(c) Semiannually, each District of Columbia Statehood Delegation member shall provide the Commission with an accounting of the expenditures made with the money received from the Commission. The date by which the accounting is due shall be set by the Commission. The accounting shall be reported in the semiannual report described in section 21.

“Sec. 20. Prohibition on political activity.

“The Commission shall not expend funds:

“(1) To influence legislation, other than in connection with testimony by a Commission member, officer, or employee of the Commission before a committee of the Congress or the Council, or in response to a written request from a member of Congress or the Council;

“(2) To influence the outcome of any election, national or local;

“(3) To political parties; or

“(4) To other organizations of any kind to support the lobbying efforts of any group or organization.

“Sec. 21. Reports.

“Semiannually, the Commission shall submit to the Mayor, the Chairman of the Council, and the Chairman of the District of Columbia Board of Election and Ethics, a detailed written report of its activities, revenues, and expenditures (including the full name, home address, occupation, employer, and amount of each contributor of each financial contribution, and the source, value, and form of each other gift, grant, bequest, or appropriation to the Fund), other information required by this title, and any other information deemed appropriate by the Commission. The Commission shall make each report available to the general public upon request.

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"Sec. 22. Dissolution; termination of affairs.

"(a) Upon dissolution of the Commission, title to real and personal property of the Commission shall vest in the District. No property, assets, or earnings of the Commission shall at any time inure to any private person or entity.

"(b) The Commission may be dissolved by a vote of a majority of the Commission and approval by act of the Council; provided, that adequate provision has been made for all debts and obligations of the Commission."

TITLE II. TAX CHECK-OFF.

Sec. 201. Short title.

This title may be cited as the "District of Columbia Statehood Delegation Fund Tax Check-off Act of 2004".

Sec. 202. Chapter 18 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) The table of contents is amended as follows:

(1) Strike the phrase "47-1812.11b. Tax check-off." and insert the phrase "47-1812.11b. Public Fund for Drug Prevention and Children at Risk tax check-off." in its place.

(2) Insert the phrase "47-1812.11c. Statehood Delegation Fund tax check-off." after the phrase "47-1812.11b. Public Fund for Drug Prevention and Children at Risk tax check-off."

(b) The title for section 47-1812.11b is amended by striking the word "Tax" and inserting the phrase "Public Fund for Drug Prevention and Children at Risk tax" in its place.

(c) A new section 47-1812.11c is added to read as follows:

"§ 47-1812-11c. Statehood Delegation Fund tax check-off.

"(a) There shall be provided on the District of Columbia individual income tax return a voluntary check-off that indicates an individual may contribute a minimum donation or gift of \$1 to the Statehood Delegation Fund ("Fund"), established by section 18 of the District of Columbia Statehood Constitutional Convention Initiative of 1979, passed on 2nd reading on October 5, 2004 (Enrolled version of Bill 15-575). The contribution shall reduce any refund owed to the individual taxpayer or increase the tax owed by the individual taxpayer on the taxpayer's tax return. The funds generated from the tax check-off shall be earmarked for the Fund except that any cost incurred by the Mayor in collecting, processing, accounting for, or disbursing the funds generated by the tax check-off shall be reimbursed to the Mayor from the funds generated by the tax check-off.

"(b) The funds generated by the tax check-off established by subsection (a) of this section shall be transferred to the Fund pursuant to rules issued by the Mayor that establish timetables and procedures for transfer of the funds. Check-off funds shall be transferred to the Fund only after the costs to the Mayor described in subsection (a) of this section have been

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reimbursed.

“(c)(1) Except as provided in paragraph (2) of this subsection, any unpaid District tax liability on an individual income tax return shall render any voluntary tax check-off election void. Any amount paid for the purpose of contributing to the Fund shall be used first to satisfy any unpaid tax liability, in whole or in part.

“(2) If there is any amount that remains after satisfaction of the unpaid tax liability, the amount shall be transferred to the Fund.

“(d) If on January 1 of any year that begins 3 years after implementation of the tax check-off, the contributions for the previous taxable year fall below \$25,000, this section shall expire.”.

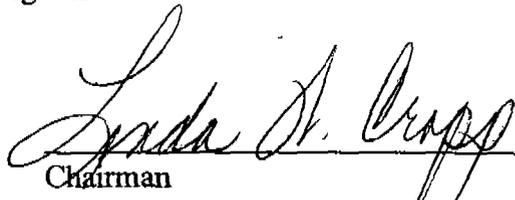
TITLE III

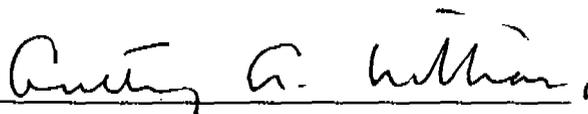
Sec. 301. Fiscal impact statement.

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©)(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 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.


Chairman
Council of the District of Columbia


Mayor
District of Columbia
APPROVED

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AN ACT
D.C. ACT 15-566

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
NOVEMBER 1, 2004

*Codification
District of
Columbia
Official Code*

2001 Edition

2005 Winter
Supp.

West Group
Publisher

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

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Prevention of Premature Release of Mentally Incompetent Defendants Amendment Act of 2004".

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

Amend
§ 24-501

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

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

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

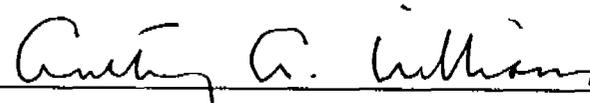
Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report 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), 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 § 1-206.02(c)(2)), and publication in the District of Columbia Register.


Chairman
Council of the District of Columbia


Mayor
District of Columbia
APPROVED
November 1, 2004

AN ACT
D.C. ACT 15-567

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

NOVEMBER 1, 2004

*Codification
District of
Columbia
Official Code*

2001 Edition

2005 Winter
Supp.

West Group
Publisher

To provide retail natural gas supplier licensing requirements and natural gas consumer protections; to amend An Act Making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and fourteen, and for other purposes, the Prohibition of Electric and Gas Utility Service Terminations to Master Metered Apartment Buildings Act of 1980, the District of Columbia Public Works Act of 1954, and the District of Columbia Public Utilities Reimbursement Act of 1972 to make conforming amendments to reflect the defined terms "natural gas supplier" and "gas company"; and to repeal the Prevention of Unauthorized Switching of Customer Natural Gas Accounts Act of 2001.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Retail Natural Gas Supplier Licensing and Consumer Protection Act of 2004".

Sec. 2. The Council of the District of Columbia finds that:

(1) It is in the public interest to promote the availability to customers of adequate, reliable, and reasonably priced retail natural gas from licensed natural gas suppliers that provide customers with the price, terms, conditions, and quality options they elect to meet their respective natural gas needs.

(2) It is the intent of this act to:

(A) Clarify existing law regarding the provision of competitive retail natural gas supply in the District of Columbia;

(B) Require the Public Service Commission to license retail natural gas suppliers;

(C) Authorize the Public Service Commission to adopt complaint procedures; and

(D) Establish standards for the protection of customers so that:

(i) Customers have access to reliable, safe, and affordable retail natural gas sales, including high quality customer service; and

(ii)(I) Customers have the right to receive accurate, easily understood information about natural gas suppliers, services, plans, terms and conditions, and rights and remedies.

(II) The information must be unbiased, accurate, and understandable in a written form, that allows for comparison of prices and terms of service.

(3) Customers are protected from unfair, deceptive, fraudulent, and anticompetitive practices, including practices such as cramming, slamming, and providing deceptive information regarding billing terms and conditions of service.

- (4) Customers receive accurate and timely bills from their natural gas suppliers.
- (5) Customers are entitled to protection of their privacy and are protected from improper use of their customer records or payment histories without their express consent.
- (6) Customers have the right to a fair and efficient process for resolving disputes with natural gas suppliers.

Sec. 3. Definitions.

For the purposes of this act, the term:

- (1) "Affiliate" means a person who directly or indirectly, through one or more intermediaries, controls, is controlled by, or is under common control with, or has directly or indirectly, any economic interest in another person.
- (2) "Anticompetitive condition" means a condition that would allow a party to:
 - (A) Exercise vertical or horizontal market power;
 - (B) Use the ownership or control of a regulated facility to favor an unregulated affiliate or subsidiary, or to discriminate against a non-affiliated entity;
 - (C) Erect a barrier to entry; or
 - (D) Compete unfairly or deny effective competition to residential customers.
- (3) "Anticompetitive conduct" means an activity that would:
 - (A) Violate any applicable antitrust law;
 - (B) Constitute favorable treatment of an affiliate;
 - (C) Discriminate against an unrelated entity;
 - (D) Constitute a barrier to entry; or
 - (E) Confer an unfair competitive advantage upon an entity.
- (4) "Applicant" means a person who is applying for a license to sell or supply natural gas to retail customers in the District of Columbia.
- (5) "Commission" means the Public Service Commission of the District of Columbia.
- (6) "Cramming" means the unauthorized addition of services or charges to a customer's existing service options.
- (7) "Customer" means a purchaser of natural gas in whose name a service account exists with the company.
- (8) "Distribution service" means the delivery of natural gas to a customer at the customer's facilities by or through the instrumentalities and facilities of the gas company.
- (9) "Enrollment" means the process by which the gas company receives and processes the notification from the natural gas supplier that a customer has entered into a contract for the supply of natural gas with that natural gas supplier.
- (10) "Enrollment agreement" means the written contract that contains the terms and conditions for the provision of retail natural gas sales that is entered into between a residential customer and a natural gas supplier.
- (11) "Gas company" means a person regulated by the Commission that owns or controls the distribution facilities required for the transmission and delivery of natural gas to customers.
- (12) "Natural gas supplier" means a person including an aggregator, broker, or marketer, who sells natural gas or purchases, brokers, arranges or, markets natural gas for sale to customers. The term shall not include a person that supplies natural gas exclusively for its own consumption or the consumption of one or more of its affiliates. The term shall not include the

following:

(A) Building owners, lessees, or managers who manage the internal distribution system serving the building and who supply natural gas solely to occupants of the building for use by the occupants;

(B)(i) Any person who purchases natural gas for its own use or for the use of its subsidiaries or affiliates; or

(ii) Any apartment building or office building manager who aggregates retail natural gas sales requirements for his or her building, and who does not:

(I) Take title to natural gas;

(II) Market retail natural gas sales to the individually-metered tenants of his or her building; or

(III) Engage in the resale of natural gas to others;

(C) Property owners who supply small amounts of natural gas, at cost, as an accommodation to lessors or licensees of the property;

(D) A consolidator; or

(E) The gas company.

(13) "Natural gas supplier choice" means the right of natural gas suppliers to use and interconnect with the natural gas distribution system on a nondiscriminatory basis to distribute natural gas from any natural gas supplier to any customer and of customers to purchase natural gas supply from their choice of licensed natural gas suppliers.

(14) The "Office" or the "Office of the People's Counsel" means the Office of the People's Counsel of the District of Columbia.

(15) "Person" means an individual, corporation, company, association, joint-stock company, firm, partnership or other entity.

(16) "Slamming" means the unauthorized switching of a customer's service from one natural gas supplier to another natural gas supplier or to the default service provider.

(17) "Transfer" means the process by which the gas company facilitates the actual transition of the customer's natural gas account from (A) the gas company to a natural gas supplier, (B) one natural gas supplier to another, or (C) one natural gas supplier to the gas company.

Sec. 4. Role, duties, and powers of the Commission.

(a) The Commission shall adopt regulations or issue orders to:

(1) Govern the licensing and the revocation, suspension, or surrender of a natural gas supplier license;

(2) Implement customer protections;

(3) Establish procedural rules for complaints, investigations, and dispositional hearings;

(4) Impose a civil penalty or other remedy;

(5) Require that residential customers' bills indicate, as an individual line item, charges for retail natural gas sales;

(6) Establish reasonable requirements for solicitation of residential customers;

(7) Establish uniform contract terms, except as to price, for the enrollment agreement for residential customers;

(8) Establish reasonable procedures for contracting between residential customers

and natural gas suppliers;

(9) Establish reasonable requirements and limitations relating to deposits, billing, contract cancellations, and disconnections of residential customers; and

(10) Establish minimum service quality, safety, and reliability standards.

(b) The Commission shall adopt any other regulations, or issue any other orders, consistent with the policies enunciated in this act that are necessary to ensure the development of a competitive market for retail natural gas, billing, and any component of retail natural gas sales declared to be a potentially competitive service.

Sec. 5. Consent to District of Columbia jurisdiction.

Any licensee or other person who knowingly engages in business activities that are regulated under this act, with or without filing an application, is deemed to have consented to the jurisdiction of the Commission and the courts of the District of Columbia, for an action arising under this act.

Sec. 6. Licensing requirements for retail natural gas suppliers.

(a) A natural gas supplier shall obtain a license issued by the Commission to do business in the District of Columbia.

(b) An application for a natural gas supplier license shall:

- (1) Be made to the Commission in writing by form prescribed by the Commission;
- (2) Be verified by oath or affirmation;
- (3) Be accompanied by an application fee determined by the Commission; and
- (4) Contain the following:
- (A) Proof of technical and managerial competence;
- (B) An affidavit agreeing to comply with all applicable consumer protection and environmental laws and regulations, the requirements of this act, and orders and regulations of the Commission issued under this act;
- (C) Proof of financial integrity;
- (D)(i) Proof that the applicant has registered with the Mayor to transact business in the District of Columbia; and
- (ii) The address of the applicant's registered office and name of the registered agent in the District of Columbia.
- (E) An agreement or promise to be subject to applicable taxes;
- (F) A statement indicating:
- (i) Whether the applicant has been denied a natural gas supplier license in any state in the United States;
- (ii) Whether a natural gas supplier license has been suspended or revoked by any state in the United States; and
- (iii) Where, if any, other natural gas supplier license applications are pending in the United States; and
- (G) Any other information required by the Commission.
- (c) The Commission:
- (1) May require an applicant to post a bond or other approved security instrument to insure an applicant's financial integrity;
- (2) Shall establish procedures and requirements regarding the revocation or surrender of a license;

(3) Shall enter an order providing for notice to appropriate persons and an opportunity for written comment on the application;

(4) Shall take no action on an application until it is considered complete and filed; provided, that if after 30 days of receipt by the Commission an application fails in any respect to be complete, the Commission shall notify the applicant in writing of the deficiencies and the application shall not be regarded as filed;

(5)(A) Shall, within a reasonable time after the filing of a completed application, issue a final order, granting or denying a license; and

(B) Shall issue a license authorizing the natural gas supplier to provide retail natural gas sales in the District of Columbia if the applicant is found to be fit, willing, and able to perform properly the service proposed and to conform to the applicable provisions of this act and the regulations and orders of the Commission, and to the extent the proposed service will be consistent with the public interest;

(6) Shall deny an application upon a showing that the applicant or anyone acting in concert with the applicant has a history of violations of laws, rules, or regulations designed to protect the public;

(7) Shall establish any other requirements for an applicant that the Commission determines to be in the public interest;

(8) May adopt regulations or issue orders to implement this subsection, including the protection of confidential or proprietary information; and

(9) Upon just cause, may determine that any deadline imposed under this subsection regarding the granting of a license shall be tolled until such time as the Commission determines whether the license shall be granted.

(d) A license shall not be transferred without the prior approval of the Commission.

(e) All monies collected by the Commission under this section shall be used exclusively for the daily operations of the Commission.

(f) All natural gas suppliers licensed by the Commission shall continue to possess financial and technical capability to render service and offer service pursuant to contractual terms and conditions. This is a continuing obligation and may be reviewed by the Commission at any time.

(g)(1) A licensee shall remain in good standing and the Commission may periodically request that a licensee certify that it remains in good standing to transact business in the District of Columbia.

(2) A licensee shall promptly notify the Commission of any change of its registered agent or registered office.

Sec. 7. Duties of the gas company.

(a) The gas company shall provide distribution services to all customers and natural gas suppliers on rates, terms, and conditions that are comparable to the gas company's own use of its distribution system. The gas company shall not operate its distribution systems in a manner that favors the natural gas supply of the gas company's affiliates and shall not price its services in a manner that impedes competition.

(b) The gas company shall comply with the following provisions with respect to its relationship with its customers:

(1) The gas company shall provide natural gas supplier choice information and facilitate enrollment of customers pursuant to the natural gas supplier choice education program approved by the Commission.

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(2) The gas company shall provide, pursuant to the prices, terms, and conditions of its tariffs approved by the Commission, default service to those customers who do not select a natural gas supplier and to customers who chose a natural gas supplier but whose service is terminated by the customer or by the natural gas supplier for any reason.

Sec. 8. Consumer education.

(a) The Commission shall order the gas company, in conjunction with the Office of the People's Counsel and the District of Columbia Energy Office, to implement a consumer education program to inform residential customers of changes in the natural gas industry and provide natural gas supplier choice information.

(b) The consumer education program shall include the dissemination of information to enable residential customers to make informed choices about available licensed natural gas suppliers and the services they provide and suppliers, notification to residential natural gas customers of the right to submit their names for inclusion on a list of residential customers not wanting to receive solicitations from natural gas suppliers, and communication to residential customers of the consumer protection provisions of this act. The Commission shall ensure the neutrality of the content and message of the consumer education program's advertisements and materials. The Commission shall promulgate standards for the recovery of consumer education program costs from residential customers which include reasonable measures and criteria to evaluate the success of the program in enhancing residential customer understanding of retail choice.

(c) As part of the consumer education program, the Commission shall develop and maintain information regarding residential rates charged and services provided by licensed natural gas suppliers to residential customers. The information required shall be:

(1) Readily understandable and formatted to provide a comparison of rates and services offered by natural gas suppliers; and

(2) Made available to the public through the ordinary means of publication by the Commission, including posting on the Internet, or such other means as determined by the Commission.

(d) Any dispute regarding the consumer education program mandated by this section shall be resolved by the Commission.

Sec. 9. Consumer protections.

(a) The Commission shall adopt regulations or issue orders specifying the necessary minimum service requirements of a licensed natural gas supplier regarding the marketing, solicitation, sale, or provision, directly or through its agent, of retail natural gas.

(b) The minimum service requirements shall include the following:

(1) A requirement that a licensed retail natural gas supplier:

(A) Provide residential customers with accurate pricing and terms and conditions of service, and with a document containing the terms and conditions of pricing and service before the contract for service becomes binding; and

(B) Disclose to residential customers the conditions under which a residential customer may rescind a contract without penalty.

(2) Before a residential customer is eligible for service from a licensed retail natural gas supplier, the residential customer shall discharge, or enter into a plan to discharge, existing arrearages (except any pending disputed arrearages) owed to or being billed by the gas company for natural gas service; and

(3) Minimum service quality.

(c) The regulations or orders also shall provide for disclosure of the terms identifying how residential customers may transfer or terminate service, including any costs and required notice.

(d)(1) The following requirements shall be standard content for residential customers' bills:

- (A) To the maximum extent practicable, an itemized list of service components to enable a residential customer to recalculate his or her bill for accuracy;
- (B) The identification of the supplier of a service;
- (C) A statement of where, when, and how payment may be made and provision of a toll-free or local customer assistance and complaint telephone number for the natural gas supplier, as well as the addresses and customer assistance telephone numbers for the Commission and the Office of the People's Counsel, with the available hours noted;
- (D) A clear explanation for 2 consecutive billing periods, of any changes in the rates, terms, and conditions of service; and
- (E) Price disclosure and disclosure of total billing units for the billing period and historical annual usage.

(2) The Commission may alter the bill contents prescribed by this subsection if necessary to conform with billing or pricing schemes specifically approved by the Commission.

(e) The regulations or orders shall include policies and procedures that provide for the following:

- (1) The coordination between natural gas suppliers and the gas company for the purpose of maintaining service;
- (2) The allocation of partial payments between natural gas suppliers and the gas company when service components are jointly billed;
- (3) A prohibition against the transfer, or the authorization of the transfer of, a residential customer's natural gas supplier without the prior consent of the residential customer in accordance with appropriate confirmation practices;
- (4) A requirement for disclosure of the conditions under which a residential customer may rescind a decision to switch his or her natural gas supplier without penalty; and
- (5) Specification of any required notice and any penalty for early termination of contract.

Sec. 10. Information to be provided to the Commission.

(a) A natural gas supplier shall provide the Commission with such information regarding its retail natural gas sales as the Commission considers necessary to carry out the provisions of this act. The Commission shall take such measures as it considers necessary to protect the confidentiality of such information.

(b) The Commission shall require a licensed natural gas supplier to file an annual financial report regarding those retail natural gas sales for which it is subject to licensure.

Sec. 11. Jurisdiction of the Commission and the Office of the People's Counsel.

(a)(1) The Commission shall have jurisdiction upon the complaint of any person, the People's Counsel, or on its own initiative regarding the provision by a licensed natural gas supplier of any service for which it is subject to licensure.

(2) The Commission shall have jurisdiction upon the complaint of any person, the People's Counsel, or on its own initiative to determine whether a licensed natural gas

supplier has violated or failed to comply with any provision of this act regarding retail natural gas sales for which it is subject to licensure or any regulation, rule, or order adopted or issued by the Commission.

(3) The Commission, after reasonable notice and opportunity for hearing, may conduct an investigation, and impose a penalty, for any violation of this act or any regulation or order adopted or issued by the Commission.

(b) The People's Counsel may file a complaint under any provision of this act.

(c) The Commission shall, by regulation or order, establish procedures for complaints and for resolving disputes between the gas company, natural gas suppliers, and customers.

Sec. 12. Investigations of violations; penalties for violation.

(a) For a violation of any provision of this act or a violation of any regulation or order issued under this act, after notice and a hearing, the Commission may:

(1) Suspend, revoke, or conditionally rescind the license of a natural gas supplier if the Commission determines, after reasonable notice and opportunity for hearing, that the natural gas supplier:

(A) Has obtained or attempted to obtain a license through fraud, deception, or misrepresentation;

(B) Has provided false or misleading information to the Commission, knowingly or with reckless disregard;

(C) Has committed fraud or engaged in market advertising or trade practices that are unfair, false, misleading, or deceptive;

(D) Has disclosed information about a customer or used information about a customer for any purpose other than the purpose for which the information was originally acquired, without the customer's written consent, unless the disclosure is for bill collection or credit rating reporting purposes;

(E) Has been convicted of any fraud-related crimes;

(F) Has not fulfilled the licensing requirements under this act or is not authorized to transact business in the District of Columbia;

(G)(i) Has violated any consumer protection law or regulation of the United States, District of Columbia, or of any state; or

(ii) Has had its authority to engage in the supply and sale of natural gas revoked or suspended by any other state, agency, or authority for reasons consistent with this section;

(H) Has violated or failed to comply with the provisions of any regulation

or order adopted by the Commission; or

(I) Is incapable of discharging the functions of a natural gas supplier;

(2) Impose a civil penalty;

(3) Order a refund or credit to a customer;

(4) Cancel a contract or part of a contract between a customer and a natural gas supplier;

(5) Order that any person violating any provision of this act or any rule adopted pursuant to this act cease and desist from future violations thereof or take affirmative corrective action as may be necessary with regard to any act or practice found unlawful by the Commission;

(6) Issue a letter of warning, reprimand, or censure with regard to any act,

conduct, or practice that in the judgment of the Commission, upon consideration of the relevant facts and circumstances, does not warrant the initiation of more severe action;

(7) Examine any record, book, document, account, electronic data, or paper maintained by or for any natural gas supplier in the provision of natural gas; or

(8)(A) For the purpose of preserving evidence of an unlawful act or practice, after

notice and hearing, impound any record, book, document, account, paper, electronic data, goods, ware, item, or facility used or maintained by or for any natural gas supplier in the course of supplying natural gas;

(B) As may be necessary, the Commission shall issue an order protecting the confidentiality of items subject to this paragraph.

(b) The Commission, on its own initiative or upon proper motion of the People's Counsel or any aggrieved party, may take any of the following actions:

(1) Require any person to file a statement or report in writing under oath as to the facts and circumstances concerning the rendition of any service or conduct of any sale incidental to the discharge of this act;

(2) Examine under oath any person in connection with any act or practice subject to the requirements of this act; or

(3) Examine or inspect any goods, ware, item, or facility used in the supply of natural gas.

(c) The Commission may enter a temporary order suspending or limiting any license issued by the Commission, pending a final determination after notice and hearing, if the Commission determines that there is reasonable cause to believe that customers or the reliability of natural gas supply in the District of Columbia will be harmed by the actions of a natural gas supplier or that there is imminent danger to the public health, safety, or welfare. In such instance, the Commission shall move expeditiously to reach a final determination.

(d)(1) A civil penalty imposed by the Commission under this section shall not exceed \$10,000 per violation.

(2) The Commission shall determine the amount of the civil penalty after considering:

(A) Any history of prior violations;

(B) The gravity and duration of the current violation;

(C) The degree of the violator's culpability;

(D) The prospective effect of the penalty on the ability of the violator to

conduct business;

(E) Any good faith effort on the part of the violator in attempting to achieve compliance; and

(F) Other factors the Commission may consider appropriate.

(e) The Commission or the People's Counsel, in addition to any other proceeding authorized by law, may seek and obtain in a summary proceeding in the Superior Court of the District of Columbia an injunction prohibiting the act or practice.

Sec. 13. Rights, remedies, prohibitions; cumulative.

The rights, remedies, and prohibitions accorded by the provisions of this act are in addition to and cumulative of any right, remedy, or prohibition accorded by the common law or

any statute of the District of Columbia and nothing contained herein shall be construed to deny, abrogate, or impair any such common law or statutory right, remedy, or prohibition.

Sec. 14. Application of District of Columbia and federal consumer protection laws.

This act shall not be construed to exempt natural gas suppliers from otherwise applicable District of Columbia or federal consumer protection laws.

Sec. 15. Market power remediation.

(a) The Commission and the People's Counsel shall monitor the District of Columbia retail markets for natural gas supply and sales declared by the Commission to be potentially competitive services to ensure that the markets are not being adversely affected by anticompetitive conduct and anticompetitive conditions.

(b)(1) If, as a result of the monitoring efforts required by subsection (a) of this section or as a result of a complaint, the Commission determines that the District of Columbia retail markets for retail natural gas sales are being adversely affected by anticompetitive conduct or anticompetitive conditions, the Commission shall take remedial action to remedy the impact of the anticompetitive conduct or anticompetitive conditions.

(2)(A) If, as a result of the monitoring efforts required by this section, the Commission or the People's Counsel obtain evidence that the retail markets for natural gas supply or sales declared by the Commission to be competitive services are being adversely affected by anticompetitive conduct or anticompetitive conditions other than the anticompetitive conduct or anticompetitive conditions described in paragraph (1) of this subsection, the Commission or the People's Counsel shall transmit the evidence to the Attorney General, the Department of Justice, the Federal Trade Commission, and any other appropriate federal agency.

(B) The Commission or the People's Counsel may request the Attorney General to issue a report to the Council within 6 months of the transmittal of evidence by the Commission or the People's Counsel under subparagraph (A) of this paragraph, explaining the course of its investigation, the actions that it has taken or plans to take, and the reasons for those actions. The failure of the Attorney General to bring an action within 6 months of the receipt of the transmittal shall not be deemed to eliminate the Attorney General's otherwise existing authority to act. Any report submitted under this subsection shall not include information that may compromise any investigation.

(c) Nothing in this section shall affect the authority of the Attorney General to investigate or take action against anticompetitive conduct or anticompetitive conditions on its own initiative.

Sec. 16 Section 4(b)(1) of the District of Columbia Public Utilities Reimbursement Act of 1972, approved October 14, 1972 (86 Stat. 812; D.C. Official Code § 9-107.02(b)(1)), is amended by striking the phrase "gas corporation" and inserting the phrase "gas company, natural gas supplier" in its place.

Amend
§ 9-107.02

Sec. 17. Section 8 of An Act Making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and fourteen, and for other purposes, approved March 4, 1913 (37 Stat. 974; D.C.

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Official Code § 34-101 *et seq.*), is amended as follows:

(a) Paragraph 1 is amended as follows:

(1) The third unnumbered paragraph, beginning "the term "public utility"" (D.C. Official Code § 34-214), is amended by striking the phrase "gas corporation" and inserting the phrase "gas company" in its place. Amend
§ 34-214

(2) The eighth unnumbered paragraph, beginning "the term "extension or extensions" (D.C. Official Code § 34-208), is amended by striking the phrase "gas corporation" and inserting the phrase "gas company" in its place. Amend
§ 34-208

(3) The thirteenth unnumbered paragraph, beginning "The term "gas corporation" in (D.C. Official Code § 34-209), is amended as follows: Amend
§ 34-209

(A) Strike the phrase "gas corporation" and insert the phrase "gas company" in its place.

(B) Strike the phrase "owning, operating, controlling, or managing any gas plant, except where the gas is made, or produced, and distributed the maker by on or through private property solely for its own use or the use of tenants of its building and not for sale to or for the use of others" and insert the phrase "selling, physically transmitting, or distributing natural gas in the District of Columbia to retail natural gas customers. The term excludes any building owner, lessee, or manager who, respectively, owns, leases, or manages, the internal distribution system serving the building and who supplies natural gas and other related natural gas services solely to occupants of the building for use by the occupants." in its place.

(4) The twelfth unnumbered paragraph, beginning "The term "gas plant"" (D.C. Official Code § 34-210), is amended to read as follows: "The term "gas plant" when used in this section means the material, equipment, and property owned and used, or to be used, by the gas company for or in connection with the transmission or distribution of natural gas in the District of Columbia to a retail natural gas customer." Amend
§ 34-210

(b) Paragraph 55 (D.C. Official Code § 34-301) is amended as follows:

(1) The first unnumbered paragraph (D.C. Official Code § 34-301(1)) is amended by striking the phrase "gas corporations" and inserting the phrase "gas companies" in its place. Amend
§ 34-301

(2) The second unnumbered paragraph is amended by striking the phrase "gas corporations" and inserting the phrase "gas companies" in its place.

(c) The first sentence of paragraph 92 (D.C. Official Code § 34-403) is amended by striking the period and inserting the phrase "; provided further, that the supply and sale of natural gas by a licensed natural gas supplier shall not be regulated by the Commission except as expressly set forth in the Retail Natural Gas Supplier Licensing and Consumer Protection Act of 2004, passed on 2nd reading on October 5, 2004 (Enrolled version of Bill 15-679)." in its place. Amend
§ 34-403

(d) Paragraph 81 (D.C. Official Code § 34-702) is amended by striking the phrase "gas corporation" and inserting the phrase "gas company" in its place. Amend
§ 34-702

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

(1) Paragraph (1) is amended by striking the phrase "electricity suppliers" and inserting the phrase "natural gas suppliers, electricity suppliers" in its place.

(2) Paragraph (2) is amended by striking the phrase "electricity supplier" and inserting the phrase "natural gas supplier, and electricity supplier" in its place.

(3) The third sentence of paragraph (3) is amended by striking the phrase "electricity suppliers" and inserting the phrase "natural gas suppliers, and electricity suppliers"

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in its place.

(f) Paragraph 54 (D.C. Official Code § 34-1001) is amended by striking the phrase "gas corporation" and inserting the phrase "gas company" in its place.

Amend
§ 34-1001

Sec. 18. The Prevention of Unauthorized Switching of Customer Natural Gas Accounts Act of 2001, effective October 3, 2001 (D.C. Law 14-28; D.C. Official Code §§ 34-1631 through 34-1634) is repealed.

Amend
§§ 34-1631 -
34-1634

Sec. 19. The third sentence of section 1804(a)(2) of the District of Columbia Public Works Act of 1954, effective June 13, 1990 (D.C. Law 8-136; D.C. Official Code § 34-2304(a)(2)), is amended by striking the phrase "supplier or gas company" wherever it appears and inserting the phrase "supplier, gas company, or natural gas supplier" in its place.

Amend
§ 34-2304

Sec. 20. The Prohibition of Electric and Gas Utility Service Terminations to Master Metered Apartment Buildings Act of 1980, effective July 9, 1980 (D.C. Law 3-94; D.C. Official Code § 42-3301 *et seq.*), is amended as follows:

(a) The first sentence of section 3(a) (D.C. Official Code § 42-3302(a)) is amended by striking the phrase "or gas company" and inserting the phrase "natural gas supplier, or gas company" in its place.

Amend
§ 42-3302

(b) Section 4 (D.C. Official Code § 42-3303) is amended as follows:

Amend
§ 42-3303

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

(A) The second sentence of paragraph (3) is amended by striking the phrase "electric company, electricity supplier, or gas company" and inserting the phrase "electric company, electricity supplier, gas company, or natural gas supplier" in its place.

(B) The second and third sentences of paragraph (4) are amended to read as follows: "The receiver shall pay the electric company, electricity supplier, gas company, or natural gas supplier from the rents and payments for services provided the company on and after the date of his appointment. The owner, agent, lessor, or manager shall be liable for the reasonable fees and costs determined by the Court to be due the receiver, which fees and costs may be recovered from the rents or payments for use and occupancy under the control of the receiver; provided, that no fees or costs shall be turned over until after payment of current electric company, electricity supplier, gas company, or natural gas supplier on the apartment house has been made."

(2) Subsection (b) is amended by striking the phrase "or gas company" and inserting the phrase "gas company, or natural gas supplier" in its place.

(3) Subsection (c) is amended by striking the phrase "or gas company" and inserting the phrase "gas company, or natural gas supplier" in its place.

(c) Section 5 (D.C. Official Code § 42-3304) is amended by striking the phrase "or gas company" and inserting the phrase "gas company, or natural gas supplier" in its place.

Amend
§ 42-3304

(d) Section 7 (D.C. Official Code § 42-3306) is amended as follows:

Amend
§ 42-3306

(1) Subsection (a) is amended by striking the phrase "or gas company" and inserting the phrase "gas company, or natural gas supplier" in its place.

(2) Subsection (b) is amended by striking the phrase "or gas company" wherever it appears and inserting the phrase "gas company, or natural gas supplier." in its place.

Sec. 21. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal

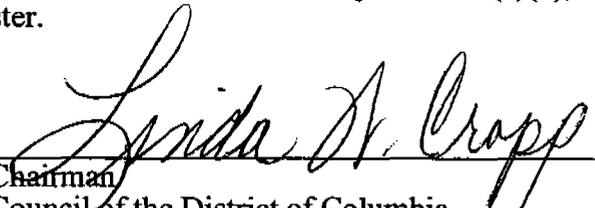
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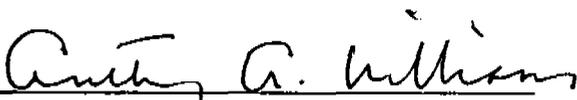
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impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 22. Effective date.

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


Chairman
Council of the District of Columbia


Mayor
District of Columbia
APPROVED
November 1, 2004

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AN ACT
D.C. ACT 15-568

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
OCTOBER 26, 2004

*Codification
District of
Columbia
Official Code*

2001 Edition

2005 Winter
Supp.

West Group
Publisher

To amend the Historic Landmark and Historic District Protection Act of 1978 to establish a new historic preservation review process for public safety facilities owned by the District of Columbia.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Historic Preservation Process for Public Safety Facilities Amendment Act of 2004".

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

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

Amend
§ 6-1102

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report 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.

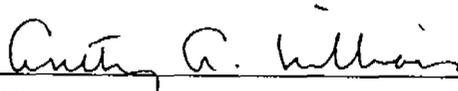
This act shall take effect following approval by the Mayor (or in the event of veto by the

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
October 26, 2004

AN ACT
D.C. ACT 15-569

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
NOVEMBER 1, 2004

*Codification
District of
Columbia
Official Code*

2001 Edition

2005 Winter
Supp.

West Group
Publisher

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

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Public Assistance Confidentiality of Information Temporary Amendment Act of 2004".

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

Note,
§ 4-209.04

"904. Confidentiality of information.

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

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

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

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

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

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

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

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

“(A) The applicant or recipient;

“(B) A court of competent jurisdiction; or

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

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

“(9) “Personal notes” means:

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

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

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

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

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

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

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

“(12) “Record” or “applicant’s or recipient’s record” means any hard copy or electronic item, collection, or grouping of information, which includes protected health information, relating to an applicant or recipient that is maintained, collected, used, or disseminated for the purpose of administering an IMA program. The term “record” or

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“applicant’s or recipient’s record” includes information that the government of the District of Columbia collects and stores by the operation or administration of computerized public benefits eligibility screening tools.

“(b) IMA shall keep records to document information about applicants and recipients relating to IMA programs. The information shall be privileged and confidential and shall only be used or disclosed in accordance with this section.

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

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

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

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

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

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

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

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

“(ii) Is not part of the record;

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

“(iv) Is accurate and complete.

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

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

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

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

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

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

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

“(A) To administer IMA programs;

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

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

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

“(E) For an audit or similar activity, such as review of expenditure reports

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or financial review, conducted in connection with the administration of any public assistance program by any governmental entity which is authorized by law to conduct such audit or activity;

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

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

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

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

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

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

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

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

“(A) The date of the disclosure;

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

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

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

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

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

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

“(C) For national security or intelligence purposes;

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

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“(E) Prior to April 14, 2003.

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

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

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

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

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

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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

NOV 19 2004

ENROLLED ORIGINAL

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

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
November 1, 2004

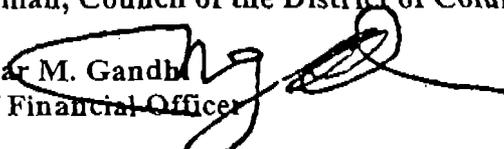
Government of the District of Columbia
Office of the Chief Financial Officer



Natwar M. Gandhi
Chief Financial Officer

MEMORANDUM

TO: The Honorable Linda W. Cropp
Chairman, Council of the District of Columbia

FROM: Natwar M. Gandhi 
Chief Financial Officer

DATE: JUN 28 2004

SUBJECT: Fiscal Impact Statement: "Public Assistance Confidentiality of
Information Amendment Act of 2004"

REFERENCE: Draft Legislation – Bill Number Not Available

Conclusion

Funds are sufficient in the FY 2005 through FY 2008 budget and financial plan to implement the proposed legislation because any costs would be absorbed with existing resources.

Background

The proposed legislation would provide policies and procedures governing the confidentiality of information for individuals applying for or receiving public benefits through the Department of Human Services, Income Maintenance Administration. The bill also would authorize the Mayor to promulgate rules for the release and disclosure of confidential information.

Financial Plan Impact

Funds are sufficient in the FY 2005 through FY 2008 budget and financial plan to implement the proposed legislation because any costs would be absorbed with existing resources.

AN ACT
D.C. ACT 15-570

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
NOVEMBER 1, 2004

*Codification
District of
Columbia
Official Code*

2001 Edition

2005 Winter
Supp.

West Group
Publisher

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

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Low-Income Housing Tax Credit Fund Temporary Act of 2004".

Sec. 2. Definitions.

For the purposes of this act, the term:

(1) "Administrative costs" means costs of the Department to administer and monitor the distribution of low-income housing tax credits and to assess and collect fees under this act, including personnel, operations, maintenance, and monitoring of the Low-Income Housing Tax Credit Program, as well as any other obligations, whether incurred before or after the effective date of this act.

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

(3) "Developer" means a person or entity that proposes to construct affordable housing using tax credits provided under the Low-Income Tax Credit Program.

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

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

(6) "Monitoring" means the regular evaluation and monitoring of units financed

by the Low-Income Housing Tax Credit Program.

(7) "User Fees" means any fees charged to the applicants and users of the Low-Income Housing Tax Credit Program including application, reservation, allocation, and monitoring fees.

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

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

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

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

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

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

Sec. 4. 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)).

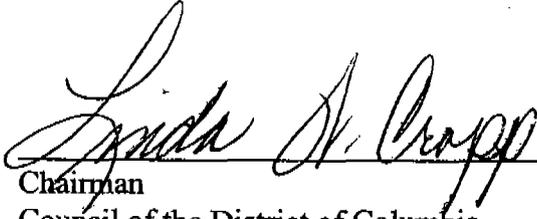
Sec. 5. Effective date.

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

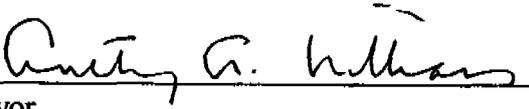
ENROLLED ORIGINAL

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

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
November 1, 2004

COUNCIL OF THE DISTRICT OF COLUMBIA
OFFICE OF THE BUDGET DIRECTOR FISCAL IMPACT STATEMENT

Bill Number:	Type: Emergency (X) Temporary () Permanent ()	Date Reported: July 2004
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Subject/Short Title: Low-Income Housing Tax Credit Non-Reverting/NonLapsing Proprietary Fund Emergency Act of 2004

Part I. Summary of the Fiscal Estimates of the Bill

	YES	NO
1. It will impact spending. (If "Yes," complete Section 1 in the Fiscal Estimate Worksheet).	()	(X)
a) It will affect local expenditures.	()	()
b) It will affect federal expenditures.	()	()
c) It will affect private/other expenditures.	()	()
d) It will affect intra-District expenditures.	()	()
2. It will impact revenue. (If "Yes," complete Section 2 in the Fiscal Estimate Worksheet).	(X)	()
a) It will impact local revenue.	()	()
b) It will impact federal revenue.	()	()
c) It will impact private/other revenue.	(X)	()
d) It will impact intra-District revenue.	()	()
3. The bill will have NO or minimal fiscal impact. (If "Yes," explain below). The emergency would establish a fund that will be used solely to defray costs incurred by DHCD in administering the Low-Income Housing Tax Credit. It will have a positive fiscal impact.	()	(X)

Part II. Other Impact of the Bill

If you check "Yes" for each question, please explain on separate sheet, if necessary.

	YES	NO
1. It will affect an agency and/or agencies in the District. This emergency allows DHCD to fund an unfunded IRS mandate by charging a fee to developers or recipients of low-income housing tax credits, through application, reservation, allocation, and monitoring fees.	(X)	()
2. Are there performance measures/output for this bill?	()	(X)
3. Will it have results/outcome, i.e., what would happen if this bill is not enacted? DHCD will be unable to pay for the the IRS monitoring mandate and is in jepordy of losing its LIHTC program	(X)	()
4. Are funds appropriated for this bill in the Budget and Financial Plan for the current year? No additional funds need to be appropriated for the current fiscal year.	(X)	()

Sources of information:	Councilmember: Harold Brazil
	Staff Person & Tel: David L. Goldblatt (724-8078)
	Council Budget Director's Signature: <i>[Handwritten Signature]</i>

7/12/04

ENROLLED ORIGINAL

AN ACT
D.C. ACT 15-571

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
NOVEMBER 1, 2004

*Codification
District of
Columbia
Official Code*

2001 Edition

2005 Winter
Supp.

West Group
Publisher

To amend, on a temporary basis, the District of Columbia Procurement Practices Act of 1985 to exempt Contract No. DCFJ-2004-B-0031 from certain requirements of the act.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Contract No. DCFJ-2004-B-0031 (Delivery of Electrical Power and Ancillary Services) Exemption Temporary Amendment Act of 2004".

Sec. 2. Section 320 of the District of Columbia Procurement Practices Act of 1985, effective April 12, 1997 (D.C. Law 11-259; D.C. Official Code § 2-303.20), is amended by adding a new subsection (q) to read as follows:

"(q) Contract No. DCFJ-2004-B-0031 for Delivery of Electrical Power and Ancillary Services for the District of Columbia Energy Office and the District of Columbia Water and Sewer Authority shall be exempt from all provisions of this act except section 105a."

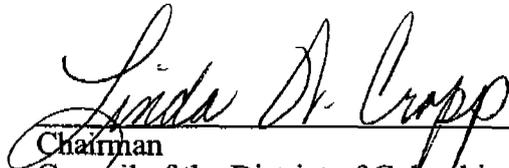
Sec. 3. Fiscal impact statement.
This act shall have no fiscal impact.

Sec. 4. Effective date.

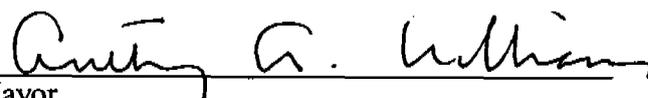
(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved

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

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
November 1, 2004

AN ACT
D.C. ACT 15-572

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

NOVEMBER 1, 2004

*Codification
District of
Columbia
Official Code*

2001 Edition

2005 Winter
Supp.

West Group
Publisher

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

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Distracted Driving Safety Revised Temporary Amendment Act of 2004".

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

Note,
§ 50-1731.06

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

Sec. 3. Fiscal impact statement.

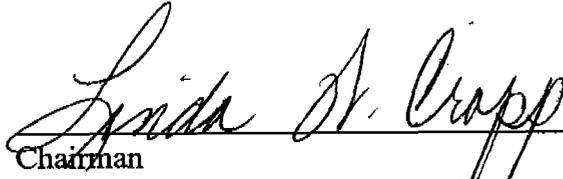
The Council adopts the attached fiscal impact statement as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

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), a 30 day period of Congressional review as provided in section 602 (c)(l) of the District of Columbia Home Rule Act, approved December

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

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
November 1, 2004

DISTRICT OF COLUMBIA REGISTER
COUNCIL OF THE DISTRICT OF COLUMBIA
OFFICE OF THE BUDGET
FISCAL IMPACT STATEMENT

NOV 19 2004 **ENROLLED ORIGINAL**

Bill Number:	Type: Emergency () Temporary (X) Permanent ()	Date Reported: 7/13/04
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Subject/Short Title: "Distracted Driving Safety Revised Temporary Amendment Act of 2004"
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Part I. Summary of the Fiscal Estimates of the Bill

	YES	NO
1. It will impact spending. (If "Yes," complete Section 1 in the Fiscal Estimate Worksheet).	()	(x)
a) It will affect local expenditures.	()	(x)
b) It will affect federal expenditures.	()	(x)
c) It will affect private/other expenditures.	()	(x)
d) It will affect intra-District expenditures.	()	(x)
2. It will impact revenue. (If "Yes," complete Section 2 in the Fiscal Estimate Worksheet).	()	(x)
a) It will impact local revenue.	()	(x)
b) It will impact federal revenue.	()	(x)
c) It will impact private/other revenue.	()	(x)
d) It will impact intra-District revenue.	()	(x)
3. The bill will have NO or little fiscal impact on spending or revenue. (If "Yes," explain below).	(x)	()

Explanation for NO fiscal impact: Because the issue of assessing or not assessing points to a motorist has no fiscal impact, there should be no revenue decrease anticipated with passage of this legislation.

Part II. Other Impact of the Bill

	YES	NO
If you check "Yes" for each question, please explain on separate sheet.		
1. It will affect an agency and/or agencies in the District.	()	(x)
2. Will there be performance measures/output for bill?	()	(x)
3. Will it have results?	()	(x)
4. Will the Budget and Financial Plan be affected by this bill?	()	(x)
5. The bill will have NO performance or outcome impact.	(x)	()

Sources of information:	Councilmember: Carol Schwartz
Chief Financial Officer	Staff Person & Tel: Andrew Gerst 727-8272
Council staff.	Reviewed by Budget Director: <i>ATR-RON</i>
	Budget Office Tel: 724-81397 / 12/04

ENROLLED ORIGINAL

AN ACT

D.C. ACT 15-573

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

NOVEMBER 1, 2004

*Codification
District of
Columbia
Official Code*

2001 Edition

2005 Winter
Supp.

West Group
Publisher

To amend, on a temporary basis, the Uniform Disposition of Unclaimed Property Act of 1980 to make a technical correction.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Unclaimed Property Demutualization Proceeds Technical Correction Amendment Temporary Act of 2004".

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

Note,
§ 41-117

Sec. 3. Applicability.

This act shall apply as of October 1, 2004.

Sec. 4. Fiscal impact statement.

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

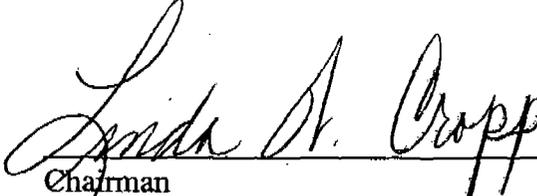
Sec. 5. Effective date.

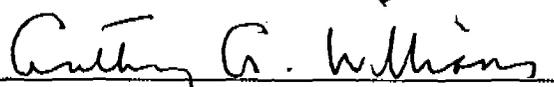
(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved

ENROLLED ORIGINAL

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

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


Chairman
Council of the District of Columbia


Mayor
District of Columbia
APPROVED
November 1, 2004

COUNCIL OF THE DISTRICT OF COLUMBIA
OFFICE OF THE BUDGET DIRECTOR FISCAL IMPACT STATEMENT

Bill Number:	Type: Emergency (X) Temporary () Permanent ()	Date Reported: September 19, 2004
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Subject/Short Title: "Unclaimed Property Demutualization Proceeds Technical Correction Amendment Emergency Act of 2004".

Part I. Summary of the Fiscal Estimates of the Bill		
	YES	NO
1. It will impact spending. (If "Yes," complete Section 1 in the Fiscal Estimate Worksheet).	()	(x)
a) It will affect local expenditures.	()	(x)
b) It will affect federal expenditures.	()	(x)
c) It will affect private/other expenditures.	()	(x)
d) It will affect intra-District expenditures.	()	(x)
2. It will impact revenue. (If "Yes," complete Section 2 in the Fiscal Estimate Worksheet).	()	(x)
a) It will impact local revenue.	()	(x)
b) It will impact federal revenue.	()	(x)
c) It will impact private/other revenue.	()	(x)
d) It will impact intra-District revenue.	()	(x)
3. The bill will have NO or minimal fiscal impact. (If "Yes," explain below).	(x)	()
This emergency legislation corrects a provision contained in Title I, Subtitle F of the Fiscal Year 2005 Budget Support Act of 2004.		

Part II. Other Impact of the Bill

If you check "Yes" for each question, please explain on separate sheet, if necessary.		
	YES	NO
1. It will affect an agency and/or agencies in the District.	()	(x)
2. Are there performance measures/output for this bill?	()	(x)
3. Will it have results/outcome, i.e., what would happen if this bill is not enacted?	()	(x)
4. Are funds appropriated for this bill in the Budget and Financial Plan for the current year?	(x)	()

Sources of information: Committee staff.	Councilmember: Evans
	Staff Person & Tel: Jeff Coudriet, 202/724-8058.
	Council Budget Director's Signature: <i>[Signature]</i>

9/20/04

ENROLLED ORIGINAL

AN ACT

D.C. ACT 15-574

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 26, 2004

To authorize, on a temporary basis, the Chief Financial Officer to redesignate amounts allocated from state aid funds and the District of Columbia fiscal year 2004 operating cash reserve.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Fiscal Year 2004 Year-End State Aid Re-Allocation Temporary Act of 2004".

Sec. 2. In accordance with Title VI of the Jobs and Growth Tax Relief Reconciliation Act of 2003, approved May 28, 2003 (Pub. L. No. 108-27; 117 Stat. 752) ("Jobs Act"), the Chief Financial Officer is hereby directed to re-examine the allocations made by the District of funds provided by the Jobs Act. If the Chief Financial Officer determines that any amount will not be obligated or expended as allocated prior to the close of the fiscal year, the amount shall be redesignated by the Chief Financial Officer to cover Comprehensive Annual Financial Report ("CAFR") audit adjustments, any other budget adjustments necessary to ensure a balanced budget for the District of Columbia for fiscal year 2004, or other obligations of the District of Columbia in accordance with the Jobs Act; provided, that of the \$1.6 million provided pursuant to the Jobs Act to the Chief Financial Officer for legal expenses, \$800,000 shall be replaced with reallocated funds that remain available from the District of Columbia Fiscal Year 2001 budgeted reserve pursuant to section 202(j)(3)(B) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (109 Stat. 109; D.C. Official Code § 47-392.02(j)(3)(B)) ("FRMAA").

Sec. 3. The Chief Financial Officer is hereby directed to re-examine the allocations made by the District of funds provided from the District of Columbia fiscal year 2004 operating cash reserve. If the Chief Financial Officer determines that any amount will not be expended as allocated prior to the close of the fiscal year, the amount shall be redesignated by the Chief Financial Officer to cover CAFR audit adjustments, any other budget adjustments necessary to ensure a balanced budget for the District of Columbia for fiscal year 2004, or other obligations of the District of Columbia in accordance with FRMAA.

ENROLLED ORIGINAL

Sec. 4. The Chief Financial Officer shall submit to the Mayor and Council no later than 30 days after the completion of the CAFR, a report detailing the redesignation and expenditure of the funds reallocated pursuant to this act.

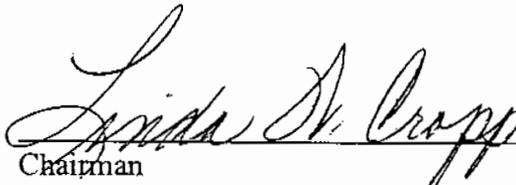
Sec. 5. Fiscal impact statement.

The use of the reserve funds is already incorporated into the District's budget and financial plan and, therefore, the enactment of this legislation has no fiscal impact.

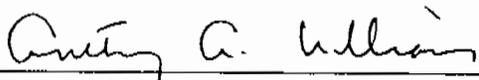
Sec. 6. Effective date.

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

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
October 26, 2004

ENROLLED ORIGINAL

AN ACT

D.C. ACT 15-575

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

NOVEMBER 1, 2004

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

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Unemployment Compensation Funds Appropriation Authorization Temporary Act of 2004".

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

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

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

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

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

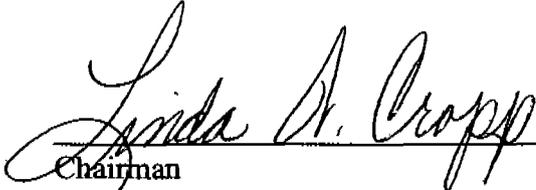
Sec. 3. Fiscal impact statement.

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

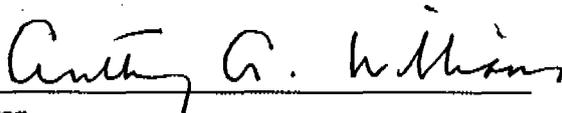
Sec. 4. Effective date.

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
November 1, 2004

COUNCIL OF THE DISTRICT OF COLUMBIA
OFFICE OF THE BUDGET DIRECTOR
FISCAL IMPACT STATEMENT

Bill Number:	Type: Emergency () Temporary (x) Permanent () Amendment ()	Date Reported: 9/20/04
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Subject/Short Title: The "Unemployment Compensation Funds Appropriation Authorization Temporary Act of 2004"

	YES	NO
1. It will impact spending. (If "Yes," complete Section 1 in the Fiscal Estimate Worksheet).	()	(x)
a) It will affect local expenditures.	()	(x)
b) It will affect federal expenditures.	()	(x)
c) It will affect private/other expenditures.	()	(x)
d) It will affect intra-District expenditures.	()	(x)
2. It will impact revenue. (If "Yes," complete Section 2 in the Fiscal Estimate Worksheet).	()	(x)
a) It will impact local revenue.	()	(x)
b) It will impact federal revenue.	()	(x)
c) It will impact private/other revenue.	()	(x)
d) It will impact intra-District revenue.	()	(x)
3. The bill will have NO or minimal fiscal impact. (If "Yes," explain below).	()	(x)
<p>Explanation: The Department of Employment services [DOES] is already receiving these funds, however if this legislation is not passed, the temporary act will expire and DOES will not be able to continue using these funds.</p>		

Part II: Other Impact on the Bill		
	YES	NO
If you check "Yes" for each question, please explain on separate sheet, if necessary.		
1. It will affect an agency and/or agencies in the District. The Department of Employment Services	(x)	()
2. Are there performance measures/output for this bill?	()	(x)
3. Will it have results/outcome, i.e., what would happen if this bill is not enacted? If this legislation is not passed, the Temporary Act will expire and the Department of Employment Services will not be able to spend these funds for updating their Unemployment Compensation Program	(x)	()
4. Are funds appropriated for this bill in the Budget and Financial Plan for the current year?	(x)	()

Sources of information:	Councilmember David Catania
	Staff Person & Tel: Linda Bumbalo (202) 724-7772
	Council Budget Director's Signature: <i>A. H. B. L. T.</i>

9/20/04

ENROLLED ORIGINAL

AN ACT
D.C. ACT 15-576

*Codification
District of
Columbia
Official Code*

2001 Edition

2005 Winter
Supp.

West Group
Publisher

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

NOVEMBER 1, 2004

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

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Housing and Community Development Reform Advisory Commission Extension Temporary Amendment Act of 2004".

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

Note,
§ 6-1033

Sec. 3. Fiscal impact statement.

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

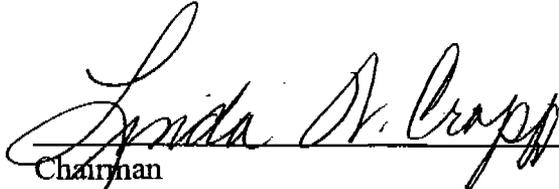
Sec. 4. Effective date.

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

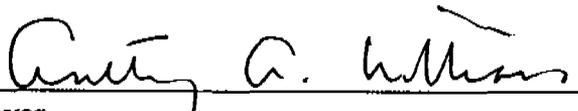
ENROLLED ORIGINAL

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

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
November 1, 2004

**COUNCIL OF THE DISTRICT OF COLUMBIA
OFFICE OF THE BUDGET DIRECTOR
FISCAL IMPACT STATEMENT**

Bill Number:	Type: Emergency () Temporary (X) Permanent ()	Date Reported: 9/21/04
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Subject/Short Title: "Housing and Community Development Reform Advisory Commission Extension Temporary Amendment Act of 2004"

Part I. Summary of the Fiscal Estimates of the Bill

	YES	NO
1. It will impact spending. (If "Yes," complete Section 1 in the Fiscal Estimate Worksheet).		
a) It will affect local expenditures.		X
b) It will affect federal expenditures.		X
c) It will affect private/other expenditures.		X
d) It will affect intra-District expenditures.		X
2. It will impact revenue. (If "Yes," complete Section 2 in the Fiscal Estimate Worksheet).		X
a) It will impact local revenue.		X
b) It will impact federal revenue.		X
c) It will impact private/other revenue.		X
d) It will impact intra-District revenue.		X
3. The bill will have NO or minimal fiscal impact. (If "Yes," explain below).	X	

Explanation: The Housing and Community Development Reform Advisory Commission Act of 2002 (DC Law 14-109) authorizes the expenditure of \$200,000 by the Commission from the Industrial Revenue Bond special account, upon certification of the availability of funds by the Chief Financial Officer. No funds from this account have not been allocated to the Commission to date. The Commission has expended a minimal amount of funds to date, which have been absorbed within the budget of the Department of Housing and Community Development. The Commission expects to contract for the services of a researcher/writer to complete the report required by DC Law 14-109. This legislation extends the time for the issuance of this report by the Commission to the Council and the Mayor.

Part II. Other Impact of the Bill

If you check "Yes" for each question, please explain on separate sheet, if necessary.

	YES	NO
1. It will affect an agency and/or agencies in the District.	()	(X)
2. Are there performance measures/output for this bill?	()	(X)
3. Will it have results/outcome, i.e., what would happen if this bill is not enacted?	()	(X)
4. Are funds appropriated for this bill in the Budget and Financial Plan for the current year?	()	(X)
See explanation in Part I.		

Sources of information:	Councilmember: Chairman Linda W. Cropp
	Staff Person & Tel: Robert Miller 202-724-8127
	Council Budget Director's Signature: <i>ANTHONY</i>

9/21/04

ENROLLED ORIGINAL

AN ACT
D.C. ACT 15-577

*Codification
District of
Columbia
Official Code*

2001 Edition

2005 Winter
Supp.

West Group
Publisher

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
NOVEMBER 1, 2004

To amend the District of Columbia Health Occupations Revision Act of 1985 to require anesthesiologist assistants to be licensed by the Board of Medicine, to establish an Advisory Committee on Anesthesiologist Assistants, to provide for procedures and standards for licensing anesthesiologist assistants, and to require anesthesiologist assistants to submit pertinent information to the Board of Medicine.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Anesthesiologist Assistant Licensure Amendment Act of 2004".

Sec. 2. The District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1201.01 *et seq.*), is amended as follows:

(a) The table of contents is amended as follows:

(1) Strike the phrase "Sec. 203. Board of Medicine; Advisory Committees on Acupuncture, Naturopathic Medicine, and Physician Assistants." and insert the phrase "Sec. 203. Board of Medicine; Advisory Committees on Acupuncture, Anesthesiologist Assistants, Naturopathic Medicine, and Physician Assistants." in its place.

(2) Add the following after "Sec. 622. Required disclosures.":

"TITLE VI-B

"ANESTHESIOLOGIST ASSISTANTS; SCOPE OF PRACTICE;

" LICENSE RENEWAL; TRANSITION; COUNCIL HEARING.

"Sec. 631. Scope of practice.

"Sec. 632. License renewal.

"Sec. 633. Transition.

"Sec. 634. Council hearing."

(b) Section 102 (D.C. Official Code § 3-1201.02) is amended by adding a new paragraph (2A) to read as follows:

Amend
§ 3-1201.02

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“(2A)(A) “Practice by anesthesiologist assistants” means assisting an anesthesiologist in developing and implementing anesthesia care plans for patients under the supervision and direction of the anesthesiologist.

“(B) For the purposes of this paragraph, the term “anesthesiologist” means a physician who has completed a residency in anesthesiology approved by the American Board of Anesthesiology or the American Osteopathic Board of Anesthesiology and who is currently licensed to practice medicine in the District of Columbia.”

(c) Section 203 (D.C. Official Code § 3-1202.03) is amended as follows:

Amend
§ 3-1202.03

(1) The section heading is amended by striking the phrase “Acupuncture,” and inserting the phrase “Acupuncture, Anesthesiologist Assistants,” in its place.

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

(A) Paragraph (2) is amended by striking the phrase “Acupuncture,” and inserting the phrase “Acupuncture, the practice by anesthesiologists assistants with the advice of the Advisory Committee on Anesthesiologists Assistants,” in its place.

(B) Paragraph (8) is amended as follows:

(i) Subparagraph (B-1) is redesignated as subparagraph (B-2).

(ii) A new subparagraph (B-1) is added to read as follows:

“(B-1) The practice by anesthesiologist assistants in accordance with guidelines approved by the Advisory Committee on Anesthesiologist Assistants.”

(3) Subsection (c-1) is redesignated as subsection (c-2).

(4) A new subsection (c-1) is added to read as follows:

“(c-1)(1) There is established an Advisory Committee on Anesthesiologist Assistants to consist of 3 members appointed by the Mayor.

“(2) The Advisory Committee on Anesthesiologist Assistants shall develop and submit to the Board guidelines for the licensing and regulation of anesthesiologist assistants in the District. The guidelines shall set forth the actions which may be performed by anesthesiologist assistants under the direct supervision of a licensed anesthesiologist, who shall be responsible for the overall medical direction of the care and treatment of patients.

“(3) Of the members of the Advisory Committee on Anesthesiologist Assistants, 1 shall be an anesthesiologist licensed in the District with experience working with anesthesiologist assistants, 1 shall be an anesthesiologist assistant licensed in the District, and 1 shall be the Commissioner of Public Health, or his or her designee.

“(4) The Advisory Committee on Anesthesiologist Assistants shall submit initial guidelines to the Board within 180 days of the effective date of the Anesthesiologist Assistant Licensure Amendment Act of 2004, passed on 2nd reading on October 5, 2004 (Enrolled version of Bill 15-634), and shall subsequently meet at least annually to review the guidelines and make necessary revisions for submission to the Board.”

(5) Subsection (e) is amended by striking the phrase “Acupuncture,” and inserting the phrase “Acupuncture, Anesthesiologist Assistants,” in its place.

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

(A) Strike the phrase "Acupuncture," and insert the phrase "Acupuncture, Anesthesiologist Assistants," in its place.

(B) Strike the phrase "a physician assistant," and insert the phrase "an anesthesiologist assistant or a physician assistant," in its place.

(d) Section 302(12) (D.C. Official Code § 3-1203.02(12)) is amended by striking the phrase "exceeding 1 year;" and inserting the phrase "exceeding one year, and to applicants for licensure to practice as anesthesiologist assistants for a period not to exceed 2 years;" in its place.

Amend § 3-1203.02

(e) Section 401(b)(2) (D.C. Official Code § 3-1204.01(b)(2)) is amended by striking the phrase "Acupuncture," and inserting the phrase "Acupuncture, the anesthesiologist assistant member initially appointed to the Advisory Committee on Anesthesiologist Assistants," in its place.

Amend § 3-1204.01

(f) Section 501 (D.C. Official Code § 3-1205.01) is amended by striking the phrase "a physician assistant or occupational therapy assistant" and inserting the phrase "an anesthesiologist assistant, physician assistant, or occupational therapy assistant" in its place.

Amend § 3-1205.01

(g) Section 504 (D.C. Official Code § 3-1205.04) is amended by adding a new subsection (a-1) to read as follows:

Amend § 3-1205.04

"(a-1)(1) An individual applying for a license to practice as an anesthesiologist assistant under this act shall establish to the satisfaction of the Board of Medicine that the individual has:

"(A) Earned a degree or certification from an anesthesiologist assistant program accredited by the Commission for the Accreditation of Allied Health Educational Programs, or by the commission's successor;

"(B) Successfully completed the Commission for the Accreditation of Allied Health Educational Programs National Certification Exam for Anesthesiologist Assistants, or an examination administered by its successor; and

"(C) Successfully completed and has current certification for the Advanced Cardiac Life Support program as administered by the American Heart Association or its successor organization.

"(2) An application for licensure as an anesthesiologist assistant may be filed by an individual who has taken the national certification examination required under paragraph (1)(B) of this subsection but not yet received the results."

(h) A new Title VI-B is added to read as follows:

"TITLE VI-B

"ANESTHESIOLOGIST ASSISTANTS; SCOPE OF PRACTICE;

"LICENSE RENEWAL; TRANSITION; COUNCIL HEARING.

"Sec. 631. Scope of practice.

"(a) An anesthesiologist assistant shall be licensed by the Board of Medicine before administering anesthesia within the District of Columbia.

“(b) An individual licensed to practice as an anesthesiologist assistant, as that practice is defined in section 102(2A), shall have the authority to:

- “(1) Obtain a comprehensive patient history, perform relevant elements of a physical examination, and present the history to the supervising anesthesiologist;
- “(2) Pretest and calibrate anesthesia delivery systems and obtain and interpret information from the systems and monitors, in consultation with an anesthesiologist;
- “(3) Assist the supervising anesthesiologist with the implementation of medically accepted monitoring techniques;
- “(4) Establish basic and advanced airway interventions, including intubation of the trachea and performing ventilatory support;
- “(5) Administer intermittent vasoactive drugs and start and adjust vasoactive infusions;
- “(6) Administer anesthetic drugs, adjuvant drugs, and accessory drugs, including narcotics;
- “(7) Assist the supervising anesthesiologist with the performance of epidural anesthetic procedures, spinal anesthetic procedures, and other regional anesthetic techniques;
- “(8) Administer blood, blood products, and supportive fluids;
- “(9) Provide assistance to a cardiopulmonary resuscitation team in response to a life-threatening situation;
- “(10) Monitor, transport, and transfer care to appropriate anesthesia or recovery personnel;
- “(11) Participate in administrative, research, and clinical teaching activities, as authorized by the supervising anesthesiologist; and
- “(12) Perform such other tasks that an anesthesiologist assistant has been trained and is proficient to perform.

“(c) Anesthesiologist assistants shall not:

- “(1) Prescribe any medications or controlled substances;
- “(2) Practice or attempt to practice unless under the supervision of an anesthesiologist who is immediately available for consultation, assistance, and intervention;
- “(3) Practice or attempt to administer anesthesia during the induction or emergence phase without the personal participation of the supervising anesthesiologist; or
- “(4) Administer any drugs, medicines, devices, or therapies the supervising anesthesiologist is not qualified or authorized to prescribe;

“(d)(1) The supervising anesthesiologist shall be immediately available to participate directly in the care of the patient whom the anesthesiologist assistant and the anesthesiologist are jointly treating, and shall at all times accept and be responsible for the oversight of the health care services rendered by the anesthesiologist assistant.

“(2) A supervising anesthesiologist shall be present during the induction and the emergence phases of a patient to whom anesthesia has been administered.

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“(3) A supervising anesthesiologist may supervise up to 3 anesthesiologist assistants at any one time during normal circumstances, and up to 4 anesthesiologist assistants at any one time during emergency circumstances, consistent with federal rules for reimbursement for anesthesia services.

“(4) No faculty member of an anesthesiologist assistants program shall concurrently supervise more than 2 anesthesiologist assistant students who are delivering anesthesia.

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

“(1) “Anesthesiologist” means a physician who has completed a residency in anesthesiology approved by the American Board of Anesthesiology or the American Osteopathic Board of Anesthesiology and who is currently licensed to practice medicine in the District of Columbia.

“(2) “Immediately available” means the supervising anesthesiologist is:

“(A) Present in the building or facility in which anesthesia services are being provided by an anesthesiologist assistant; and

“(B) Able to directly provide assistance to the anesthesiologist assistant in providing anesthesia services to the patient in accordance with the prevailing standards of:

“(i) Acceptable medical practice;

“(ii) The American Society of Anesthesiologists’ guidelines for best practice of anesthesia in a care team model; and

“(iii) Any additional requirements established by the Board of Medicine through a formal rulemaking process.

“(3) “Supervision” means directing and accepting responsibility for the anesthesia services rendered by an anesthesiologist assistant in a manner approved by the Board of Medicine.

“Sec. 632. License renewal.

“The Board of Medicine shall renew the license of an anesthesiologist assistant who, in addition to meeting the requirements of section 510, has submitted to the Board, along with the application for renewal, documentation of current certification as an Anesthesiologist Assistant – Certified (“AA-C”) by the Commission for the Accreditation of Allied Health Education Programs, or its successor, including completion of the necessary continuing medical education credits required to maintain AA-C status.

“Sec. 633. Transition.

“For a period of 2 years following the effective date of the Anesthesiologist Assistant Licensure Amendment Act of 2004, passed on 2nd reading on October 5, 2004 (Enrolled version of Bill 15-634), all references in this act to anesthesiologist assistants shall be deemed to refer to persons meeting the requirements for licensure in the District, regardless of whether they are licensed in fact.

ENROLLED ORIGINAL

“Sec. 634. Council hearing.

“Three years from the effective date of the Anesthesiologist Assistant Licensure Amendment Act of 2004, passed on 2nd reading on October 5, 2004 (Enrolled version of Bill 15-634) (“Act”), the Council committee having jurisdiction over the Department of Health shall hold a public hearing on the appropriateness of the requirements for anesthesiologist assistants imposed by the Act.”.

(i) Section 1003 (D.C. Official Code § 3-1210.03) is amended by adding a new subsection (y) to read as follows:

Amend
§ 3-1210.03

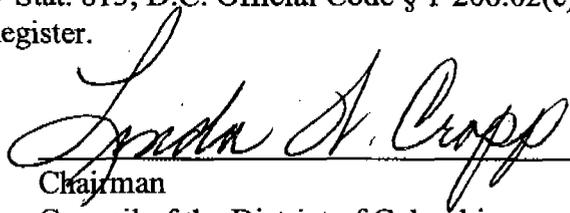
“(y) Unless authorized to practice as an anesthesiologist assistant under this act, a person shall not use or imply the use of the words or terms “anesthesiologist assistant,” or “A.A.,” or any similar title or description of services with the intent to represent that the person practices as an anesthesiologist assistant.”.

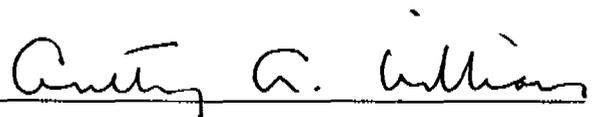
Sec. 3. Fiscal impact statement.

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. 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), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.


Chairman
Council of the District of Columbia


Mayor
District of Columbia
APPROVED

AN ACT
D.C. ACT 15-578

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
NOVEMBER 1, 2004

*Codification
District of
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Official Code*

2001 Edition

2005 Winter
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To amend the Office of Property Management Establishment Act of 1998 to require a justification for sole source contracting; to require that the Office of Property Management give notice and report to the Council of an award of a contract that involves expenditures in excess of \$500,000, including a contract with a party where multiple contracts with that party over a 12-month period, in the aggregate, involves expenditures in excess of \$500,000 (in the case of sole source contracts awarded through noncompetitive negotiations, in excess of \$50,000); to require that certain certifications be submitted to the Council for real property contracts involving expenditure in excess of \$1 million during a 12-month period; to authorize the use of experienced and independent representatives to negotiate on behalf of the District, for all proposed leases where the District is the lessee, and the annual lease obligation exceeds \$500,000 or the square footage exceeds 50,000 square feet for proposed leases where the District is the lessor, and the projected revenue will exceed \$100,000 annually or the square footage exceeds 25,000 square feet and for proposed real property dispositions; to require that the Office of Property Management assemble an inventory of all real property assets under the executive control of the Mayor; to require a periodic audit of the District's lessor obligations to determine whether it would be in the best interests of the District to consider lease renegotiation, and to compare the costs and benefits of continuing month-to-month leases where the District is the lessee; and to require written rules governing the functions of the Office of Property Management.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Property Management Reform Amendment Act of 2004".

Sec. 2. The Office of Property Management Establishment Act of 1998, effective March 26, 1999 (D.C. Law 12-175; D.C. Official Code § 10-1001 *et seq.*), is amended as follows:

(a) A new section 1801a is added to read as follows:

"Sec. 1801a. Definitions.

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

“(1) “Contract” means a contract to acquire or dispose, in whole or in part, of a real property asset, by lease, purchase, sale, or otherwise, which contract is awarded by the Officer in accordance with rules established pursuant to section 1806h. The term “contract” shall include a contract to acquire a leasehold interest in which the landlord constructs, for the benefit of the District’s use, leasehold improvements affixed to the real estate. The term “contract” shall also include a contract to acquire representative services pursuant to section 1806e.

“(2) “Funding certification” means an analysis prepared by the Chief Financial Officer which concludes that the proposed expenditures have been appropriated and are consistent with the financial plan and budget adopted in accordance with D.C. Official Code §§ 47-392.01 and 47-392.02.

“(3) “Legal sufficiency certification” means an analysis prepared by the Attorney General which concludes that the proposed contract complies with applicable law. A legal sufficiency certification shall include a statement of whether the proposed grantor, lessor, or other such party conveying an interest in real property has any currently pending claims against the District.

“(4) “Officer” means the Chief Property Management Officer.

“(5) “Party” means any person or entity, including a corporation, general or limited partnership, limited liability company, trust, association, or cooperative, or any person or entity owning or owned by (in any percentage) such person or entity.

“(6) “Qualified real estate professional” means an individual licensed to provide real estate brokerage services in the District pursuant to the District of Columbia Real Estate Licensure Act of 1982, effective March 10, 1983 (D.C. Law 4-209; D.C. Official Code § 42-1701 *et seq.*).

“(7) “Real property asset” means real property titled in the name of the District or in which the District has an interest or jurisdiction and includes all structures of a permanent character erected thereon or affixed thereto, any natural resources located thereon or thereunder, all riparian rights attached thereto, or any air space located above or below the property or any street or alley under the jurisdiction of the Mayor.

“(8) “Representative” means a qualified real estate professional who is not an employee of the District government.

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

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

“(ii) The contract is in the best interests of the District.

“(10) “Tax certification” means an analysis prepared by the Chief Financial Officer which concludes that the proposed grantor, lessor, or other party conveying an interest in a real property asset:

“(A) Is current with its District and federal tax obligations; or
“(B) Has worked out, and is current with, a payment schedule approved by the District or the federal government.”.

(b) New sections 1806a through 1806i are added to read as follows:

“Sec. 1806a. Sole source contracting.

“Contracts may be awarded through noncompetitive negotiations when, under rules implementing this section issued by the Office pursuant to section 1806h, the Officer provides a sole source certification.

“Sec. 1806b. Notice and contract summary to the Council on certain contracts.

“(a) Within 30 days after the award of a contract, the Office shall provide notice and a contract summary to the Council, together with a copy of the contract, if the contract:

“(1) Involves expenditures in excess of \$500,000;

“(2) Together with all other contracts awarded by the Officer to a party during a 12-month period, in the aggregate, involves expenditures in excess of \$500,000;

“(3) Is a sole source contract awarded pursuant to section 1806a which involves expenditures in excess of \$50,000; or

“(4) Is a sole source contract awarded pursuant to section 1806a which, together with all sole source contracts awarded by the Officer to a party pursuant to section 1806a during a 12-month period, in the aggregate, involves expenditures in excess of \$50,000.

“(b) The contract summary under subsection (a) of this section shall be in accordance with section 1806d.

“Sec. 1806c. Criteria for Council review and approval of certain contracts.

“(a) Prior to the award of a contract involving expenditure in excess of \$1 million during a 12-month period, the Mayor shall submit the proposed contract to the Council for review and approval in accordance with this act.

“(b) A proposed contract submitted pursuant to this section shall be accompanied by a contract summary in accordance with section 1806d.

“(c) The Council shall be deemed to approve a contract submitted pursuant to this section if one of the following occurs:

“(1) During the 10-day period beginning on the date the Mayor submits the contract to the Secretary to the Council, no member of the Council introduces a resolution approving or disapproving the contract; or

“(2) During the 45-calendar day period beginning on the date the Mayor submits the contract to the Secretary to the Council, the Council, by resolution, does not disapprove the contract.

“Sec. 1806d. Contract summary for Council review.

“The notice pursuant to section 1806b or a proposed contract submitted pursuant to section 1806c shall be accompanied by a summary, which shall include the following:

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“(1) The name of the proposed grantor, lessor, or other party conveying an interest in real property and the party to receive the consideration to be paid by the District (if other than the party effecting the conveyance);

“(2) The consideration to be paid by the District;

“(3) A legal description of the real property asset that is the subject of the contract;

“(4) For all leases, the primary term of the lease, a description of options to renew the lease, and a description of options to purchase the real property;

“(5) For all leases, the base rent or fees and a schedule of escalations thereunder;

“(6) A description of the District’s specific real property need associated with the proposed contract and a rationale for selection of the real property asset to be acquired by purchase, lease, or other method of acquisition;

“(7) A brief description of the building to be constructed, altered, purchased, or acquired, or the space to be leased, including its location, size, and condition (if applicable), and its conformity with allowable uses under the Zoning regulations;

“(8) An estimate of the gross and net costs to the District government of the facility to be constructed, altered, purchased, or acquired, or the space to be leased;

“(9) The facility’s conformity with the Public Facilities Plan developed pursuant to Title VI of the District of Columbia Comprehensive Plan Act of 1984, effective April 10, 1984 (D.C. Law 5-76; 31 DCR 1049);

“(10) A statement by the Officer that suitable space owned by the District is not available or cannot be reasonably renovated or altered and that suitable rental space is not available at a price commensurate with the space and price to be afforded through the proposed action, including a current survey of suitable vacant rental office space;

“(11) A certification by the Officer that no other public space is available, including surplus government property that is under the control of the Board of Education;

“(12) A statement by the Officer of rents and other housing costs currently being paid by the District for entities of the District government to be housed in the building to be constructed, altered, purchase, or acquired, or the space to be leased;

“(13) A funding certification;

“(14) A legal sufficiency certification;

“(15) A tax certification; and

“(16) Other aspects of the proposed contract that the Officer considers significant.

“Sec. 1806e. Representative program.

“(a) The Officer may contract for the services of a representative to provide real estate brokerage services for the following:

“(1) For proposed leases where the District is the lessee, if the annual lease obligation exceeds \$500,000 or the square footage exceeds 50,000 square feet;

“(2) For proposed leases where the District is the lessor, if the projected revenue will exceed \$100,000 annually or the square footage exceeds 25,000 square feet; or

“(3) For all proposed contracts for the sale of real property.

“(b) Each contract for the services of a representative shall be awarded on a competitive basis to a qualified real estate professional.

“(c) The representative shall perform an analysis of all aspects of the proposed contract, including the costs and benefits, and shall negotiate on behalf of the District; provided, that the representative shall not bind the District, and the terms of the contract shall be approved by the Officer or, as required, by the Council.

“(d) For each contract submitted to the Council pursuant to section 1806b or section 1806c, the analysis conducted for that specific contract under this section shall be submitted to the Council for its review.

“(e) Fees paid for the services of a representative may be paid by either party in a transaction, either as a percentage of the total contract value or a fixed dollar amount, according to the terms of the contract as negotiated between the Officer and the representative.

“Sec. 1806f. Inventory of real property assets.

“(a)(1) The Office shall submit to the Council an inventory of all real property assets, based upon information provided by each District department, agency, and instrumentality under the executive control of the Mayor. The inventory shall be maintained by the Office on a centralized automated database. The inventory shall contain:

“(A) A detailed description of each real property asset, including the current and prospective future uses of said asset; and

“(B) Facility condition assessments, which shall contain a proposed or actual annual budget for maintenance and deferred maintenance, and a detailed description and estimate of any needed repairs.

“(2) This subsection shall apply within 12 months of the effective date of the Property Management Reform Amendment Act of 2004, passed on 2nd reading on October 5, 2004 (Enrolled version of Bill 15-715), to improved commercial real property assets, whether occupied or unoccupied, and all real property assets that the Board of Education (“Board”) has determined to be no longer needed for educational purposes and for which jurisdiction has been transferred by the Board to the Mayor for disposal.

“(3) This subsection shall apply within 18 months after the effective date of the Property Management Reform Amendment Act of 2004, passed on 2nd reading on October 5, 2004 (Enrolled version of Bill 15-715), to improved residential real property assets and unimproved real property assets, not including unimproved land used solely for recreational purposes.

“(4) This subsection shall apply within 24 months after the effective date of the Property Management Reform Amendment Act of 2004, passed on 2nd reading on October 5, 2004 (Enrolled version of Bill 15-715), to all real property assets.

“(b) Thereafter, the inventory for each real property asset listed in the database pursuant to subsection (a) of this section shall be updated at least once every 3 years.

“(c) The Officer shall submit to the Council an annual report indicating the changes in the inventory no later than 30 days after the beginning of the fiscal year.

“Sec. 1806g. Periodic audit of leased properties.

“Within 12 months after the effective date of the Property Management Reform Amendment Act of 2004, passed on 2nd reading on October 5, 2004 (Enrolled version of Bill 15-715), and, thereafter not less than once annually, the Officer shall conduct an audit of all leased real property assets as follows:

“(1) If the District is the lessor, the Office shall review the lease to determine whether it would be in the best interests of the District to consider lease renegotiation and submit to the Council a report summarizing the results of the review.

“(2) If the District is the lessee under a month-to-month lease, the Office shall submit a report to the Council detailing:

“(A) The annualized cost to the District of continuing the month-to-month lease; and

“(B) The benefit to the District of continuing the month-to-month lease.

“(3) If the Office determines that the costs of maintaining a month-to-month lease where the District is the lessee outweighs its benefits, within 30 days of that determination, the Office shall submit a detailed plan to the Council to relocate the agency or function under a long-term lease.

“(4) Within 12 months after the effective date of the Property Management Reform Amendment Act of 2004, passed on 2nd reading on October 5, 2004 (Enrolled version of Bill 15-715), and, thereafter not less than once annually, for properties where the District is either a lessor or lessee, the Office shall submit an annual report setting forth the monthly rent roll itemizing the base rent, payments, and receipts for each leased property.

“Sec. 1806h. Certain contracting rules.

“(a)(1) Within 180 days of the effective date of the Property Management Reform Act of 2004, passed on 2nd reading on October 5, 2004 (Enrolled version of Bill 15-715), the Officer shall propose rules detailing written policies, procedures, internal control measures, and performance standards governing:

“(A) The performance of the functions and operations of the Office under this act; and

“(B) The functions and operations of personnel in other agencies performing property management functions.

“(2) The proposed rules shall include standard forms for all contracts as defined in this act.

“(b) The proposed rules shall be submitted to the Council for a 60-day review period, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does

not approve or disapprove the proposed rules, in whole or in part, by resolution within the 60-day review period, the proposed rules shall be deemed approved.

“Sec. 1806i. Jurisdiction.

“Jurisdiction over any civil dispute, claim, protest, or cause of action whatsoever, including an action or claim of possession, arising out of or relating to a contract, shall be vested exclusively in the Superior Court of the District of Columbia.”

Sec. 3. Section 705(c) of the District of Columbia Revenue Act of 1970, approved January 5, 1971 (84 Stat. 1939; D.C. Official Code § 1-301.91(c)), is repealed.

Sec. 4. 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. 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. 788; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
November 1, 2004