ENROLLED ORIGINAL

AN ACT

D.C. ACT 15-489

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

AUGUST 2, 2004

Codification District of Columbia Official Code

2001 Edition

2005 Spring Supp.

West Group Publisher

To amend the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to treat former District government employees who are federal annuitants the same as former federal government employees who are federal annuitants by eliminating the reduction in pay of a former District government employee who is a reemployed federal annuitant.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "District Government Reemployed Annuitant Offset Elimination Amendment Act of 2004".

Sec. 2. The second sentence of section 1103(b) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-611.03(b)), is amended by adding the phrase "5 U.S.C. § 8331," after the phrase "received by the reemployed individual pursuant to". Amend § 1-611.03

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

ENROLLED ORIGINAL

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
August 2, 2004

ENROLLED ORIGINAL

AN ACT

D.C. ACT 15-490

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

AUGUST 2, 2004

To amend section 12(e) of Article 29 of the Harbor and Boating Safety Regulations of the Police Regulations of the District of Columbia to require children under 13 years of age to wear personal flotation devices while on recreational vessels.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Juvenile Flotation Device Requirement Amendment Act of 2004".

Sec. 2. Section 12(e) of Article 29, Harbor and Boating Safety Regulations of the Police Regulations, effective July 12, 1979 (D.C. Law 3-25; 19 DCMR §§ 1026.7 and 1026.8), is amended by adding a new paragraph (1A) to read as follows: DCMR

"(1A) No person may operate a recreational vessel underway with any child under 13 years old aboard unless each such child is below decks, in an enclosed cabin, or wearing a Coast Guard approved personal flotation device of the proper size.".

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

ENROLLED ORIGINAL

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

Linda W. Cropp
Chairman
Council of the District of Columbia

Anthony A. Williams
Mayor
District of Columbia

APPROVED
August 2, 2004

ENROLLED ORIGINAL

AN ACT

D.C. ACT 15-491

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

AUGUST 2, 2004

Codification District of Columbia Official Code

2001 Edition

2005 Spring Supp.

West Group Publisher

To amend, on a temporary basis, the Washington Convention Center Authority Act of 1994 to extend the terms of the appointees of the Washington Convention Center Authority Advisory Committee until December 31, 2004.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Washington Convention Center Authority Advisory Committee Continuity Third Temporary Amendment Act of 2004".

Sec. 2. Section 218(g) of the Washington Convention Center Authority Act of 1994, effective September 28, 1994 (D.C. Law 10-188; D.C. Official Code § 10-1202.18(g)), is amended to read as follows:

Note, § 10-1202.18

"(g) The Committee shall continue to advise the Authority until December 31, 2004, at which time it shall be dissolved.".

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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

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.

Linda W. Cropp
Chairman
Council of the District of Columbia

Anthony A. Williams
Mayor
District of Columbia

APPROVED
August 2, 2004

ENROLLED ORIGINAL

AN ACT

D.C. ACT 15-492

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

AUGUST 2, 2004

Codification District of Columbia Official Code

2001 Edition

2005 Spring Supp.

West Group Publisher

To amend, on a temporary basis, the Free Clinic Assistance Program Act of 1986 to extend the life of the free clinic assistance program until October 1, 2008.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Free Clinic Assistance Program Extension Temporary Amendment Act of 2004".

Sec. 2. Section 7(b) of the Free Clinic Assistance Program Act of 1986, effective September 23, 1986 (D.C. Law 6-155; D.C. Official Code § 1-307.26), is amended by striking the phrase "September 23, 2004" and inserting the phrase "October 1, 2008" in its place.

Note, § 1-307.26

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 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.

Linda W. Cropp

Chairman
Council of the District of Columbia

Anthony A. Williams

Mayor
District of Columbia
APPROVED
August 2, 2004

SEP 1 0 2004 ENROLLED ORIGINAL

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

Bill Number	Type: Emergency ( ) Temporary (X) Permanent ( ) Amendment ( )	Date Reported: 6/25/04

Subject/Short Title: The "Free Clinic Assistance Program 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).	( )	(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)	( )

Part II: Quick 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)	( )
Without an extension of this program, the free clinics will be unable to operate.		
4. Are funds appropriated for this bill in the Budget and Financial Plan for the current year?	(x)	( )
It is covered by the District's settlements and judgments account.		

Sources of information:	Councilmember Sandy Allen
	Staff Person & Tel: Eric J. Goulet (202) 724-8060
	Council Budget Director's Signature: [signature] 6/25/04

ENROLLED ORIGINAL

AN ACT

D.C. ACT 15-493

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

AUGUST 2, 2004

Codification District of Columbia Official Code

2001 Edition

2004 Fall Supp.

West Group Publisher

To amend, on an emergency basis, section 25-1002 of the District of Columbia Official Code to clarify and revise the criminal and civil penalties to be imposed upon persons under 21 years of age who purchase, attempt to purchase, possess, or drink an alcoholic beverage, persons who make false representations or possess or present fraudulent identification for the purchase, possession, or drinking of an alcoholic beverage, and persons who present fraudulent identification for the purpose of entering certain establishments.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Alcoholic Beverage Penalty Emergency Act of 2004".

Note, § 25-1002

Sec. 2. Section 25-1002 of the District of Columbia Official Code is amended as follows:

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

"(c)(1) Except as provided in paragraph (4)(D) of this subsection, any person who violates any provision of this section shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine and suspension of driving privileges as follows:

"(A) Upon the first violation, a fine of not more than $300 and suspension of driving privileges in the District for 90 consecutive days;

"(B) Upon the second violation, a fine of not more than $600 and suspension of driving privileges in the District for 180 days; and

"(C) Upon the third and each subsequent violation, a fine of not more than $1,000 and suspension of driving privileges in the District for one year.

"(2) In lieu of proceeding to trial or disposition under paragraph (1) of this subsection, the Mayor shall offer persons who are arrested, or criminally charged by information, for a first or second violation of this section, the option of completing a diversion program authorized and approved by the Mayor. The Mayor shall determine the content of the diversion program, which may include community service and alcohol awareness and education. If the person rejects enrollment in, or fails to comply with the requirements of, or fails to complete within 6 months, the diversion program, he or she may be prosecuted in

ENROLLED ORIGINAL

accordance with paragraph (1) of this section. The Mayor, may, at his discretion, decline to offer diversion to any person who has previously been convicted of any felony, misdemeanor, or other criminal offense.

"(3) As a condition of acceptance into a diversion program, the Mayor may request that the person agree to pay the District, or its agents, a reasonable fee, as established by rule, for the costs to the District of the person's participation in the program; provided, that:

"(A) The fee shall not unreasonably discourage persons from entering the diversion program; and

"(B) The Mayor shall reduce or waive the fee if the Mayor finds that the person is indigent.

"(4)(A) Upon the expiration of 6 months following the date of a conviction or a dismissal of a proceeding, or upon the expiration of 6 months following the date of arrest if no information was filed, any person who was arrested for, or criminally charged by information with, any offense under this section may petition the court for an order expunging from the official records all records relating to the arrest, information, trial, conviction, or dismissal of the person; provided, that a nonpublic record shall be retained by the court and the Mayor solely for the purposes of conducting a criminal record check for persons applying for a position as a law enforcement officer or determining whether a person has previously received an expungement under this subsection.

"(B) The court shall grant the petition described in subparagraph (A) of this paragraph if the petitioner has no pending charges for, and has not been convicted of, any other felony, misdemeanor, or other criminal offense and if any fine imposed as a result of a conviction under this section has been paid; provided, that the court may grant the petition described in subparagraph (A) of this paragraph if, other than a conviction for a misdemeanor under this section, the petitioner has no pending charges for, and has not been convicted of, any felony, misdemeanor, or other criminal offense.

"(C) Except as provided by this subsection, the effect of an expungement order shall be to lawfully restore the person receiving the expungement to the status that he or she occupied before the arrest or information described in subparagraph (A) of this paragraph. No person for whom an expungement order permitted by this subsection has been entered shall be held thereafter, under any provision of law, to be guilty of perjury or otherwise giving a false statement by failing to recite or acknowledge such arrest, information, trial, conviction, or dismissal for which the order permitted by paragraph (4) of this subsection has been entered. The expungement of the records shall not relieve the person of the obligation to disclose the arrest, information, trial, conviction, or dismissal in response to a direct questionnaire or application for a position as a law enforcement officer.

"(D) No person under 21 years of age shall be criminally charged with the offense of possession or drinking an alcoholic beverage under this section, but shall be subject to civil penalties under subsection (e) of this section.

ENROLLED ORIGINAL

"(5) Failure to pay the fines set forth in paragraph (1) of this subsection shall result in imprisonment for a period not exceeding 30 days.

"(6) The Metropolitan Police Department may enforce provisions of this section by issuing to a person alleged to have violated this section a citation under § 23-1110(b)(1). The person shall not be eligible to forfeit collateral.".

(b) Subsection (d) is repealed.

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

"(e)(1) In lieu of criminal prosecution as provided in subsection (c) of this section, a person who violates any provision of this section shall be subject to the following civil penalties:

"(A) Upon the first violation, a fine of not more than $300 and the suspension of driving privileges in the District for 90 consecutive days;

"(B) Upon the second violation, a fine of not more than $600 and the suspension of driving privileges in the District for 180 days; and

"(C) Upon the third or subsequent violation, a fine of not more than $1,000 and the suspension of driving privileges in the District for one year.

"(2) ABRA inspectors or officers of the Metropolitan Police Department may enforce the provisions of this subsection by issuing a notice of civil infraction for a violation of subsections (a) and (b) of this section in accordance with Chapter 18 of Title 2. A violation of this subsection shall be adjudicated under Chapter 18 of Title 2.

"(3)(A) In lieu of or in addition to the civil penalties provided under paragraph (1) of this subsection, as a civil penalty, the Mayor may require any person who violates any provision of this section to complete a diversion program authorized and approved by the Mayor. The Mayor shall determine the content of the diversion program, which may include community service and alcohol awareness and education.

"(B) As a condition of acceptance into a diversion program, the Mayor may request that the person agree to pay the District, or its agents, a reasonable fee, as established by rule, for the costs to the District of the person's participation in the program; provided, that:

"(i) The fee shall not unreasonably discourage persons from entering the diversion program; and

"(ii) The Mayor may reduce or waive the fee if the Mayor finds that the person is indigent.".

Sec. 3. 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)).

ENROLLED ORIGINAL

Sec. 4. This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action 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. 813; D.C. Official Code § 1-204.12(a)), and publication in the District of Columbia Register.

Linda W. Cropp
Chairman
Council of the District of Columbia

Anthony A. Williams
Mayor
District of Columbia
APPROVED
August 2, 2004

ENROLLED ORIGINAL

AN ACT

D.C. ACT 15-494

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

AUGUST 2, 2004

Codification District of Columbia Official Code

2001 Edition

2004 Fall Supp.

West Group Publisher

To amend, on an emergency basis, the District of Columbia Election Code of 1955 to allow residents of the District of Columbia who are 16 or 17 years of age to serve as poll workers.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Youth Poll Worker Emergency Act of 2004"

Sec. 2. Section 5(e) of the District of Columbia Election Code of 1955, approved August 12, 1955 (69 Stat. 700; D.C. Official Code § 1-1001.05(e)), is amended by adding a new paragraph (4) to read as follows: Note, § 1-1001.05

"(4) The Board shall select, appoint, and fix the compensation of temporary election workers to operate the polling places, including precinct captains who shall oversee the operations of polling places in accordance with rules and regulations prescribed by the Board, and polling place workers who shall assist the precinct captains. Precinct captains shall be qualified registered electors in the District. Polling place workers shall be qualified registered electors in the District, except that the Board may also appoint as polling place workers individuals who are 16 or 17 years of age on the day that they are working in this capacity, who reside in the District, and who are enrolled in or have graduated from a public or private secondary school or an institution of higher education.".

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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

ENROLLED ORIGINAL

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

Chairman
Council of the District of Columbia

Mayor
District of Columbia

APPROVED
August 2, 2004

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

	Type: Emergency (x) Temporary (x) Permanent (x)	Date Reported: April 2004

Subject/Short Title: "Youth Pollworker Emergency Act of 2004"
"Youth Pollworker Temporary 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)
Explanation:		
3. The bill will have NO or minimal fiscal impact. (If "Yes," explain below).	( )	(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 legislation will directly affect the District of Columbia Board of Elections and Ethics. The proposed legislation would allow children who are 16 or 17 years of age to work as pollworkers on election days. The Board would have the responsibility of training this pool of workers.	(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? The main impact of the legislation will be to help the Board of Elections and Ethics ("Board") fill pollworker positions that are funded but have gone unfilled in prior election cycles. The legislation, however, does not create any mandate for the Board to hire additional pollworkers or spend additional funds; rather it clarifies the existing statutory language regarding pollworkers and allows youth between the ages of 16 and 18 to serve as pollworkers.	(x)	( )
4. Are funds appropriated for this bill in the Budget and Financial Plan for the current year? The proposed legislation would not authorize unbudgeted expenses.	(x)	( )

ENROLLED ORIGINAL

AN ACT

D.C. ACT 15-495

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 19, 2004

Codification District of Columbia Official Code

2001 Edition

2004 Fall Supp.

West Group Publisher

To amend, on an emergency basis, 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.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Fleeing Law Enforcement Prohibition Emergency Amendment Act of 2004".

Sec. 2. The District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1119; D.C. Official Code § 50-2201.01 *et seq.*), is amended by adding a new section 10b to read as follows:

"Sec. 10b. Fleeing from a law enforcement officer in a motor vehicle.

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

"(1) "Law enforcement officer" means a sworn member of the Metropolitan Police Department or a sworn member of any other police force operating in the District of Columbia.

"(2) "Signal" means a communication made by hand, voice, or the use of emergency lights, sirens, or other visual or aural devices.

"(b)(1) An operator of a motor vehicle who knowingly fails or refuses to bring the motor vehicle to an immediate stop, or who flees or attempts to elude a law enforcement officer, following a law enforcement officer's signal to bring the motor vehicle to a stop, shall be fined not more than $1,000, or imprisoned for not more than 180 days, or both.

"(2) An operator of a motor vehicle who violates subsection (b)(1) of this section and while doing so drives the motor vehicle in a manner that would constitute reckless driving under § 50-2201.04(b), or causes property damage or bodily injury, shall be fined not more than $5,000, or imprisoned for not more than 5 years, or both.

"(c) It is an affirmative defense under this section if the defendant can show, by a preponderance of the evidence, that the failure to stop immediately was based upon a reasonable belief that the defendant's personal safety is at risk. In determining whether the defendant has met this burden, the court may consider the following factors:

"(1) The time and location of the event;

"(2) Whether the law enforcement officer was in a vehicle clearly identifiable by its markings, or if unmarked, was occupied by a law enforcement officer in uniform or displaying a badge or other sign of authority;

"(3) The defendant's conduct while being followed by the law enforcement officer;

"(4) Whether the defendant stopped at the first available reasonably lighted or populated area; and

"(5) Any other factor the court considers relevant.

"(d)(1) The Mayor or his designee, pursuant to section 13, may suspend the operating permit of a person convicted under subsection (b)(1) of this section for a period of not more than 180 days and may suspend the operating permit of a person convicted under subsection (b)(2) of this section for a period of not more than 1 year.

"(2) A suspension of an operator's permit under paragraph (1) of this subsection for a person who has been sentenced to a term of imprisonment for a violation of subsection (b)(1) or (2) of this section shall begin following the person's release from incarceration.".

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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

Linda W. Cropp

Chairman
Council of the District of Columbia

Anthony A. Williams

Mayor
District of Columbia
APPROVED
July 19, 2004

SEP 1 0 2004 ENROLLED ORIGINAL

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

Bill Number:	Type: Emergency (X) Temporary ( ) Permanent ( )	Date Reported: July 12, 2004

Subject/Short Title: "Fleeing Law Enforcement Prohibition 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: The bill penalizes an action that law enforcement officers have always prohibited.		

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. Metropolitan Police Department	(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: Kathy Patterson
	Staff Person & Tel: Hwa Shin
	Council Budget Director's Signature: [signature] 7/12/04

ENROLLED ORIGINAL

Codification District of Columbia Official Code

2001 Edition

2004 Fall Supp.

West Group Publisher

AN ACT

D.C. ACT 15-496

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

AUGUST 2, 2004

To establish, on an emergency basis, a Metropolitan Police Department School Safety Division that will be responsible for providing security to District of Columbia Public Schools, to provide that the School Safety Division shall be directed by a Director appointed by the Chief of the Metropolitan Police Department, to require the Metropolitan Police Department to create a training curriculum for school resource officers and school security guards who will provide security to District of Columbia Public Schools, to transfer all personnel, funds, and records related to the provision of school security from the District of Columbia Public Schools to the Metropolitan Police Department, to require the Mayor to study and recommend whether school security guards shall be hired as employees of the Metropolitan Police Department, employees of the D.C. Public Schools, or provided by contract, to require the Mayor to submit a comprehensive, implementation plan to the Council and the Board of Education, to require the Metropolitan Police Department to enter into a memorandum of agreement with D.C. Public Schools, to delay the applicability of the transfer of the security function to the School Safety Division, except for the responsibility for issuing an RFP for security services to begin January 1, 2005, until the Council has approved the comprehensive implementation plan; and to make conforming amendments to the District of Columbia Procurement Practices Act of 1985.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Metropolitan Police Department School Safety and Security Emergency Act of 2004".

Sec. 2. Definitions.

For the purposes of this act, the term:

(1) "DCPS" means the District of Columbia Public Schools.

(2) "MPD" means the Metropolitan Police Department.

(3) "School resource officer" means a sworn MPD officer assigned to DCPS for the purpose of working in collaboration with DCPS and community-based organizations to:

(A) Prevent crime through community-oriented policing strategies;

(B) Address crime and disorder, gang, and drug activity problems affecting or occurring in or around the schools to which the school resource officer is assigned; and

(C) Ensure that DCPS schools and grounds are safe environments for students, teachers, and staff.

(4) "School security guards" means un-armed personnel, trained and hired by the MPD School Safety Division.

(5) "School security personnel" means school resource officers and school security guards.

(6) "Superintendent" means the Superintendent of District of Columbia Public Schools.

Sec. 3. Establishment of the Metropolitan Police Department School Safety Division; functions of the School Safety Division.

(a) There is established within the Metropolitan Police Department a School Safety Division that shall provide security for the District of Columbia Public Schools.

(b) The School Safety Division shall be directed by a Director appointed by and reporting to the chief of police with rank equal to an assistant chief.

(c) The School Safety Division shall:

(1) Hire all school security personnel for DCPS;

(2) Deploy school security personnel to DCPS;

(3) Provide oversight over school security personnel, and be responsible for administering all disciplinary actions, including termination;

(4) Execute, approve, monitor and provide oversight over any contract for school security personnel; and

(5) Create and implement security and emergency operations plans for DCPS in concert with the Superintendent.

Sec. 4. Implementation of transfer of security function to MPD, and policies and procedures to be established by agreement.

(a) Within 90 days of the effective date of this act, the Mayor shall conduct a study and recommendation whether the school security guards shall be employees of the MPD, employees of DCPS, or contracted for by the MPD.

(b) Within 180 days of the effective date of this act, the Mayor, in coordination with the Superintendent, DCPS administrators, parents, students and teachers, shall develop a comprehensive plan to implement this act and submit the plan to the Board of Education and the Council. The plan shall include but not be limited to:

(1) The qualifications and hiring process for school security personnel;

(2) The transfer of personnel, property, funds, and records required by section 7 including an ongoing procedure for allocating DCPS capital funds to MPD for security needs; and

(3) Lines of authority, supervision, and communication between the MPD and DCPS, including a process for resolving disagreements between DCPS and MPD at all levels, accepted by both the Mayor and the Superintendent.

(c) The plan required by subsection (b) of this section shall be submitted to the Council for a 45-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed plan, in whole or in part, by resolution within this 45-day period, the proposed plan shall be deemed approved.

(d) MPD shall enter into a Memorandum of Agreement with DCPS that shall specify security terms and responsibilities as outlined in subsections (a) and (b) in this section.

Sec. 5. Training for school security personnel.

The School Safety Division shall develop a training curriculum for all school security personnel who will provide security for DCPS. The curriculum shall include training in the following areas:

(1) Child development;
(2) Effective communication skills;
(3) Behavior management;
(4) Conflict resolution;
(5) Substance abuse and its effect on youth;
(6) Availability of social services for youth;
(7) District of Columbia laws and regulations, including Board of Education regulations; and
(8) Constitutional standards for searches and seizures conducted by school security personnel on school grounds.

Sec. 6. Deployment of school security personnel; responsibility of school officials.

School security deployed at a school by the School Safety Division shall provide security in coordination with the school's principal as outlined in the implementation plan and Memorandum of Agreement; provided, that during emergencies, incident command shall be consistent with the District of Columbia response plan as defined by section 2(1A) of the District of Columbia Public Emergency Act of 1980, effective March 5, 1981 (D.C. Law 3-149; D.C. Official Code § 7-2301(1A)).

Sec. 7. Transfer of personnel, property, funds, and records relating to school security to the Metropolitan Police Department.

(a) The transfer of responsibility for and issuance of a Request for Proposals for any security guard contract for District of Columbia Public Schools for a contract term to begin

January 1, 2005 or later and the funding for the contract issued pursuant to any RFP shall transfer to the MPD upon the effective date of this act.

(b) All operating funds and capital funds, positions, personnel, property, records, and unexpended balances of appropriations, allocations, and other funds available or to be made available to DCPS that support the provision of security to DCPS are transferred from DCPS to the School Safety Division.

Sec. 8. Applicability.

Sections 3, 5, 6, and 7(b) of this act shall apply as of the date the plan that the Mayor is required to submit to the Council under section 4(b) is approved by the Council or is deemed approved by the Council under section 4(c).

Sec. 9. Section 104(d) of the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85, D.C. Official Code § 2-301.04(d)), is amended to read as follows: **Note, § 2-301.04**

"(d)(1) Except as provided in this subsection, this act shall apply to the Board of Education.

"(2) The Board of Education shall have no authority to solicit, award, and execute contracts for the provision of security for the District of Columbia Public Schools.

"(3) Regarding contracts not prohibited by paragraph (2) of this subsection, the Board of Education shall have the authority to solicit, award, and execute contracts independently of the Office of Contracting and Procurement and the Chief Procurement Officer.".

Sec. 10. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report on Bill 15-725 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. 11. Effective date.

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

ENROLLED ORIGINAL

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

Linda W. Cropp
Chairman
Council of the District of Columbia

Anthony A. Williams
Mayor
District of Columbia

APPROVED
August 2, 2004

SEP 1 0 2004

ENROLLED ORIGINAL

AN ACT

D.C. ACT 15-497

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 19, 2004

Codification District of Columbia Official Code

2001 Edition

2004 Fall Supp.

West Group Publisher

To amend, on an emergency basis, 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.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Juvenile Justice Emergency Act of 2004".

Sec. 2. Chapter 23 of Title 16 of the District of Columbia Official Code is amended as follows:

Note, § 16-2309

(a) Section 16-2309 is amended as follows:

(1) Paragraph (7) is amended by striking the word "or" at the end.

(2) Paragraph (8) is amended by striking the period at the end and inserting the phrase "; or" in its place.

(3) A new paragraph (9) is added to read as follows:

"(9) by a law enforcement officer when the officer has reasonable grounds to believe that the child has violated a court order.".

Note, § 16-2317

(b) Section 16-2317(c)(2) is amended by striking the phrase "In the absence of evidence to the contrary, a finding of the commission of an act which would constitute a criminal offense if committed by an adult is sufficient to sustain a finding of need for care or rehabilitation in delinquency and need of supervision cases." and inserting the phrase "There shall be a rebuttable presumption that a finding of the commission of an act which would constitute a criminal offense if committed by an adult is sufficient to sustain a finding of need for care or rehabilitation in delinquency and need of supervision cases." in its place.

Note, § 16-2317

(c) Section 16-2317(d) is amended to read as follows:

"(d)(1) If the Division finds that the child is not in need of care and rehabilitation, it shall terminate the proceedings and discharge the child from detention, shelter care, or other restriction previously ordered.

"(2) Determinations of whether a child is in need of care or rehabilitation may only be made at the dispositional hearing.

"(3) To overcome the presumption of a need for care or rehabilitation in subsection (c)(2) of this section, the Division must find by clear and convincing evidence at the dispositional hearing that the child is not in need of care or rehabilitation before it may

ENROLLED ORIGINAL

terminate proceedings.

"(4) The fact that a child is receiving care or rehabilitation in another case shall not be the only grounds for dismissal.".

(d) Section 16-2325.01 is amended as follows: Note, § 16-2325.01

(1) Subsection (a) is amended by striking the word "may" and inserting the word "shall" in its place, and by striking the period at the end and inserting the phrase ", unless the court determines that such an order is not in the best interest of the child." in its place.

(2) Subsection (b) is amended by striking the word "may" and inserting the word "shall" in its place.

(3) Subsection (c) is amended by striking the phrase "an order of participation" and inserting the phrase "an order issued under this section" in its place.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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

Linda W. Cropp
Chairman
Council of the District of Columbia

Anthony A. Williams
Mayor
District of Columbia
APPROVED
July 19, 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 12, 2004

Subject/Short Title: "Juvenile Justice 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: These changes will have minimal fiscal impact on the current operations of the Family Court which is federally funded agency

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.	( )	(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: Kathy Patterson
	Staff Person & Tel: Tami Lewis
	Council Budget Director's Signature: [signature] 7/12/04

ENROLLED ORIGINAL

AN ACT

D.C. ACT 15-498

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

AUGUST 2, 2004

Codification District of Columbia Official Code

2001 Edition

2005 Spring Supp.

West Group Publisher

To amend An Act To fix and regulate the salaries of teachers, school officers, and other employees of the board of education of the District of Columbia to sunset the hybrid Board of Education by January 2, 2009, to re-establish a Board structure in which 8 Board members are elected from each ward, one member is elected at-large, and the president is selected by and from among the 9 Board members, to provide that all Board member terms shall expire on January 2 of the appropriate year, to provide that the terms of the 2 Board members appointed for terms to begin January 2, 2007, shall expire at noon January 2, 2009, to provide that the terms of the 2 members of the Board of Education elected in 2006 from School Districts III and IV, and the President elected in 2006, shall expire on January 2, 2009; to amend the District of Columbia Election Code of 1955 to make conforming amendments; to establish a Financial Management Task Force to assist in the implementation of financial management reform in the public school system; and to establish certain requirements for the annual budget submitted by the Board of Education.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Board of Education Continuity and Transition Amendment Act of 2004".

Sec. 2. Section 2 of An Act To fix and regulate the salaries of teachers, schools officers, and other employees of the board of education of the District of Columbia, approved June 20, 1906 (34 Stat. 316; D.C. Official Code § 38-101 *et seq.*), is amended as follows:

Amend § 38-101

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

"(a)(1) Beginning July 7, 2000, and ending at noon January 2, 2009, the Board of Education shall consist of 9 members. Four members shall be appointed by the Mayor and confirmed by the Council. Five members shall be elected. Four of the 5 elected members shall be elected from the 4 school districts created pursuant to paragraph (2) of this subsection. One member shall be elected at-large as the president of the Board.

"(2) Beginning July 7, 2000, and ending at noon January 2, 2009, the 4 school districts for the election of Board members pursuant to paragraph (1) of this subsection, shall be

comprised of the 8 election wards created pursuant to section 2 of the Boundaries Act of 1975, effective December 16, 1975 (D.C. Law 1-38; D.C. Official Code § 1-1011.01), as follows:

"(A) Wards 1 and 2 shall comprise School District I;

"(B) Wards 3 and 4 shall comprise School District II;

"(C) Wards 5 and 6 shall comprise School District III; and

"(D) Wards 7 and 8 shall comprise School District IV.

"(3) Beginning January 2, 2009, the Board of Education shall consist of 9 members. One member shall be elected from each of the 8 school election wards established pursuant to section 2 of the Boundaries Act of 1975, effective December 16, 1975 (D.C. Law 1-38; D.C. Official Code § 1-1011.01), and one member shall be elected at-large. The Board shall select its President from among the 9 members of the Board.".

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

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

(A) Strike the phrase "paragraph (3)(C) and (3)(D)" and insert the phrase "paragraph (3)(C), (E), and (F)" in its place.

(B) Strike the phrase "including the President" and insert the phrase "including the at-large member" in its place.

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

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

"(A)(i) The term of office of a member of the Board of Education elected in a general election shall commence on January 2 of the year following the election. The term of office of an incumbent member of the Board shall expire at noon January 2 of the year following the general election.

"(ii) The term of a member elected from a school district or appointed pursuant to subsection (a)(1) of this section shall expire at noon January 2, 2009.".

(B) Subparagraph (D) is repealed.

(C) New subparagraphs (E) and (F) are added to read as follows:

"(E)(i) The 2 members of the Board of Education elected in 2006 from School Districts III and IV and the President elected in 2006 shall serve through January 2, 2009.

"(ii) The 2 members of the Board of Education appointed by the Mayor and confirmed by the Council for terms to begin January 2, 2007, shall serve through January 2, 2009.

"(F) The initial terms of the members of the Board of Education elected in the general election in November 2008 shall be as follows:

"(i) The 4 members elected from wards 1, 3, 5, and 6 shall serve 2 year terms, ending at noon January 2, 2011; and

"(ii) The 4 members elected from wards 2, 4, 7 and 8 and the member elected at-large shall serve 4 year terms, ending at noon January 2, 2013.".

(c) Subsection (c)(1) is amended by adding the phrase "or ward" after the phrase "special school district".

(d) Subsection (f) is amended by striking the phrase "subsection (b)(3)(C)" and inserting the phrase "subsection (b)(3)(C) and (E)" in its place.

Sec. 3. Section 8(n) of the District of Columbia Election Code of 1955, approved August 12, 1955 (69 Stat. 699; D.C. Official Code § 1-1001.08(n)), is amended by adding the phrase "or ward" after the phrase "school district" wherever it appears. **Amend § 1-1001.08**

Sec. 4. Financial Management Reform Plan.

(a) The Superintendent of the public schools shall develop a Financial Management Reform Plan ("Reform Plan") which shall include the following:

(1) Measurable goals;

(2) Timeline for deliverables;

(3) Roles and responsibilities of all District agencies that provide financial management related services;

(4) Proposed statutory and regulatory amendments to approve the budget process;

(5) Targeted savings activities, and reallocations within the DCPS budget, for the next 2 fiscal years; and

(6) Review and input from members of the Financial Management Task Force.

(b) The Superintendent shall submit the Reform Plan to the Board of Education for its approval.

Sec. 5. Financial Management Task Force.

(a) There is established a Financial Management Task Force ("Task Force") with the purpose of serving as a collaborative body of District agencies that will support and assist in implementing financial management reform within the District of Columbia Public Schools.

(b) Specific functions of the Task Force shall include the following:

(1) Within 60 days of the approval of the Board of Education pursuant to section 4(b), adopt by a majority vote the Reform Plan developed pursuant to section 4(a);

(2) Convene monthly, or more frequently as deemed necessary and appropriate, to report on the progress of, identify obstacles to, and recommend amendments to, the Reform Plan;

(3) Identify ways that better coordinate and improve financial management service delivery; and

(4) Assist with the implementation of the Reform Plan to ensure that the Reform Plan is executed in an appropriate and timely manner.

(c)(1) The Task Force shall be comprised of the following 8 voting members, or

designees thereof, as follows:

(A) The Mayor of the District of Columbia;

(B) The Chair of the Committee on Education, Libraries and Recreation of the Council;

(C) The Chair of Committee of Finance and Revenue of the Council;

(D) The President of the Board of Education;

(E) The District of Columbia Public Schools Superintendent;

(F) The State Education Officer of the District of Columbia;

(G) The Chief Financial Officer for the District of Columbia; and

(H) The Chief Financial Officer for the District of Columbia Public Schools.

(2) The following persons shall serve as advisory, nonvoting members of the Task Force:

(A) All the members of the Council's Committee on Education, Libraries and Recreation;

(B) The department head or designee of the Office of Financial Management;

(C) The department head or designee of the Committee on Financial Management and Student Services for the Board of Education;

(D) The department head or designee of the Office of the Attorney General; and

(E) The representative of the State Advisory Panel on Financial Management in the District of Columbia;

(3) The Task Force shall be co-chaired by the Mayor, the Chair of the Committee on Education, Libraries and Recreation of the Council, and the President of the Board of Education.

(4) The Director of the State Education Office shall provide staffing for the Task Force.

(d) The voting members of the Task Force shall adopt and sign a Memorandum of Understanding binding their respective agencies regarding the implementation of the Reform Plan.

(e) The Task Force shall terminate upon the full execution of the Memorandum of Understanding referred in subsection (d) of this section.

Sec. 6. Budget submission requirements.

The Board of Education shall approve an annual budget for submission to the Council that is consistent with the goals and objectives established by the Board of Education for the operation of the public schools of the District of Columbia. The Board shall prepare and execute a performance-based budget on an annual basis. The budget prepared by the Board

ENROLLED ORIGINAL

shall have its operations organized by major programs, which in turn will be composed of activities and services. The budget submitted by the board shall allocate all monies by activities and object class. The DCPS submission shall also include a presentation that specifies the monies budgeted for each school. This presentation shall specify the funds available to each school for which the decision to spend is made by the school's local schools restructuring team, and shall specify other responsibility center funds the spending of which directly benefit local schools (e.g., for textbooks, substitute teachers, transportation, maintenance/engineers, nurses, teachers salaries, etc.), so that the Council and the public may know the totality of funds, goods and services that will be provided to the local schools directly.

Sec. 7. 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 § 1-233(c)(3)).

Sec. 8. 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.

Linda W. Cropp
Chairman
Council of the District of Columbia

Anthony A. Williams
Mayor
District of Columbia
APPROVED
August 2, 2004

ENROLLED ORIGINAL

AN ACT
D.C. ACT 15-499

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
AUGUST 2, 2004

To approve, on an emergency basis, Contract No. POAM-2004-R-0020-DW for security services and to authorize payment for the services received under that contract.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Contract No. POAM-2004-R-0020-DW Approval and Payment Authorization Emergency Act of 2004".

Sec. 2. Notwithstanding the requirements of section 105a of the District of Columbia Procurement Practices Act of 1985, effective March 8, 1991 (D.C. Law 8-257; D.C. Official Code § 2-301.05a), Contract No. POAM-2004-R-0020-DW for security services is approved and payment is authorized for services received under that contract.

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

Sec. 4. 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

ENROLLED ORIGINAL

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

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
August 2, 2004

ENROLLED ORIGINAL

AN ACT

D.C. ACT 15-500

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

AUGUST 2, 2004

Codification District of Columbia Official Code

2001 Edition

2004 Fall Supp.

West Group Publisher

To amend, on an emergency basis, the Distracted Driving Safety Act of 2004 to clarify that no points shall be assessed for a violation of this 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 Emergency 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), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

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

Linda W. Cropp
Chairman
Council of the District of Columbia

Anthony A. Williams
Mayor
District of Columbia
APPROVED
August 2, 2004

SEP 10 2004 ENROLLED ORIGINAL

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

Bill Number:	Type: Emergency (X) Temporary ( ) Permanent ( )	Date Reported: 7/13/04

Subject/Short Title: "Distracted Driving Safety Revised 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 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

If you check "Yes" for each question, please explain on separate sheet.	YES	NO
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
	Reviewed by Budget Director: [illegible]
Council staff.	Budget Office Tel: 724-8139 7/18/04

SEP 1 0 2004

ENROLLED ORIGINAL

AN ACT
D.C. ACT 15-501

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
AUGUST 2, 2004

Codification District of Columbia Official Code

2001 Edition

2004 Fall Supp.

West Group Publisher

To amend, on an emergency 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 Emergency 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:

Note, § 2-303.20

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

ENROLLED ORIGINAL

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

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
August 2, 2004

ENROLLED ORIGINAL

AN ACT

D.C. ACT 15-502

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

AUGUST 2, 2004

Codification District of Columbia Official Code

2001 Edition

2004 Fall Supp.

West Group Publisher

To amend, on an emergency basis, 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 Emergency Amendment Act of 2004".

Note, § 6-1102

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:

"(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, the Historic Preservation Review Board, and to the Commission of Fine Arts for a recommendation.

"(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 for the Historic Preservation Process for Public Safety Facilities Amendment Act of 2004, passed on 1st reading on July 13, 2004 (Engrossed version of Bill 15-784), 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)).

ENROLLED ORIGINAL

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)).

Linda W. Cropp

Chairman
Council of the District of Columbia

Anthony A. Williams

Mayor
District of Columbia
APPROVED
August 2, 2004

SEP 1 0 2004

ENROLLED ORIGINAL

AN ACT

D.C. ACT 15-503

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

AUGUST 2, 2004

Codification District of Columbia Official Code

2001 Edition

2005 Spring Supp.

West Group Publisher

To amend the District of Columbia Procurement Practices Act of 1985 to provide that the term of the Inspector General shall end in 2008 and shall not vary thereafter from a 6-year term, and to provide upon Congressional approval that in a non-control year, the Inspector General may be removed for cause by the Mayor with the approval of 2/3 of the members of the Council present and voting.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Inspector General Appointment and Term Clarification Amendment Act of 2004".

Sec. 2. Section 208(a)(1) of the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Official Code § 2-302.08(a)(1)), is amended as follows: **Amend § 2-302.08**

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

"(A-ii) The Inspector General first appointed by the Mayor by and with the advice and consent of the Council, on or after November 4, 2003, shall serve until May 19, 2008. Each Inspector General appointed to fill the position after May 19, 2008 shall serve a 6-year term to end May 19, 2014 and every 6 years thereafter.".

(b) A new subparagraph (A-iii) is added to read as follows:

"(A-iii) During a year which is not a control year, the Inspector General shall be subject to removal only for cause by the Mayor with the advice and consent of the Council through a resolution approved by 2/3 of the members of the Council present and voting.".

Sec. 3. Applicability.

Section 2(b) of this act shall apply upon its enactment by the United States Congress.

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)).

ENROLLED ORIGINAL

Sec. 5. Effective date.

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

Linda W. Cropp

Chairman
Council of the District of Columbia

Anthony A. Williams

Mayor
District of Columbia
APPROVED
August 2, 2004

SEP 1 0 2004

ENROLLED ORIGINAL

AN ACT

D.C. ACT 15-504

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

AUGUST 2, 2004

Codification District of Columbia Official Code

2001 Edition

2005 Spring Supp.

West Group Publisher

To amend the Washington Convention Center Authority Act of 1994 to reconstitute the Washington Convention Center Authority Advisory Committee.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Washington Convention Center Authority Advisory Committee Amendment Act of 2004".

Amend § 10-1202.18

Sec. 2. Section 218 of the Washington Convention Center Authority Act of 1994, effective September 28, 1994 (DC. Law 10-188, D.C. Official Code § 10-1202.18), is amended to read as follows:

"(a) There is established a Washington Convention Center Advisory Committee ("Committee").

"(b) The Committee shall consist of the following 12 members:

"(1) The Deputy Mayor for Planning and Economic Development or the Deputy Mayor's designee;

"(2) The Deputy Mayor for Operations or the Deputy Mayor's designee;

"(3) The Chairman of the Council or the Chairman's designee;

"(4) The Chairperson of the Council's Committee on Economic Development or the Chairperson's designee;

"(5) The Councilmember from Ward 2 or the Councilmember's designee;

"(6) Two members from the Shaw community appointed by the Mayor;

"(7) One member chosen by the Chairperson of the Council Committee on Economic Development;

"(8) One member from the community chosen by the Councilmember from Ward 2;

"(9) One member chosen by the Advisory Neighborhood Commissioner for ANC2F;

"(10) One member chosen by the Advisory Neighborhood Commissioner for ANC2C; and

"(11) The Ward 2 Metropolitan Police Department representative.

"(c) Members of the Committee who are not ex officio members shall have expertise in economic development, public safety, law, transportation, affirmative action, or local community issues.

"(d) All members of the Committee shall be District residents.

"(e) The Chairperson of the Commission shall be designated by the Mayor in consultation with the chairperson of the Committee on Economic Development.

"(f) Members shall serve without compensation.

"(g) Prior to adoption of a request for proposals or contract modifications for economic development projects, streetscape or pedestrian movement projects, and transportation or parking projects the Authority shall consult and receive comments from the Committee.

"(h) The Committee shall advise the Authority with respect to the following:

"(1) The needs of the community, including providing retail uses that are accessible to the community, which serve the needs of both the community and visitors to the Convention Center, and adequate security in and around the Convention Center;

"(2) Parking issues, including parking for persons using or employed at the Convention Center and the prevention of parking in the surrounding neighborhoods by non-residents of those neighborhoods;

"(3) Transportation issues, including proposals for directing traffic to and from the Convention Center away from the surrounding residential streets, providing a method of truck staging to minimize any adverse impact on the surrounding neighborhoods, restricting the parking of trucks, trailers, and buses to the Convention Center or other areas outside of the area surrounding the Convention Center, and providing adequate pull-off areas for taxicabs, buses, and shuttles;

"(4) Economic development spin-off opportunities for surrounding neighborhoods;

"(5) Participation by local, small, and disadvantaged business enterprises in the operation of the Convention Center;

"(6) The development of environmental guidelines, including the mitigation of adverse noise and air quality impacts; and

"(7) Other issues directly related to the operation of the Convention Center which are likely to have an impact on the community.

"(i) The Committee shall dissolve on December 31, 2010; provided, that before such time Chairperson of the Committee may submit a request for renewal.".

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)).

ENROLLED ORIGINAL

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.

Linda W. Cropp

Chairman
Council of the District of Columbia

Anthony A. Williams

Mayor
District of Columbia
APPROVED
August 2, 2004

ENROLLED ORIGINAL

AN ACT

D.C. ACT 15-505

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

AUGUST 2, 2004

To amend the District of Columbia Noise Control Act of 1977 to exempt the Georgetown underground utility infrastructure upgrade project, known as the Georgetown Project, from the maximum noise level restrictions; 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 the meaning of the operation of a trash collection vehicle; to raise the maximum fine for the violation of any provision of the act from $300 to $1000; to amend Title 12A of the District of Columbia Municipal Regulations to exempt the Georgetown Project from the limitations on after-hours work; to amend the Housing Regulations of the District of Columbia to require property owners and landlords to provide tenants with written notice and to comply with the District of Columbia Noise Control Act of 1977 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 amend the District of Columbia Noise Control Act of 1977 Amendment Act of 1986 to make technical amendments to correct amendatory numbering designations.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Georgetown Project and Noise Control Amendment Act of 2004".

Sec. 2. The District of Columbia Noise Control Act of 1977, effective March 16, 1978 (D.C. Law 2-53; 20 DCMR Chapters 27 and 28), is amended as follows: DCMR

(a) Section 3 (20 DCMR § 2799) is amended as follows:

(1) New subsections (f-2) and (f-3) are added to read as follows:

"(f-2) Emergency Generator Equipment- Generators that supply back-up power to buildings such as hospitals, hotels, and office buildings.

"(f-3)(1) Georgetown Project – The project being undertaken by the District government, the Potomac Electric Power Company, Washington Gas Light Company, the District of Columbia Water and Sewer Authority, and Verizon of Washington, D.C., to rehabilitate, upgrade, and improve utility infrastructure, roadways, sidewalks, and landscaping adjacent to the Georgetown Business District, which is geographically defined as the commercial properties along M Street, N.W., between 28th Street, N.W., and Key Bridge and along Wisconsin Avenue, N.W., between K Street, N.W., and S Street, N.W., which project commenced in September 2001 and is scheduled to be completed no later than December 31, 2006.

"(2) This subsection shall expire 4 years after the effective date of the Georgetown Project and Noise Control Amendment Act of 2004, passed on 2nd reading on July 13, 2004 (Enrolled version of Bill 15-280).".

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

"(n) Noise disturbance – Any sound which is loud and raucous or loud and unseemly and unreasonably disturbs the peace and quiet of a reasonable person of ordinary sensibilities in the vicinity thereof, unless the making and continuing of the noise is necessary for the protection or preservation of the health, safety, life or limb of some person. In making a determination of a noise disturbance, the Mayor shall consider the location, the time of day when the noise is occurring or will occur, and the duration of the noise. In addition, the Mayor may consider the magnitude of the noise relative to the maximum sound levels permitted under this act, the possible obstruction or interference with vehicular or pedestrian traffic, the number of people that are or would be affected, and such other factors as are reasonably related to the impact of the noise on the health, safety, welfare, peace, and quiet of the community. If the noise is outside the Central Employment Area or an area zoned manufacturing or industrial, or if the noise occurs at night, the Mayor shall not be required to measure the decibel level of the noise in order to find a noise disturbance. A sound shall not be considered a noise disturbance if made during noncommercial public speaking during the daytime.".

(b) Section 5 (20 DCMR § 2701 *et seq.*) is amended as follows:

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

(A) Paragraph (11) is amended by striking the period and inserting the phrase "; provided, that this exemption shall not apply to music which is amplified through electronic sound systems." in its place.

(B) A new paragraph (13) is added to read as follows:

"(13) Emergency Generator Equipment – Noise resulting from the operation of emergency generator equipment, when its use is required to protect the health and safety of persons, shall be exempt. Noise resulting from necessary testing of emergency generator equipment shall be exempt on weekdays (excluding holidays) between the hours of 4:00 p.m. and 6:30 p.m.".

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

(A) Paragraph (1)(A) is amended by striking the phrase "sound amplifier," and inserting the phrase "sound amplifier, radio, tape recorder, television, compact disc player, stereo system, including those installed in motor vehicles," in its place.

(B) Paragraph (2)(C) is amended striking the period and inserting the phrase "; provided, that when 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, measurement of noise from the construction or demolition shall be made twenty-five (25) feet from the source of the noise. This provision shall be subject to the exemption for emergency work." in its place.

(C) Paragraph (5) is amended by striking the phrase "radio," and inserting the phrase "radio, tape recorder, television, compact disc player, stereo system, including those installed in motor vehicles," in its place.

(D) A new paragraph (7) is added to read as follows:

"(7) It shall be unlawful for any person to install, operate, or use any vehicle theft alarm system that emits or causes the emission of an audible sound that is not, or does not become, automatically and completely silenced within five (5) minutes. The time period shall be calculated based upon the emission of the first audible sound and shall end five (5) minutes thereafter, notwithstanding any variation or stoppage in the emissions of audible sound.".

(3) Subsection (e)(4) is amended to read as follows:

"(4) Nighttime Trash Collection. (A) No person shall operate or permit the operation of any refuse collection vehicle in, or within three hundred (300) feet of, any residential, special purpose, or waterfront zone, at nighttime on any day of the week. The terms "operate" and "operation" in this section shall mean the stopping of the vehicle and the collection of trash by the refuse vehicle. This prohibition shall not apply to vehicles owned by the District government employed for emptying litter receptacles. Violation of this paragraph on more than one occasion within a 6-month period may be deemed a nuisance under subsection 709.7 of Title 21 of the District of Columbia Municipal Regulations (21 DCMR § 709.7) and

shall constitute grounds for suspension or revocation of the endorsement issued for solid waste collectors or solid waste vehicles pursuant to D.C. Official Code § 47-2851.03a(d).

"(B) Notwithstanding the prohibitions in subparagraph (A) of this paragraph, the collection of residential refuse by District government-owned vehicles may commence at 6 a.m. during the months of June, July, and August or when the daily high temperature is forecast to be above 90 degrees Fahrenheit.".

(4) A new subsection (f) is added to read as follows:

"(f)(1) Notwithstanding any other provision of this act, noise emanating from construction equipment and any activities related to the Georgetown Project shall be exempt at all times from any noise limitations contained in this act, including sections 5(a), (b), (d)(2), and (e)(2), and shall not be subject to enforcement under any provision of this act.

"(2) This subsection shall expire 4 years after the effective date of the Georgetown Project and Noise Control Amendment Act of 2004, passed on 2nd reading on July 13, 2004 (Enrolled version of Bill 15-280)."

(c) Section 13(c) is amended as follows:

(1) Strike the phrase "three hundred dollars ($300)" and insert the phrase "one thousand dollars ($1000)" in its place.

(2) Strike the phrase "noise disturbance," and insert the phrase "noise disturbance, or a noise-producing activity, during days or hours when prohibited, or beyond its authorized duration," in its place.

Sec. 3. Section 107 of Title 12A of the District of Columbia Municipal Regulations (12A DCMR § 107), is amended by adding a new subsection 107.2.8.2 to read as follows: DCMR

"107.2.8.2 Georgetown Project. The limitations on the issuance of after-hours permits set forth in § 107.2.8.1 shall not apply to after-hours work related to the Georgetown Project. For the purposes of this section, the "Georgetown Project" means the project being undertaken by the District government, the Potomac Electric Power Company, Washington Gas Light Company, the District of Columbia Water and Sewer Authority, and Verizon of Washington, D.C. to rehabilitate, upgrade, and improve utility infrastructure, roadways, sidewalks, and landscaping adjacent to the Georgetown Business District, which is geographically defined as the commercial properties along M Street, N.W., between 28th Street, N.W., and Key Bridge and along Wisconsin Avenue, N.W., from K Street, N.W., to S Street, N.W., which project commenced in September 2001 and is scheduled to be completed no later than December 31, 2006. This subsection shall expire 4 years after the effective date of the Georgetown Project and Noise Control Amendment Act of 2004, passed on 2nd reading on July 13, 2004 (Enrolled version of Bill 15-280)."

Sec. 4. Article 250 of the Housing Regulations of the District of Columbia, issued August 11, 1955 (C.O. 15-1503; 14 DCMR Chapter 7), is amended by adding a new section DCMR

2515 to read as follows:

"2515 CONSTRUCTION WORK IN OCCUPIED BUILDINGS OR DWELLINGS

"2515.1 Where construction work is conducted in an occupied rental unit within an apartment building, the owner shall comply with the District of Columbia Noise Control Act of 1977.

"2515.2 Except as provided in subsection 2515.3, in any case where noise from construction, repair, or maintenance work will continue over a period of more than forty-eight (48) hours from the time the work is first initiated until the conclusion of the job (including periods of time when no work is being done) and the noise from the work will exceed sixty (60) decibels, the landlord shall provide the tenant with not less than five (5) days written notice of the construction, repair, or maintenance work, including the dates and times that the work will occur and a description of the work to be done.

"2515.3 Subsection 2515.2 shall not apply to emergency work which is necessary to restore property to a safe condition following a public calamity or act of God, or work required to protect the health and safety of persons; provided, that the work shall be undertaken promptly and it is not feasible to provide advance notice.".

Sec. 5. Section 4 of the District of Columbia Noise Control Act of 1977 Amendment Act of 1986, effective February 24, 1987 (D.C. Law 6-180; 27 DCMR §§ 2800.4 and 2880.5), is amended as follows: DCMR

(a) The statutory citation is amended by striking the phrase "Section 5(e)(1)" and inserting the phrase "Section 5" in its place.

(b) Subsection (a) is amended by striking the phrase "Section 3100.2" and inserting the phrase "Subsection (d)(1)" in its place.

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

(1) Strike the phrase "By adding 2 new subsections 3100.4 and 3100.5"and insert the phrase "New paragraphs (4) and (5) are added" in its place.

(2) Strike the phrase "3100.4 Sounds" and insert the phrase "(4) Sounds" in its place.

(3) Strike the phrase "3100.5 It" and insert the phrase "(5) It" in its place.

Sec. 6. 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. 7. 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.

Linda W. Cropp
Chairman
Council of the District of Columbia

Anthony A. Williams
Mayor
District of Columbia
APPROVED
August 2, 2004