

ENROLLED ORIGINAL

A RESOLUTION

15-679

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 5, 2004

To confirm the appointment of Ms. Monica Palacio to the District of Columbia Commission on Human Rights.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Commission on Human Rights Monica Palacio Confirmation Resolution of 2004".

Sec. 2. The Council of the District of Columbia confirms the appointment of:

Ms. Monica Palacio
2614 22nd Street, N.E.
Washington, D.C. 20018
(Ward 5)

as a member of the District of Columbia Commission on Human Rights, established by Commissioner's Order 71-224, dated July 8, 1971, and in accordance with section 2(e)(8) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code §1-523.01(e)(8)), for a term to end December 31, 2006.

Sec. 3. The Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, each to the nominee and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

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A RESOLUTION

15-678

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 5, 2004

To confirm the appointment of Mr. Michael D. Woodard to the District of Columbia Commission on Human Rights.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Commission on Human Rights Michael D. Woodard Confirmation Resolution of 2004".

Sec. 2. The Council of the District of Columbia confirms the appointment of:

Mr. Michael D. Woodard
103 G Street, S.W., Apt. B312
Washington, D.C. 20024
(Ward 6)

as a member of the District of Columbia Commission on Human Rights, established by Commissioner's Order 71-224, dated July 8, 1971, and in accordance with section 2(e)(8) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code §1-523.01(e)(8)), for a term to end December 31, 2006.

Sec. 3. The Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, each to the nominee and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

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A RESOLUTION

15-680

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 5, 2004

To confirm the reappointment of Ms. Deborah Wood Dorsey to the District of Columbia Commission on Human Rights.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Commission on Human Rights Deborah Wood Dorsey Confirmation Resolution of 2004".

Sec. 2. The Council of the District of Columbia confirms the reappointment of:

Ms. Deborah Wood Dorsey
4000 Massachusetts Avenue, N.W., Apt. #1032
Washington, D.C. 20016
(Ward 3)

as a member of the District of Columbia Commission on Human Rights, established by Commissioner's Order 71-224, dated July 8, 1971, and in accordance with section 2(e)(8) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01(e)(8)), for a term to end December 31, 2006.

Sec. 3. The Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, each to the nominee and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

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A RESOLUTION

15-681

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 5, 2004

To disapprove the Mayoral nomination of James J. Jacobs as Chief Risk Officer and head of the Office of Risk Management.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Chief Risk Officer James J. Jacobs Disapproval Resolution of 2004".

Sec. 2. The Council of the District of Columbia disapproves the nomination of:

Mr. James J. Jacobs
232 Tuckerman Street, N.W.
Washington, DC 20011

as the Chief Risk Officer and head of the Office of Risk Management, in accordance with section 3(b) of Reorganization Plan No. 1 of 2003, effective December 15, 2003 (50 DCR 7298), and section 2 of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01).

Sec. 3. The Secretary to the Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, each to the nominee and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

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A RESOLUTION

15-682

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 5, 2004

To declare the existence of an emergency, due to Congressional review, with respect to the need to maintain in effect measures necessary to support action taken on the District's Fiscal Year 2005 proposed budget.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Fiscal Year 2005 Budget Support Congressional Review Emergency Declaration Resolution of 2004".

Sec. 2. (a) The Council enacted the Fiscal Year 2005 Budget Support Emergency Act of 2004, effective August 2, 2004 (D.C. Act 15-486; 51 DCR 8236) ("Emergency Act"). The Emergency Act will expire on October 31, 2004.

(b) Permanent legislation, the Fiscal Year 2005 Budget Support Act of 2004, signed by the Mayor on August 2, 2004 (D.C. Act 15-487; 51 DCR 8441), was transmitted to Congress on September 3, 2004, for the 30-day review period required by 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 is not projected to become law until February 28, 2005.

(c) It is important that the provisions of the Emergency Act continue in effect, without interruption, until the permanent legislation is in effect.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Fiscal Year 2005 Budget Support Congressional Review Emergency Act of 2004 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

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A RESOLUTION

15-683

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 5, 2004

To declare the existence of an emergency, due to Congressional review, with respect to the need to amend the District of Columbia Traffic Act, 1925, to establish the crime of fleeing from a law enforcement officer in a motor vehicle, and to establish penalties for the commission of the crime.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Fleeing Law Enforcement Prohibition Congressional Review Emergency Declaration Resolution of 2004".

~~Sec. 2. (a) Motorists fleeing from law enforcement officers threaten the safety of residents in the District of Columbia.~~

(b) The Council has enacted emergency legislation (D.C. Act 15-495) to establish the crime of fleeing from law enforcement officers in a motor vehicle, and to establish penalties for the commission of the crime.

(c) The Fleeing Law Enforcement Prohibition Emergency Amendment Act of 2004, effective July 19, 2004 (D.C. Act 15-495; 51 DCR 8794), will expire on October 17, 2004.

(d) The Fleeing Law Enforcement Prohibition Amendment Act of 2004, signed by the Mayor on October 4, 2004 (D.C. Act 15-528), is pending Congressional review, making emergency legislation necessary to prevent a gap in the legal authority.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Fleeing Law Enforcement Prohibition Congressional Review Emergency Amendment Act of 2004 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

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A RESOLUTION

15-684

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 5, 2004

To declare the existence of an emergency, due to Congressional review, with respect to the need to amend Chapter 23 of Title 16 of the District of Columbia Official Code to require that the court find by clear and convincing evidence that a juvenile who has pled or been found guilty of an offense is not in need of care or rehabilitation before the court can dismiss the matter at disposition, to confirm that a case may not be dismissed only on the grounds that a child is receiving care and rehabilitation in another case, and to require the involvement and participation of a parent, guardian, or other person with whom a child resides, in the rehabilitation process.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Juvenile Justice Congressional Review Emergency Declaration Resolution of 2004".

Sec. 2. (a) Hearings held by the Committee on the Judiciary on a number of bills related to juvenile justice issues have demonstrated significant shortcomings in existing law. Among issues highlighted were concerns that juveniles who were adjudicated for more than one delinquent act often had their cases dismissed simply because they were already receiving care and rehabilitation in another case and, therefore, were not being penalized for the serial nature of their acts. Additionally, the witnesses emphasized the problem of lack of parental involvement in juvenile court proceedings.

(b) Emergency legislation is needed to respond to this problem by establishing that a judge may not dismiss a case until it reaches the disposition phase and that a case may not be dismissed on the sole ground that a juvenile is receiving care and rehabilitation in another case.

(c) The Committee on the Judiciary has approved permanent legislation, Bill 15-537, the Omnibus Juvenile Justice Act of 2004, that includes these provisions. Bill 15-537 will be considered by the full Council on October 5, 2004.

(d) The Juvenile Justice Emergency Act, effective July 19, 2004 (D.C. Act 15-497; 51 DCR 8802), will expire on October 17, 2004.

(e) The Juvenile Justice Temporary Act, signed by the Mayor on October 4, 2004 (D.C. Act 15-532), is pending Congressional review, making emergency legislation necessary to prevent a gap in the legal authority.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Juvenile Justice Congressional Review Emergency Act of 2004 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

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A RESOLUTION

15-685

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 5, 2004

To declare the existence of an emergency, due to Congressional review, with respect to the need to amend the Office of Administrative Hearings Establishment Act of 2001 to clarify the office's jurisdiction over tax assessment protests and to provide that a person who has chosen to challenge a proposed tax assessment by appealing to the office is deemed to have waived a challenge to the proposed tax assessment in any other forum, to provide that a board or commission may delegate its authority to hear occupational or professional licensing and discipline cases to the office, with the office's final order appealable to the board or commission, and to make conforming changes to Title 47 of the District of Columbia Official Code to reflect the Office of Administrative Hearings' jurisdiction for tax assessment protests.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Office of Administrative Hearings Establishment Congressional Review Emergency Declaration Resolution of 2004".

Sec. 2. (a) The Council has enacted emergency legislation (D.C. Act 15-513) and permanent legislation (D.C. Act 15-522) to clarify that OAH shall have jurisdiction over tax assessment protests and that a person who appeals to the office shall be deemed to have waived a challenge in any other forum; that a board or commission may delegate its authority to hear occupational or professional licensing and discipline cases to the office, with the office's final order appealable to the board or commission; and to make conforming changes to Title 47 of the District of Columbia Official Code to reflect the Office of Administrative Hearings' jurisdiction for tax assessment protests.

(b) The emergency legislation will expire on October 31, 2004, and the permanent legislation is still undergoing Congressional review and will not have become law before the emergency legislation expires.

(c) Therefore, the Council must approve emergency legislation to maintain the effectiveness of its clarification that OAH shall have jurisdiction over tax assessment protests; that a board or commission may delegate its authority to hear occupational or professional licensing and discipline cases to the office, with the office's final order appealable to the board

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or commission; and to make conforming changes to Title 47 of the District of Columbia Official Code to reflect the Office of Administrative Hearings' jurisdiction for tax assessment protests.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Office of Administrative Hearings Establishment Congressional Review Emergency Amendment Act of 2004 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

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A RESOLUTION

15-686

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 5, 2004

To declare an emergency, due to Congressional review, with respect to the need to exempt the Georgetown underground utility infrastructure upgrade project, known as the Georgetown Project, from the maximum noise level restrictions; to amend the District of Columbia Construction Codes to exempt the "Georgetown Project" from the limitations on after-hours work; to exempt the operators of emergency generator equipment from maximum noise level restrictions as necessary; to clarify the definition of noise disturbance to provide that the measurement of the noise decibel level is not required evidence of violations that occur outside the Central Employment Area, outside an area zoned manufacturing or industrial, or at night; to limit the exemption for music from religious services to exclude amplified sounds; to prohibit noise disturbances from motor vehicle stereo systems; to limit the duration of noise from motor vehicle alarm systems; to allow measurement of noise from 25 feet from the construction or demolition noise when the construction work is performed inside an occupied multi-unit apartment building, hospital, nursing home, community based residential facility or other similar facility which serves as a temporary or permanent dwelling for its residents; to expand the exemption for District owned vehicles to allow residential refuse collection to begin at 6 a.m. during the months of June, July, and August and to clarify what operation of a trash collection vehicle means; to raise the maximum fine for the violation of any provision of the Act from \$300 to \$1000; to require property owners and landlords to provide tenants with written notice and to comply with the District of Columbia Noise Control Act and Noise Control Regulations when construction or maintenance work will occur in an occupied unit within an apartment building for over 48 hours and the noise from the work will exceed 60 decibels; and to adopt technical amendments to correct errors in subsection designation.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Georgetown Project and Noise Control Amendment Congressional Review Emergency Declaration Resolution of 2004".

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Sec. 2. (a) On July 13, 2004, the Council passed Bill 15-280, the Georgetown Project and Noise Control Amendment Act of 2004, which amends the District of Columbia Noise Control Act of 1977 and some other District laws in several ways. That bill is now D.C. Act 15-505 and is expected to become effective on February 28, 2005.

(b) On July 13, 2004, an emergency version of Bill 15-280 was also passed. Bill 15-924, the Georgetown Project and Noise Control Emergency Amendment Act of 2004, was enacted on August 2, 2004 and expires on October 31, 2004.

(c) The Committee held a Public Roundtable on the permanent legislation on January 22, 2004. The purposes of the Georgetown Project and Noise Control Amendment Act of 2004 include: (1) to exempt the Georgetown underground utility infrastructure upgrade project, known as the Georgetown Project, from the maximum noise level restrictions; (2) to amend the District of Columbia Construction Codes to exempt the "Georgetown Project" from the limitations on after-hours work; (3) to exempt the operators of emergency generator equipment from maximum noise level restrictions as necessary; (4) to clarify the definition of noise disturbance to provide that the measurement of the noise decibel level is not required evidence of violations that occur outside the Central Employment Area, outside an area zoned manufacturing or industrial, or at night; (5) to limit the exemption for music from religious services to exclude amplified sounds; (6) to prohibit noise disturbances from motor vehicle stereo systems; (7) to limit the duration of noise from motor vehicle alarm systems; (8) to allow measurement of noise from 25 feet from the construction or demolition noise when the construction work is performed inside an occupied multi-unit apartment building, hospital, nursing home, community based residential facility or other similar facility which serves as a temporary or permanent dwelling for its residents; (9) to expand the exemption for District owned vehicles to allow residential refuse collection to begin at 6 a.m. during the months of June, July, and August and to clarify what operation of a trash collection vehicle means; to raise the maximum fine for the violation of any provision of the Act from \$300 to \$1000; (10) to amend the Housing Code Regulations to require property owners and landlords to provide tenants with written notice and to comply with the District of Columbia Noise Control Act and Noise Control Regulations when construction or maintenance work will occur in an occupied unit within an apartment building for over 48 hours and the noise from the work will exceed 60 decibels; and (11) to adopt technical amendments to District of Columbia Noise Control Act of 1977 Amendment Act of 1986 to correct errors in subsection designation

(d) In order to avoid a gap in enforcement due to Congressional review of the permanent legislation prior to Bill 15-280 becoming effective, it is necessary to pass the Georgetown Project and Noise Control Amendment Congressional Review Emergency Amendment Act of 2004.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Georgetown Project and Noise Control Amendment Congressional Review Emergency Act of 2004 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

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A RESOLUTION

15-687

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 5, 2004

To declare the existence of an emergency, due to Congressional review, to permit the Department of Insurance, Securities, and Banking to spend fees generated from the Certified Capital Companies Act of 2003; and to amend the Captive Insurance Company Act of 2000 to repeal the sponsored cell provisions and replace them with provisions for the establishment, operation, and liquidation of segregated accounts.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Captive Insurance Company Enhancement Congressional Review Emergency Declaration Resolution of 2004".

Sec. 2. (a) The reason that this Congressional review legislation is necessary is because the emergency legislation is due to expire on October 17, 2004 and the temporary legislation is not expected to be approved by Congress until February 2005. Consequently, it is necessary to pass this Congressional review legislation to ensure that there will not be a gap in the effectiveness of the law. Currently, the Committee on Consumer and Regulatory Affairs is working on an overall permanent piece of captive insurance legislation. It is the Committee's intent to pass that legislation on an emergency basis in November; thus, the gap will not be necessary to fill in January because the overall bill includes the aspects of this legislation.

(b) The District of Columbia enacted its captive insurance company law in October of 2000. Since that time, many provisions of the law have become outdated. Recently, the Department of Insurance, Securities, and Banking has been approached by several businesses, including a few large national and international organizations, who are interested in forming captive insurance companies in the District, and want to form those captive insurance companies with the use of segregated accounts. The use of segregated accounts is currently not permitted under District laws. These organizations would generate substantial revenue for District businesses and additional tax dollars for the District government. The companies must form these captive insurance companies in the District in the coming weeks because their insurance programs are expiring soon.

(c) These large companies are interested in establishing their captives in the District, but

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only if the amendments offered in this emergency are passed by the Council. These companies will form their captives in other jurisdictions if the these amendments are not made on an emergency basis.

(d) The emergency act is also needed to make use of the fees generated by the certified capital companies act to fund the operations of the Department's insurance regulatory trust fund. Several certified capital companies are planning on forming in the District late this summer. Without this amendment passed on an emergency basis the money generated through the formation of these companies will not be available for use in the regulation of these companies.

(e) These amendments must be passed on an emergency basis to ensure that the regulation of the insurance industry continues to be done in a manner that competes sufficiently with other jurisdictions.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Captive Insurance Company Enhancement Congressional Review Emergency Amendment Act of 2004 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

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A RESOLUTION

15-688

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 4, 2004

To declare the existence of an emergency, due to Congressional review, with respect to the need to authorize the Mayor to require the owner of a multiple dwelling, upon written request by a rental tenant or owner-occupant of that dwelling, to order a water lead level test kit for that tenant or owner-occupant within 15 calendar days of receiving the written request to allow the tenant or owner-occupant to collect a sample of his or her tap water and have it tested for lead, to ensure that the water sample is tested for lead and that the result is provided to the tenant or owner-occupant and any other rental tenant or owner-occupant of the dwelling who requests a copy and that the result is conspicuously posted on the premises, and to establish a penalty for failure to comply.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Multiple Dwelling Residence Water Lead Level Test Congressional Review Emergency Declaration Resolution of 2004".

Sec. 2. (a) The District has been faced with the problem of increased levels of lead in the tap water of certain residents. The District of Columbia Water and Sewer Authority ("WASA") has been providing water lead level test kits to District residents in single-family homes who have requested one.

(b) Some of the owners of multiple dwellings such as apartment buildings, condominium buildings, and cooperative buildings, had been having difficulty receiving kits from WASA to test the lead level of the tap water in their buildings after having been requested to do so by a resident of the building.

(c) In the public interest, the Council, in June 2004, enacted the Multiple Dwelling Residence Water Lead Level Test Emergency Act of 2004, effective July 19, 2004 (D.C. Law 15-483; 51 DCR 7833) ("Emergency Act") to address and remedy this matter. The Emergency Act will expire on October 17, 2004.

(d) Temporary legislation, the Multiple Dwelling Residence Water Lead Level Test Temporary Act of 2004, signed by the Mayor on August 2, 2004 (D.C. Act 15-488; 51 DCR 8543), was transmitted to Congress on September 3, 2004, for the 30-day review period required

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by 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 is not projected to become law until February 28, 2005.

(e) It is important that the provisions of the Emergency Act continue in effect, without interruption, until the temporary legislation is law.

Sec. 3. The Council determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Multiple Dwelling Residence Water Lead Level Test Congressional Review Emergency Act of 2004 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

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A RESOLUTION

15-689

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 5, 2004

To declare the existence of an emergency, due to Congressional review, with respect to the need to extend the life of the free clinic assistance program until October 1, 2008.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Free Clinic Assistance Program Extension Congressional Review Emergency Declaration Resolution of 2004".

Sec. 2. (a) The Free Clinic Assistance Program Act of 1986, effective September 23, 1986 (D.C. Law 6-155; D.C. Official Code § 1-207.21 *et seq.*) ("Act"), is set to sunset on September 23, 2004. The Act provides insurance for free clinics for which medical liability insurance is available, but only at a rate that is so high as to make it economically infeasible for the clinic to pay. This emergency legislation is necessary to prevent the Act from sunseting while the permanent piece of legislation for an extension of this Act is being considered. Without an extension of this program, the clinics may be unable to operate.

(b) The Free Clinic Assistance Program Extension Emergency Amendment Act of 2004, effective July 19, 2004 (D.C. Act 15-484; 51 DCR 7838), expires on October 17, 2004. The Free Clinic Assistance Program Extension Temporary Amendment Act of 2004, signed by the Mayor on August 2, 2004 (D.C. Act 15-492; 51 DCR 8785), is pending Congressional review. The Free Clinic Assistance Program Extension Amendment Act of 2004, as introduced on June 29, 2004 (D.C. Bill 15-915), is pending in committee.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Free Clinic Assistance Program Extension Congressional Review Emergency Amendment Act of 2004 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

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A RESOLUTION

15-690

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 5, 2004

To declare the existence of an emergency, due to Congressional review, with respect to the need to avert the unintended, premature termination of existing mental health civil commitments, by extending the period in which petitions for recommitment may be filed.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Mental Health Civil Commitment Extension Second Congressional Review Emergency Declaration Resolution of 2004".

Sec. 2. (a) The Council adopted the Mental Health Civil Commitment Extension Emergency Act of 2004, effective June 23, 2004 (D.C. Act 15-450) ("Emergency Act"), to avoid the premature release on July 1, 2004 of persons who have been civilly committed, which otherwise would have been required by amendments made to the civil commitment process by the Mental Health Civil Commitment Act of 2002, effective April 4, 2003 (D.C. Law 14-283; 50 DCR 917) ("Act").

(b) The Act contains several amendments designed to modernize the District's statutory scheme for civil commitment. The Act changes the commitment term for persons who have been civilly committed from being of indeterminate duration to a one-year period. It also creates a streamlined judicial procedure for annual recommitment of those still in need of commitment.

(c) The provisions of the Act that change the commitment term and provide for an annual recommitment procedure require affirmative Congressional enactment before they can be implemented because section 602(a)(7) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(a)(7)), prohibits the Council from enacting legislation relating to the Commission on Mental Health.

(d) In section 2(gg) of the Act, the Council provided that all indeterminate commitments would terminate as of July 1, 2004, unless a petition for recommitment were filed prior to that date. In adopting that provision, the Council had anticipated that Congressional enactment of the provisions relating to the Commission on Mental Health would have occurred by January 1, 2003, leaving an 18-month window for the Department of Mental Health, and other providers, to file recommitment petitions in all existing commitment cases. However, because Congress had not yet enacted those provisions, there was not a recommitment mechanism in place and existing

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commitments would have terminated effective July 1, 2004 if the period for filing petitions for recommitment had not been extended by the Emergency Act.

(e) The Council anticipates that Congress will be enacting the necessary provisions in the near future. However, even if Congress had acted prior to July 1, 2004, there would not have been sufficient time to allow for consideration, filing, and execution of recommitment petitions in existing commitment cases.

(f) The Emergency Act adopted by the Council on June 1, 2004 averted the premature termination of existing commitments and allowed for ample time to consider and file recommitment petitions. The legislation established a period of 18 months for the filing of petitions after the effective date of the Congressional enactment of the applicable provisions

(g) The Mental Health Civil Commitment Extension Congressional Review Emergency Act of 2004, effective August 2, 2004 (D.C. Act 15-526; 51 DCR 9140), expires on October 31, 2004. The Mental Health Civil Commitment Extension Temporary Act of 2004, signed by the Mayor on July 19, 2004 (D.C. Act 15-473; 51 DCR 7601), is pending Congressional review. The Mental Health Civil Commitment Extension Act of 2004, as introduced on June 1, 2004 (D.C. Bill 15-871), is pending in committee.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Mental Health Civil Commitment Extension Second Congressional Review Emergency Act of 2004 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.