

ENROLLED ORIGINAL

AN ACT

D.C. ACT 15-425

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 21, 2004

To provide equitable real property tax relief to Sibley Memorial Hospital.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Sibley Memorial Hospital Equitable Real Property Tax Relief Act of 2004".

Sec. 2. The Council of the District of Columbia orders that all real property taxes, interest, penalties, fees, and other related charges assessed against the Lucy Webb Hayes Training School for Deaconesses and Missionaries Conducting Sibley Memorial Hospital of the City of Washington for the period of April 10, 2002 to March 31, 2003, on real property located on Little Falls Road, N.W., at square 1448, suffix N, lot 803, be forgiven and any payments already made for this period be refunded.

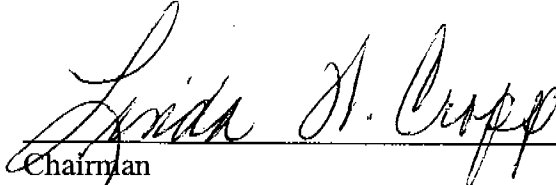
Sec. 3. Fiscal impact statement.

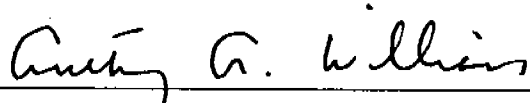
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 913; D.C. Code § 1-233(c)(3)).

Sec. 4. Effective date.

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

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

  
\_\_\_\_\_  
Chairman  
Council of the District of Columbia

  
\_\_\_\_\_  
Mayor  
District of Columbia

APPROVED  
May 21, 2004

AN ACT  
D.C. ACT 15-426

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 21, 2004

*Codification  
District of  
Columbia  
Official Code*

2001 Edition

2004 Fall  
Supp.

West Group  
Publisher

To amend the District of Columbia Deed Recordation Tax Act to exempt from taxation deeds recorded by domestic partners; to amend the Rental Housing Conversion and Sale Act of 1980 to include domestic partners as a member of a decedent's family; to amend the Abatement and Condemnation of Nuisance Properties Omnibus Amendment Act of 2000 to add domestic partners to the list of persons inappropriate for appointment as a housing receiver; to amend Chapter 9 of Title 47 of the District of Columbia Official Code to exempt from taxation transfers between domestic partners; and to amend the District of Columbia Revenue Act of 1937 to permit a domestic partner to add his or her partner, without charge, to the registration of his or her vehicle.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, This act may be cited as the "Deed Recordation Tax and Related Amendments Amendment Act of 2004".

Sec. 2. Section 302(7) of the District of Columbia Deed Recordation Tax Act, approved March 2, 1962 (76 Stat. 12; D.C. Official Code § 42-1102(7)), is amended by striking the phrase "or parent and child," and inserting the phrase "parent and child, or domestic partners as defined in section 2(3) of the Health Care Benefits Expansion Act of 1992, effective June 11, 1992 (D.C. Law 9-114; D.C. Official Code § 32-701(3))," in its place.

Note,  
§ 42-1102

Sec. 3. Section 402(c) of the Rental Housing Conversion and Sale Act of 1980, effective September 10, 1980 (D.C. Law 3-86; D.C. Official Code § 42-3404.02(c)), is amended by striking the word "spouse" and inserting the phrase "spouse, or domestic partner as defined in section 2(3) of the Health Care Benefits Expansion Act of 1992, effective June 11, 1992 (D.C. Law 9-114; D.C. Official Code § 32-701(3))," in its place.

Note,  
§ 42-3404.02

Sec. 4. Section 505(c)(3) of the Abatement and Condemnation of Nuisance Properties Omnibus Amendment Act of 2000, effective April 27, 2001 (D.C. Law 13-281; D.C. Official Code § 42-3651.05(c)(3)), is amended by striking the word "spouse" and inserting the phrase "spouse, or domestic partner as defined in section 2(3) of the Health Care Benefits Expansion

Note,  
§ 42-3651.05

Act of 1992, effective June 11, 1992 (D.C. Law 9-114; D.C. Official Code § 32-701(3)," in its place.

Sec. 5. Section 47-902(5) of Title 47 of the District of Columbia Official Code is amended by striking the phrase "or parent and child," and inserting the phrase "parent and child, or domestic partners as defined in § 32-701(3)," in its place.

Note,  
§ 47-902

Sec. 6. Section 2(e)(4) of the District of Columbia Revenue Act of 1937, approved August 17, 1937 (50 Stat. 680; D.C. Official Code § 50-1501.02(e)(4)), is amended by striking the word "spouse" and inserting the phrase "spouse or domestic partner as defined in section 2(3) of the Health Care Benefits Expansion Act of 1992, effective June 11, 1992 (D.C. Law 9-114; D.C. Official Code § 32-701(3))," in its place.

Note,  
§ 50-1501.02

Sec. 7. Applicability.  
Sections 2 through 6 shall apply as of October 1, 2003.

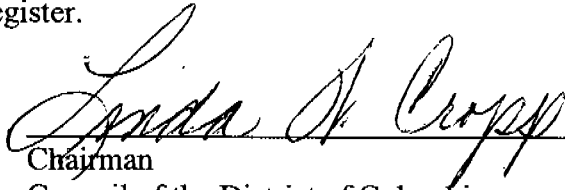
Note,  
§§ 42-1102,  
42-3404.02,  
42-3651.05,  
47-902,  
50-1501.02

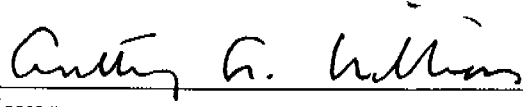
Sec. 8. Fiscal impact statement.

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 § 1-206.028)(3)).

Sec. 9. Effective date.

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

  
Chairman  
Council of the District of Columbia

  
Mayor  
District of Columbia

ENROLLED ORIGINAL

AN ACT

D.C. ACT 15-427

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 21, 2004

Codification  
District of  
Columbia  
Official Code

2001 Edition

2004 Fall  
Supp.West Group  
Publisher

To amend the Office of Administrative Hearings Establishment Act of 2001 to establish that the office shall not have mandatory jurisdiction to hear District of Columbia Public Schools special education cases, and to clarify that funding for the adjudication of District of Columbia Public Schools special education cases shall remain in the Fiscal Year 2004 budget of the District of Columbia Public Schools.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Office of Administrative Hearings Independence Preservation Amendment Act of 2004".

Sec. 2. The Office of Administrative Hearings Establishment Act of 2001, effective March 6, 2002 (D.C. Law 14-76; D.C. Official Code § 2-1831.01 *et seq.*), is amended as follows:

- (a) Section 5(c)(2) (D.C. Official Code § 2-1831.02(c)(2)) is repealed.
- (b) Section 6 (D.C. Official Code § 2-1831.03) is amended as follows:
  - (1) Subsection (a)(4) is repealed.
  - (2) Subsection (c) is amended to read as follows:

"(c) Those agencies that are not included in subsections (a) or (b) of this section may:

- "(1) Refer individual cases to the Office, with the approval of the Chief Administrative Law Judge; or
- "(2) Elect to be covered by this act, subject to the approval of the Chief Administrative Law Judge and the Mayor, and upon such terms as the Mayor may set."

Sec. 3. Fiscal impact statement.

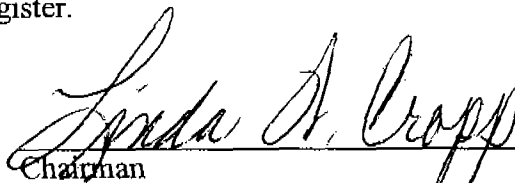
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

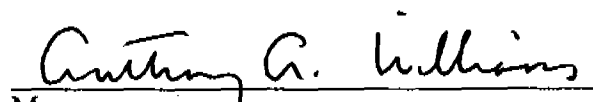
Sec. 4. Effective date.

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

Note,  
§ 2-1831.02  
Note,  
§ 2-1831.03

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

  
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Chairman  
Council of the District of Columbia

  
\_\_\_\_\_  
Mayor  
District of Columbia

APPROVED  
May 21, 2004

AN ACT

D.C. ACT 15-428

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 21, 2004

*Codification  
District of  
Columbia  
Official Code*

2001 Edition

2004 Fall  
Supp.

West Group  
Publisher

To approve the memorandum of understanding between the District of Columbia government and Howard University for the development of a new healthcare campus on U.S. Reservation 13.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "National Capital Medical Center Memorandum of Understanding Approval Act of 2004".

Sec. 2. (a) Pursuant to the National Capital Medical Center Negotiation Emergency Act of 2003, effective November 25, 2003 (D.C. Act 15-229; 50 DCR 10720), the Mayor transmitted to the Council a proposed memorandum of understanding between the District of Columbia government and Howard University, dated January 15, 2004, for Council approval.

(b) The Council hereby approves the memorandum of understanding between the District of Columbia government and Howard University, dated January 15, 2004.

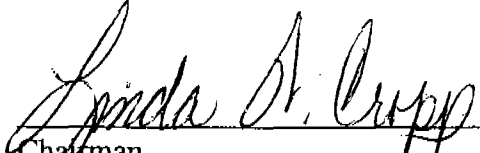
Sec. 3. The Mayor shall submit by proposed resolution to the Council for a 45-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess, which review period shall begin on the 1st day following its receipt by the Office of the Secretary, the final plan ("plan") to finance, construct, manage, and operate the National Capital Medical Center. If the Council does not approve or disapprove the proposed resolution within the 45-day review period, the proposed resolution, and thereby the plan, shall be deemed disapproved.

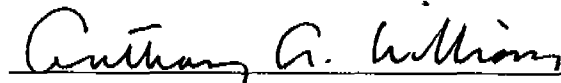
Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and 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.

  
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Chairman  
Council of the District of Columbia

  
\_\_\_\_\_  
Mayor  
District of Columbia

APPROVED  
May 21, 2004



AN ACT  
D.C. ACT 15-429

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 21, 2004

*Codification  
District of  
Columbia  
Official Code*

2001 Edition

2004 Fall  
Supp.

West Group  
Publisher

To amend, on a temporary basis, Chapter 18 of Title 47 of the District of Columbia Official Code to modify and provide for the effective administration of the lower income, long-term homeowner tax credit.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Lower Income, Long-Term Homeowner Credit Administration Temporary Act of 2004".

Sec. 2. Chapter 18 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) The table of contents is amended by striking the section designation "47-1806.09e. Tax on residents and nonresidents — Credits — Lower income, long-term homeowner credit — Carryover of credit." and inserting the section designation "47-1806.09e. Tax on residents and nonresidents — Credits — Lower income, long-term homeowner credit — Refund of credit." in its place.

(b) Section 47-1806.09 is amended as follows:

(1) Paragraph (1)(B) is amended by adding a new sentence to read as follows:

"A determination required by this subparagraph shall be calculated for the fiscal year ending in the tax year for which the credit is claimed."

(2) Paragraph (2) is amended by striking the phrase "Class 1 property as defined in § 47-813(c-4)(1)" and inserting the phrase "real property receiving the homestead deduction under § 47-850 or a unit within a cooperative housing association for which the cooperative housing association is receiving the homestead deduction under § 47-850.01." in its place.

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

(A) Strike the phrase "taxpayer, as defined in § 47-1801.04(7)" and insert the phrase "resident, as defined in § 47-1801.04(17)" in its place.

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

Note,  
§ 47-1806.09

“(A)(i) Owns an eligible residence as his principal place of residence and has resided in the eligible residence for at least 7 consecutive years immediately prior to the last day of the tax year; or

“(ii) Is a shareholder or member of a cooperative housing association, occupies by right an eligible residence by reason of his ownership of a stock or membership certificate, proprietary lease, or other evidence of membership in the cooperative housing association, and has resided in the eligible residence as his or her principal place of residence for at least 7 consecutive years immediately prior to the last day of the tax year; and”.

(4) Paragraph (4) is amended by striking the phrase “have the same meaning as “household income” in § 47-1806.06(b)(2)” and inserting the phrase “means the total “adjusted gross income,” as defined in § 47-1803.02(b), of every member of the household” in its place.

Note,  
§ 47-1806.09a

(c) Section 47-1806.09a is amended as follows:

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

(A) Strike the phrase “§ 47-1806.08b” and insert the phrase “§ 47-1806.09b” in its place.

(B) Strike the phrase “prior tax year” and insert the phrase “prior real property tax year” in its place.

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

“(b) If an eligible residence is a unit within a cooperative housing association, the credit shall be computed in accordance with subsection (a) of this section using the net amount of real property tax apportioned to the eligible residence by the cooperative housing association as the amount of real property tax imposed. The cooperative housing association shall provide to the eligible resident upon his request data concerning the amount of real property taxes apportioned to his or her eligible residence by the cooperative housing association for the real property tax year ending in the tax year for which the credit is allowed and the prior real property tax year, accounting for real property tax credits and deductions passed through to the eligible resident to include the homestead deduction under § 47-850.01 and the senior citizen deduction under § 47-863.”.

Note,  
§ 47-1806.09b

(d) Section 47-1806.09b is amended as follows:

(1) Subsection (a) is amended by striking the phrase “§ 47-1806.09b” and inserting the phrase “§ 47-1806.09a” in its place.

(2) Subsection (b) is amended by striking the word “taxable” and inserting the word “tax” in its place.

(3) Subsection (c) is amended by adding a new sentence at the end to read as follows:

“No person may apply for any of the credits if another person in the household has applied for any of the credits.”.

(4) New subsections (d) and (e) are added to read as follows:

“(d) An eligible resident in a household may seek a pro rata contribution from the eligible resident who receives the credit. The eligible resident who does not receive the credit shall not have any right against the District of Columbia to claim or recover the credit or any portion thereof, whether at law or in equity.

“(e) Notwithstanding subsection (a) of this section, an eligible resident shall not be required to submit an application with the eligible resident’s 2003 District of Columbia personal income tax return.”

(e) Section 47-1806.09d(b)(2) is repealed.

(f) Section 47-1806.09e is amended as follows:

(1) Strike the phrase “§ 47-1806.08a” and insert the phrase “§ 47-1806.09a” in its place.

(2) Strike the word “taxable” and insert the word “tax” in its place.

(g) Section 47-1806.09f is amended as follows:

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

“Sections 47-1806.09 through 47-1806.09f, as amended by the Lower Income, Long-Term Homeowner Credit Administration Emergency Act of 2004, passed on an emergency basis on April 20, 2004 (Enrolled version of Bill 15-771), shall apply to tax years beginning after December 31, 2002.”

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

“An eligible resident shall apply for the tax credit under § 47-1806.09a using an application form to be developed by the Office of Tax and Revenue. For tax year 2003, this form shall be developed by the Chief Financial Officer by April 1, 2004.”

### 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.

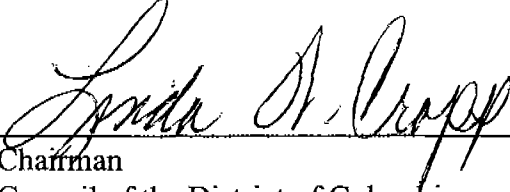
(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved

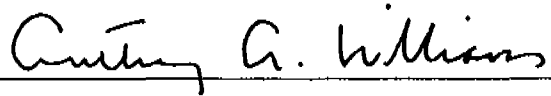
Note,  
§ 47-1806.09d  
Note,  
§ 47-1806.09e

Note,  
§ 47-1806.09f

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

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

  
\_\_\_\_\_  
Chairman  
Council of the District of Columbia

  
\_\_\_\_\_  
Mayor  
District of Columbia  
APPROVED  
May 21, 2004

COUNCIL OF THE DISTRICT OF COLUMBIA  
OFFICE OF THE BUDGET DIRECTOR

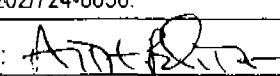
FISCAL IMPACT STATEMENT

Bill Number:	Type: Emergency (X) Temporary ( ) Permanent ( )	Date Reported: April 19, 2004
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Subject/Short Title: "Low-Income, Long-Term Homeowner Credit Administration Emergency Act of 2004".

Part I. Summary of the Fiscal Estimates of the Bill		
	YES	NO
1. It will impact spending. (If "Yes," complete Section 1 in the Fiscal Estimate Worksheet).	( )	(x)
a) It will affect local expenditures.	( )	(x)
b) It will affect federal expenditures.	( )	(x)
c) It will affect private/other expenditures.	( )	(x)
d) It will affect intra-District expenditures.	( )	(x)
2. It will impact revenue. (If "Yes," complete Section 2 in the Fiscal Estimate Worksheet).	( )	(x)
a) It will impact local revenue.	( )	(x)
b) It will impact federal revenue.	( )	(x)
c) It will impact private/other revenue.	( )	(x)
d) It will impact intra-District revenue.	( )	( )
3. The bill will have NO or minimal fiscal impact. (If "Yes," explain below).	(x)	
Title IV of the Housing Act of 2001 (D.C. Law 14-114) is already provided for in the FY 2004 budget as adopted by the Mayor and the Council. This clarification of its administration will not result in any additional fiscal impact beyond that which we have already budgeted.		

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)	( )
This legislation will clarify the administration of Title IV of the Housing Act of 2001.		
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)	(x)
4. Are funds appropriated for this bill in the Budget and Financial Plan for the current year?		( )
Title IV of the Housing Act of 2001 (D.C. Law 14-114) is already provided for in the FY 2004 budget as adopted by the Mayor and the Council. This clarification of its administration will not result in any additional fiscal impact beyond that which we have already budgeted.		

Sources of information: Committee staff, Office of the Chief Financial Officer.	Councilmember: Evans
	Staff Person & Tel: Jeff Coudriel, 202/724-8058.
	Council Budget Director's Signature: 

5717

## AN ACT

D.C. ACT 15-430

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 21, 2004Codification  
District of  
Columbia  
Official Code

2001 Edition

2004 Fall  
Supp.West Group  
Publisher

To amend, on a temporary basis, the Lead-Based Paint Abatement and Control Act of 1996 to change exemptions and increase criminal and civil penalties and fines for violations to match federal standards; to amend the Housing Regulations of the District of Columbia to require notice to the Department of Health of peeling paint in older housing businesses; and to amend section 806 of Title 20 of the District of Columbia Municipal Regulations to make technical amendments.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Lead-Based Paint Abatement and Control Temporary Amendment Act of 2004".

Sec. 2. The Lead-Based Paint Abatement and Control Act of 1996, effective April 9, 1997 (D.C. Law 11-221; D.C. Official Code § 8-115.01 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 8-115.01) is amended as follows:

Note,  
§ 8-115.01

(1) Paragraph (2) is amended by striking the number "8" and inserting the number "6" in its place.

(2) Paragraph (8) is amended by striking the phrase "seven-tenths of a milligram per square centimeter (0.7 mg/cm<sup>2</sup>)" and inserting the phrase "one milligram per square centimeter (1.0 mg/cm<sup>2</sup>)" in its place.

(3) A new paragraph (12) is added to read as follows:

"(12) "0-bedroom unit" means any residential unit in which the living areas are not separated from the sleeping areas."

(b) Section 5 (D.C. Official Code § 8-115.04) is amended as follows:

Note,  
§ 8-115.04

(1) Paragraph (1) is amended by striking the number "8" and inserting the number "6" in its place.

(2) Paragraph (2) is amended by striking the number "8" and inserting the number "6" in its place.

(c) Section 8(a) (D.C. Official Code § 8-115.07(a)) is amended by striking the phrase "individuals, except governmental agencies." and inserting the phrase "individuals." in its place.

Note,  
§ 8-115.07

## ENROLLED ORIGINAL

(d) Section 13(a) (D.C. Official Code § 8-115.12(a)) is amended to read as follows:

Note,  
§ 8-115.12

"(a) Notwithstanding any other provision of this act, any person who knowingly or willfully violates sections 4, 6, 7, or 8, or the implementing rules and regulations, shall be guilty of a misdemeanor, and, upon conviction, shall be punished by a fine of not more than \$25,000, imprisonment of not more than one year, or both."

(e) Section 14(a) (D.C. Official Code § 8-115.13(a)) is amended by striking the phrase "\$500" and inserting the phrase "\$25,000" in its place.

Note,  
§ 8-115.13

Sec. 3. The Housing Regulations of the District of Columbia, issued August 11, 1955 (C.O. 55-1503; 14 DCMR Chapters 1-13), are amended as follows:

DCMR

(a) Section 1102 (14 DCMR § 199.1) is amended by amending the definition for the term "exterior surface" by striking the number "8" and inserting the phrase "six (6)" in its place.

(b) Section 2605.2 (14 DCMR §§ 707.8-707.12) is amended by striking the number "8" and inserting the phrase "six (6)" in its place.

(c) Section 2605.3 (14 DCMR §§ 707.13-707.14) is amended as follows:

(1) Strike the phrase "0.5 of 1 percent or more of the total weight of the materials or 0.7 milligrams or more per square centimeter (0.7 mg/cm<sup>2</sup>)" and insert the phrase "five-tenths of one percent (0.5%) or more of the total weight of the materials or one milligram per square centimeter (1.0 mg/cm<sup>2</sup>)" in its place.

(2) Strike the number "8" wherever it appears and insert the phrase "six (6)" in its place.

(d) Section 2605.4 (14 DCMR §§ 707.3-707.4) is amended as follows:

(1) Strike the number "8" wherever it appears and insert the phrase "six (6)" in its place.

(2) Strike the phrase "0.5 of 1 percent of the total weight of the material or more than 0.7 milligrams per square centimeter (0.7 mg/cm<sup>2</sup>)" wherever it appears and insert the phrase "five-tenths of one percent (0.5 %) of the total weight of the material or more than one milligram per square centimeter (1.0 mg/cm<sup>2</sup>)" in its place.

(e) Section 2605a(a) (14 DCMR §§ 707.15-707.16) is amended by striking the number "8" wherever it appears and inserting the phrase "six (6)" in its place.

(f) A new section 3103.6 (14 DCMR § 201.6) is added to read as follows:

"3103.6 The Director of the District agency responsible for enforcement of the housing regulations shall report to the Director of the District agency responsible for health regulations the presence of peeling paint on the interior or exterior surfaces of any housing business built before 1978, and licensed under this chapter, excluding hotels and motels."

Sec. 4. Section 806.1(e)(3) of Title 20 of the District of Columbia Municipal Regulations (February 1997) (20 DCMR § 806.1(e)(3)) is amended by striking the phrase "If performing clearance tests, the" and inserting the word "The" in its place.

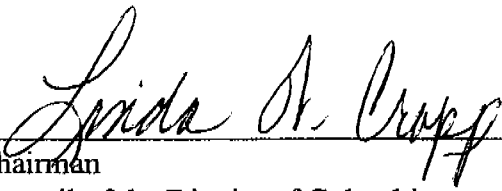
Sec. 5. Fiscal impact statement.

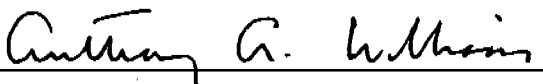
The Council adopts the attached fiscal impact statement as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 6. Effective date.

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

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

  
\_\_\_\_\_  
Chairman  
Council of the District of Columbia

  
\_\_\_\_\_  
Mayor  
District of Columbia  
APPROVED  
May 21, 2004



GOVERNMENT OF THE DISTRICT OF COLUMBIA  
Office of the Chief Financial OfficerNatwar M. Gandhi  
Chief Financial Officer

★ ★ ★

MEMORANDUM

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

**FROM:** Natwar M. Gandhi  
Chief Financial Officer

**DATE:** November 13, 2003

**SUBJECT:** Fiscal Impact Statement: "Lead-Based Paint Abatement and Control Amendment Act of 2003"

**REFERENCE:** Draft Legislation – Bill Number Not Available

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**Conclusion**

Funds are sufficient in the FY 2004 through FY 2007 budget and financial plan because implementation of the proposed legislation would not require any additional funds or resources. The proposed legislation would have a potential, minimal positive impact on general fund revenue.

**Background**

The proposed legislation would increase fines to match federal limits and would align District regulations with federal lead-based paint regulations. These changes are necessary to demonstrate that the District program is at least as protective of human health as the federal program and provides adequate enforcement. Enactment of the proposed legislation would enable the District to obtain final delegation of enforcement of the lead-based paint provisions of the Toxic Substances Control Act (Pub. L. 94-469, Oct. 11, 1976, 90 Stat. 2003; 15 U.S.C. § 2601 *et seq.*). These regulations define the manner in which lead-based paint in occupied buildings must be treated to reduce the exposure of children to lead poisoning.

Failure to implement the proposed changes may result in denial of the application to obtain final delegation of the federal lead-based paint regulations and the potential loss of approximately \$190,000 in federal grant funds that the District now receives.

The Honorable Linda W. Cropp  
FIS: Bill 15-149, "Veterinary Practice Amendment Act of 2003"  
Page 2 of 2

**Financial Plan Impact**

Funds are sufficient in the FY 2004 through FY 2007 budget and financial plan because the District is not expected to incur any additional expenditures as a result of the proposed legislation. The proposed legislation is expected to generate revenue from increased fines ranging between \$23,700 and \$57,500 in FY 2004 through FY 2007. The exact amount of revenue cannot be determined because the fine assessed ranges from the proposed statutory minimums of \$250 and \$500 to a high of \$25,000.

ENROLLED ORIGINAL

AN ACT  
D.C. ACT 15-431

*Codification  
District of  
Columbia  
Official Code*

2001 Edition

2004 Fall  
Supp.

West Group  
Publisher

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 21, 2004

To amend, on an temporary basis, Title 47 of the District of Columbia Official Code to exempt from taxation certain real property owned directly through any wholly-owned subsidiary by a legitimate theater company, to exempt from taxation certain personal property owned directly through any wholly-owned subsidiary by a legitimate theater company, and to exempt from taxation sales to any organization that is wholly-owned by a legitimate theater company.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Lot 878, Square 456 Tax Exemption Clarification Temporary Act of 2004".

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

(a) Section 47-1002 is amended as follows:

Note,  
§ 47-1002

(1) Paragraph (19) is amended by striking the semicolon and inserting the phrase ", and the real property (and any interest therein) situated on any portion of the lot that is designated, as of October 1, 2003, as lot 878 in square 456 and that is owned, occupied, and used, directly through one or more wholly-owned subsidiary organizations, by a legitimate theater company so long as the property continues to be so owned and occupied, and used for the exempt purposes described in paragraph (18) of this section and this paragraph;" in its place.

(2) Paragraph (28)(B)(ii) is amended by striking the phrase "a theater company described in paragraph (19) of this section" and inserting the phrase "a theater company described in paragraph (19) of this section or any wholly-owned subsidiary of such theater company" in its place.

(b) Section 47-1052(a)(8) is amended to read as follows:

Note,  
§ 47-1052

"(8) "Qualified Theater Company" means any entity that:

"(A)(i) Operates a theater of the type described in § 47-1002(19); and

"(ii)(I) Owns some or all of the Site; or

"(II) Is or was the contract purchaser of some or all of the

## ENROLLED ORIGINAL

Site as of July 10, 2002; or

“(B) Is the current wholly-owned subsidiary of an entity that is described in subparagraph (A) of this paragraph.”

(c) Section 47-1508(a) is amended by adding a new paragraph (10) to read as follows:

Note,  
§ 47-1508

“(10) The personal property of any organization which is wholly-owned by a legitimate theater company, which is a District of Columbia nonprofit corporation, and which acquires any portion of the lot that is designated, as of October 1, 2003, as lot 878 in square 456 as if the personal property was owned by the legitimate theater company.”

(d) Section 47-2005 is amended by adding a new paragraph (36) to read as follows:

Note,  
§ 47-2005

“(36) Sales to any organization which is wholly-owned by a legitimate theater company, which is a District of Columbia nonprofit corporation, and which acquires any portion of the lot that is designated, as of October 1, 2003, as lot 878 in square 456 to the same extent as if the sale was made to the legitimate theater company.”

### Sec. 3. Fiscal impact statement.

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

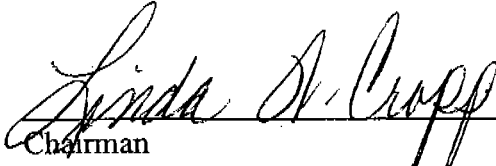
### Sec. 4. Effective date.

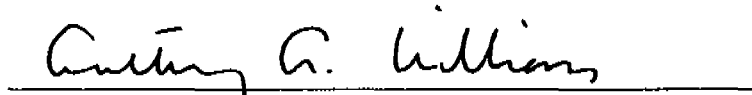
(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved

ENROLLED ORIGINAL

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

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

  
Chairman  
Council of the District of Columbia

  
Mayor  
District of Columbia

APPROVED  
May 21, 2004

Bill Number:	Type: Emergency (X) Temporary ( ) Permanent ( )	Date Reported: April 19, 2004
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Subject/Short Title: "Lot 878, Square 456 Tax Exemption Clarification Emergency Act of 2004".

Part I. Summary of the Fiscal Estimates of the Bill		
	YES	NO
1. It will impact spending. (If "Yes," complete Section 1 in the Fiscal Estimate Worksheet).	( )	(x)
a) It will affect local expenditures.	( )	(x)
b) It will affect federal expenditures.	( )	(x)
c) It will affect private/other expenditures.	( )	(x)
d) It will affect intra-District expenditures.	( )	(x)
2. It will impact revenue. (If "Yes," complete Section 2 in the Fiscal Estimate Worksheet).	( )	(x)
a) It will impact local revenue.	( )	(x)
b) It will impact federal revenue.	( )	(x)
c) It will impact private/other revenue.	( )	(x)
d) It will impact intra-District revenue.	( )	( )
3. The bill will have NO or minimal fiscal impact. (If "Yes," explain below).	(x)	
The proposed emergency legislation would not have any additional fiscal impact beyond that of D.C. Law 14-234, the "Square 456 Payment In Lieu of Taxes Amendment Act of 2002".		

Part II. Other Impact of the Bill		
If you check "Yes" for each question, please explain on separate sheet, if necessary.		
	YES	NO
1. It will affect an agency and/or agencies in the District.	( )	(x)
2. Are there performance measures/output for this bill?	( )	(x)
3. Will it have results/outcome, i.e., what would happen if this bill is not enacted?	( )	(x)
4. Are funds appropriated for this bill in the Budget and Financial Plan for the current year?	(x)	( )
The proposed emergency legislation would not have any additional fiscal impact beyond that of D.C. Law 14-234, the "Square 456 Payment In Lieu of Taxes Amendment Act of 2002".		

Sources of information: Committee staff.	Councilmember: Evans
	Staff Person & Tel: Jeff Coudriet, 202/724-8058.
	Council Budget Director's Signature: <i>ARTHUR R. BAINES</i> 4/19/04

AN ACT

D.C. ACT 15-432

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 21, 2004

*Codification  
District of  
Columbia  
Official Code*

2001 Edition

2004 Fall  
Supp.

West Group  
Publisher

To amend, on a temporary basis, the District of Columbia Revenue Act of 1937 to authorize rules of procedures to provide for the suspension or revocation of a registration issued to an owner or dealer who provides or obtains a counterfeit, stolen, or otherwise fraudulent temporary identification tag, to provide for the forfeiture of a motor vehicle knowingly used with a counterfeit, stolen, or otherwise fraudulent temporary identification tag, to increase the maximum fine for a violation of the act from \$300 to \$1000, and to provide due process protection to a person claiming an interest in a motor vehicle seized or forfeited pursuant to this act.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Use of Fraudulent Temporary Identification Tags and Automobile Forfeiture Temporary Amendment Act of 2004".

Sec. 2. The District of Columbia Revenue Act of 1937, approved August 17, 1937 (50 Stat. 679; D.C. Official Code § 50-1501.01 *et seq.*), is amended as follows:

(a) Section 2(g) (D.C. Official Code § 50-1501.02(g)) is amended as follows:

Note,  
§ 50-1501.02

(1) Paragraph (2) is amended by striking the phrase ""DCMR; and" and inserting the phrase "DCMR, or who provides or obtains a counterfeit, stolen, or otherwise fraudulent temporary identification tag; and" in its place.

(2) Paragraph (3) is amended by adding a new subparagraph (C) to read as follows:

"(C) To establish procedures for the seizure and forfeiture of a motor vehicle used with a counterfeit, stolen, or otherwise fraudulent temporary identification tag."

(b) Section 4 (D.C. Official Code § 50-1501.04) is amended as follows:

Note,  
§ 50-1501.04

(1) Subsection (a) is amended by adding a new paragraph (4) to read as follows:

"(4) For the owner of any motor vehicle to knowingly use or permit the use of any motor vehicle with a counterfeit, stolen, or otherwise fraudulent temporary identification tag."

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

- (A) Designate the existing text as paragraph (1).
- (B) Strike the figure "\$300" and insert the figure "\$1000" in its place.
- (C) Add a new paragraph (2) to read as follows:

"(2) A motor vehicle knowingly being used in violation of subsection (a)(4) of this section shall be subject to seizure by the Mayor or by any law enforcement officer of the District and to forfeiture to the District in accordance with 6A DCMR §§ 805-810; such seizure and forfeiture may be in addition to the imposition of a fine or imprisonment as provided for in paragraph (1) of this subsection."

Sec. 3. The Mayor is authorized to promulgate such rules and regulations as are necessary to carry out the purposes of this act.

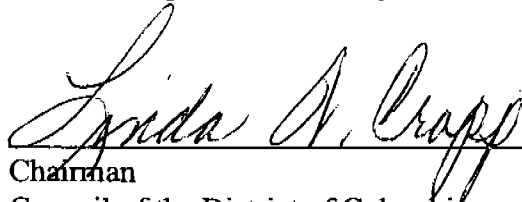
Sec. 4. Fiscal impact statement.

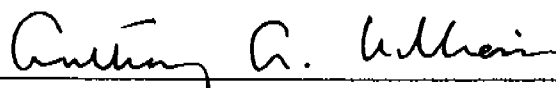
The Council adopts the attached fiscal impact statement as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D. C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

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

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

  
 \_\_\_\_\_  
 Chairman  
 Council of the District of Columbia

  
 \_\_\_\_\_  
 Mayor  
 District of Columbia  
 APPROVED



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

Natwar M. Gandhi  
Chief Financial Officer



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

FROM: Natwar M. Gandhi  
Chief Financial Officer

DATE: APR -6 2004

SUBJECT: Fiscal Impact Statement: "Disregard for Motor Vehicle Laws  
and Automobile Forfeiture Emergency Amendment Act of  
2004"

REFERENCE: Draft Legislation as Introduced - No Bill Number Available

#### Conclusion

Funds are sufficient in the FY 2004 budget and the proposed FY 2005 through FY 2008 budget and financial plan. No additional staff or resources will be required to implement the provisions of the proposed legislation.

#### Background

The proposed legislation increases the fines and penalties for automotive violations with regard to vehicle registration, specifically an illegal<sup>1</sup> use of temporary license plates. The current fine will be increased from \$300 and/or imprisonment up to 30 days to \$1,000 and/or imprisonment up to 30 days. In addition, under the proposed legislation the vehicle is subject to seizure and disposal.

#### Financial Plan Impact

The District only collects and retains civil fines and penalties. The Superior Court retains funds collected as fines and fees for criminal judgments. Funds are sufficient in the FY 2004 and the proposed FY 2005 through FY 2008 budget and financial plan to implement the amendments made by the proposed legislation. No additional staff or resources will be required.

<sup>1</sup> D.C. Official Code Title 50 § 1501.04 *et Sequ* 5729

AN ACT  
D.C. ACT 15-433

*Codification  
District of  
Columbia  
Official Code*

2001 Edition

2004 Fall  
Supp.

West Group  
Publisher

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 21, 2004

To amend, on a temporary basis, the District of Columbia Campaign Finance Reform and Conflict of Interest Act to allow members of the Board of Education to receive honoraria without restriction.

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

Sec. 2. Section 801(a) of the District of Columbia Campaign Finance Reform and Conflict of Interest Act, effective October 18, 1989 (D.C. Law 8-41; D.C. Official Code § 1-1108.01(a)), is amended by striking the phrases "or of the Board of Education" and "or a member of the Board of Education".

Note,  
§ 1-1108.01

Sec. 3. Fiscal impact statement.

This act will have no fiscal impact. It amends a limitation as to honoraria received by members of the Board of Education. It does not amend the requirement to report to the Office of Campaign Finance pursuant to section 602(a) of the District of Columbia Campaign Finance Reform and Conflict of Interest Act, approved August 14, 1974 (88 Stat. 467; D.C. Official Code § 1-1106.02(a)), and therefore has no effect on the Office's workload.

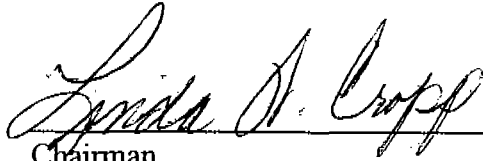
Sec. 4. Effective date.

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

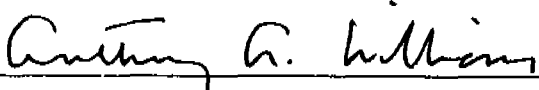
ENROLLED ORIGINAL

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

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



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia

APPROVED  
May 21, 2004

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
OFFICE OF THE CORPORATION COUNSEL



Legal Counsel Division

MEMORANDUM

**TO:** Elizabeth C. Lloyd  
Director  
Office of Legislative Support

**FROM:** Wayne C. Witkowski  
Deputy Corporation Counsel  
Legal Counsel Division

**DATE:** May 13, 2004

**SUBJECT:** Legal Sufficiency Review of Enrolled Bill 15-783, the "Honoraria Temporary Amendment Act of 2004"  
(AD-04-245 B) (MID 39314) (Doc 48823)

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This responds to your memorandum of May 10, 2004 by which you request that this Office review the above-referenced enrolled bill (Enrolled Bill) for legal sufficiency.

The Enrolled Bill contains the same substantive provisions as those in its emergency version (enrolled bill 15-782) which this Office stated was legally sufficient in its April 12, 2004 memorandum to you. Accordingly, the Enrolled Bill is also legally sufficient.

Should you have questions regarding this memorandum, please contact either Pollie H. Goff, Assistant Corporation Counsel, Legal Counsel Division, at 724-5558, or me at 724-5524.

WCW/phg

AN ACT

D.C. ACT 15-434

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 21, 2004

Codification  
District of  
Columbia  
Official Code

2001 Edition

2004 Fall  
Supp.

West Group  
Publisher

To amend, on a temporary basis, the Omnibus Budget Support Act of 1995 to authorize the District of Columbia Board of Education to implement a retirement incentive program for a limited declaration period between April 1, 2004 and May 14, 2004 for members of the District of Columbia Teachers' Retirement System who are eligible for regular retirement on or before May 14, 2004, and who will have an effective retirement date between June 25, 2004 and June 30, 2004.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this Act may be cited as the "Teacher Retirement Incentive Program Temporary Amendment Act of 2004".

Sec. 2. Section 901 of the Omnibus Budget Support Act of 1995, effective September 26, 1995 (D.C. Law 11-52; D.C. Official Code § 38-2041.01), is amended as follows:

Note,  
§ 38-2041.01

(a) Subsection (a) is amended by striking the phrase "the personnel authority of the Board of Education." and inserting the phrase "the personnel authority of the Board of Education, who are enrolled in retirement systems established pursuant to An Act For the retirement of public-school teachers in the District of Columbia, approved August 7, 1946 (60 Stat. 875; D.C. Official Code §§38-2021.01 – 38-2021.23), commonly known as the "District of Columbia Teachers' Retirement System." in its place.

(b) Subsection (c) is repealed.

(c) Subsections (d) and (e) are amended to read as follows:

"(d) The program shall be limited to employees who are eligible to voluntarily retire on or before May 14, 2004, pursuant to section 3 of An Act For the retirement of public-school teachers in the District of Columbia, approved August 7, 1946 (60 Stat. 875; D.C. Official Code § 38-2021.03), and who declare their intent to retire between April 1, 2004 and May 14, 2004, with an effective retirement date between June 25, 2004 and June 30, 2004.

"(e) The program shall offer a retirement incentive of an amount to be determined by the Board, not to exceed \$23,250, to be paid in one installment."

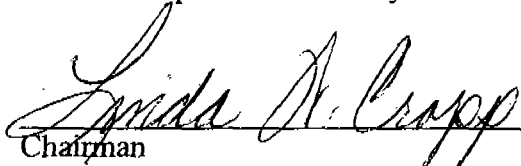
Sec. 3. Fiscal impact statement.

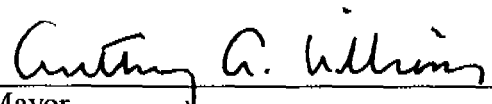
The Council authorized expenditure of an amount not to exceed \$5 million for the District of Columbia Public Schools for the Teacher Buyout Incentive Program on February 3 2004 (D.C. Act 15-387). The use of Reserve funds is already incorporated into the District's budget and financial plan and, therefore, the enactment of this legislation has no fiscal impact.

Sec. 4. Effective date.

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

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

  
\_\_\_\_\_  
Chairman  
Council of the District of Columbia

  
\_\_\_\_\_  
Mayor  
District of Columbia  
APPROVED  
May 21, 2004