

ENROLLED ORIGINAL

AN ACT

D.C. ACT 15-311

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 28, 2004

*Codification
District of
Columbia
Official Code*

2001 Edition

2004 Spring
Supp.

West Group
Publisher

To enhance driving safety by establishing distracted driving standards and allowing mobile telephones to be used while operating a moving motor vehicle only when equipped with built-in speakers or a hands-free accessory; to require the Metropolitan Police Department to include on motor vehicle accident reports information about the use of mobile telephones or other distractions by drivers involved in an accident; to require the District Department of Transportation to publish statistics regarding the relationship between motor vehicle accidents and the use of mobile telephones; to establish penalties for a violation of this act; and to increase public dialogue and education about distracted driving.

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

Sec. 2. Definitions.

For the purposes of this act, the term:

(1) "Distracted driving" means inattentive driving while operating a motor vehicle that results in the unsafe operation of the vehicle where such inattention is caused by reading, writing, performing personal grooming, interacting with pets or unsecured cargo, using personal communications technologies, or engaging in any other activity which causes distractions.

(2) "Hands-free accessory" means an attachment, add-on, built-in feature, or addition to a mobile telephone, whether or not permanently installed in a motor vehicle, that when used allows the vehicle operator to maintain both hands on the steering wheel.

(3) "Mobile telephone" means a cellular, analog, wireless, or digital telephone capable of sending or receiving telephone messages without an access line for service.

(4) "Other electronic device" includes, but is not limited to, hand-held computers, pagers, and video games.

(5) "Use" means talking, placing, or receiving a call, or attempting to place or receive a call, on a mobile telephone.

Enforcement Amendment Act of 2004, passed on 2nd reading on January 6, 2004 (Enrolled version of Bill 15-219).”.

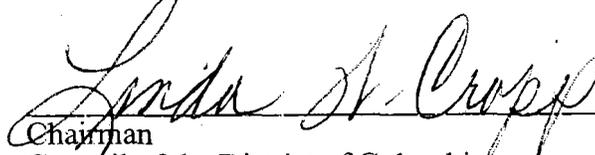
TITLE III -- FISCAL IMPACT STATEMENT

Sec. 301. Fiscal impact statement.

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

TITLE IV -- EFFECTIVE DATE

Sec. 401. 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
January 28, 2004

ENROLLED ORIGINAL

Sec. 3. Prohibition on distracted driving.

Distracted driving shall be prohibited. A person found guilty of distracted driving shall be subject to the fines and penalties set forth in section 6(a).

Sec. 4. Restricted use of mobile telephone and other electronic devices.

(a) No person shall use a mobile telephone or other electronic device while operating a moving motor vehicle in the District of Columbia unless the telephone or device is equipped with a hands-free accessory.

(b) The provisions of this section shall not apply to the following:

(1) Emergency use of a mobile telephone, including calls to 911 or 311, a hospital, an ambulance service provider, a fire department, a law enforcement agency, or a first-aid squad;

(2) Use of a mobile telephone by law enforcement and emergency personnel or by a driver of an authorized emergency vehicle, acting within the scope of official duties; or

(3) Initiating or terminating a telephone call, or turning the telephone on or off.

Sec. 5. Additional restrictions on use of mobile telephone or other electronic devices by school bus drivers and holders of learner's permits.

(a) A person shall not use a mobile telephone or other electronic device, including those with hands-free accessories, while operating a moving school bus that is carrying passengers; provided, that this section shall not apply to a school bus driver who places an emergency call to school officials or to the exceptions set forth in section 4(b).

(b) A person who holds a learner's permit shall be prohibited from using any mobile telephone or other electronic device, including those with hands-free accessories, while operating a moving motor vehicle on a public highway except in an emergency, as set forth in section 4(b).

Sec. 6. Enforcement; fines and penalties.

(a) The penalty for violating section 3, 4, or 5 shall be a fine of \$100; provided, that the fine shall be suspended for a first time violator who, subsequent to the violation but prior to the imposition of a fine, provides proof of acquisition of a hands-free accessory of the type required by this act.

(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 § 50-2302.01 *et seq.*).

ENROLLED ORIGINAL

payment of medical expenses for each child included in the support order, whether or not health insurance coverage is available to pay for those expenses. The court may order either or both parents to provide health insurance coverage for the child, or to pay the unreimbursed medical expenses of the child. In all cases where health insurance coverage is available to either or both parents at reasonable cost, the court shall order either or both parents with health insurance coverage available to provide the coverage, unless a party establishes that the provision of health insurance coverage would be contrary to the best interests of the child.

“(c-2) In selecting among health insurance coverage options, the court shall consider, at a minimum, the cost, comprehensiveness, accessibility, and continuing availability of all health insurance coverage available to either parent.

“(c-3) For the purposes of this section, health insurance coverage shall be considered reasonable in cost if it is employer-related or other group health insurance coverage, regardless of the service delivery mechanism.”

(c) Section 16-916.01 is amended as follows:

Amend
§ 16-916.01

(1) A new subsection (h-1) is added to read as follow:

“(h-1) For the purposes of this section, medical insurance coverage shall be considered reasonable in cost if it is employer-related or other group medical insurance coverage, regardless of the service delivery mechanism.”

(2) Subsection (o) is amended by adding a new paragraph (2A) to read as follows:

“(2A) If a support order does not provide for the payment of medical expenses for each child included in the support order, at the request of a party or the IV-D agency, the court shall modify the support order to provide for the payment of such expenses in accordance with section 16-916.”

Sec. 203. The District of Columbia Child Support Enforcement Amendment Act of 1985, effective February 24, 1987 (D.C. Law 6-166; D.C. Official Code § 46-201 *et seq.*), is amended as follows:

(a) Section 5 (a) (D.C. Official Code § 46-204(a)) is amended by striking the phrase “reviewed pursuant to § 16-916.1(o)(2).” in the last sentence and inserting the phrase “reviewed or modified pursuant to § 16-916.01(o)(2) or (o)(2A).”

Amend
§ 46-204

(b) Section 6(5) (D.C. Official Code § 46-205(5)) is amended to read as follows:

“(5) Notice that if the obligor is required under the support order to provide health insurance coverage for a child, the obligor’s employer will, upon receipt of notice of the health insurance coverage provision, enroll the child in health insurance coverage and deduct the premiums from the obligor’s earnings in accordance with sections 2 and 3 of the Medicaid Benefits Protection Act of 1994, effective March 14, 1995 (D.C. Law 10-202; D.C. Official Code §§ 1-307.41, 1-307.42), and Title I of the Medical Support Establishment and Enforcement Amendment Act of 2004, passed on 2nd reading on January 6, 2004 (Enrolled version of Bill 15-219).”

Amend
§ 46-205

(c) Section 8(b)(6) (D.C. Official Code § 46-207(b)(6)) is amended to read as follows:

“(6) Notice that if the obligor is required under the support order to provide health insurance coverage for a child, the obligor’s employer will, upon receipt of notice of the health insurance coverage provision, enroll the child in health insurance coverage and deduct the premiums from the obligor’s earnings in accordance with sections 2 and 3 of the Medicaid Benefits Protection Act of 1994, effective March 14, 1995 (D.C. Law 10-202; D.C. Official Code §§ 1-307.41, 1-307.42), and Title I of the Medical Support Establishment and

Amend
§ 46-207

ENROLLED ORIGINAL

Sec. 7. Police officer's report.

(a) Whenever the Metropolitan Police Department ("MPD") makes a written report on an accident involving a motor vehicle, the report shall include the following information:

- (1) Whether a mobile telephone or other electronic device was present in the motor vehicle;
- (2) Whether the use of a mobile telephone or other electronic device by a motor vehicle operator may have contributed to the cause of the accident; and
- (3) Whether any other distraction may have contributed to the cause of the accident.

(b) The MPD shall provide a copy of each accident report to the District Department of Transportation.

Sec. 8. Education.

The Director of the Department of Motor Vehicles shall include educational information on the use of mobile telephones and other electronic devices while driving in the District's Driver and Motorcycle Operator's Study Guide. The Director shall also include questions pertaining to distracted driving and mobile telephone usage while driving on the driver's license exam.

Sec. 9. Reporting requirements.

(a) The Director of the District Department of Transportation shall annually publish and submit to the Council a report containing statistics regarding the possible relationship between motor vehicle accidents in the District of Columbia and the use of mobile telephones or other electronic devices by motor vehicle operators.

(b) The Mayor shall, within 2 years and 6 months after the effective date of this act, submit a report to the Council containing recommendations concerning the use of mobile telephones or other electronic devices in motor vehicles. The report shall include a recommendation as to whether the provisions of this act should be amended.

Sec. 10. Rules.

The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1203; D.C. Official Code § 2-501 *et seq.*), shall issue rules to implement the provisions of this act.

Sec. 11. Applicability date.

This act shall apply as of July 1, 2004.

Sec. 12. Fiscal impact statement.

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

application by the child's other parent, or by the District of Columbia agency administering either the Medicaid program or the child support enforcement program pursuant to Part D of Title IV of the Social Security Act, approved January 4, 1975 (88 Stat. 2351; 42 U.S.C. § 651 *et seq.*), if the employed parent is not enrolled and the health insurance plan requires the employed parent's enrollment for the child to be eligible;"

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

(A) Subparagraph (B) is amended by striking the word "or" at the end.

(B) Subparagraph (C) is amended by adding the word "or" at the end.

(C) A new subparagraph (D) is added to read as follows:

"(D) The employer no longer employs the parent and the parent has not elected to continue coverage through a plan offered by the employer for post-employment health insurance coverage for dependents;"

(3) Paragraph (4) is amended as follows:

(A) Strike the word "Withhold" and insert the phrase "Subject to sections 107 and 108 of the Medical Support Establishment and Enforcement Amendment Act of 2004, passed on 2nd reading on January 6, 2004 (Enrolled version of Bill 15-219), withhold" in its place.

(B) Strike the word "and" at the end.

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

"(5) Upon receipt of a court or administrative order that has directed the parent to provide health insurance coverage for the child, provide the insurer with the order for health insurance coverage and inform the insurer that the order operates to enroll the child in the coverage; and"

(5) A new paragraph (6) is added to read as follows:

"(6) Upon receipt of a medical support notice issued by the IV-D agency under section 102 of the Medical Support Establishment and Enforcement Amendment Act of 2004, passed on 2nd reading on January 6, 2004 (Enrolled version of Bill 15-219), comply with the provisions of sections 104, 107, and 108 of that act."

Sec. 202. Title 16 of the District of Columbia Official Code is amended as follows:

(a) Section 16-901 is amended by adding a new paragraph (4) to read as follows:

"(4) "Support order" means a judgment, decree, or order, whether temporary, final, or subject to modification, issued by a court or an administrative agency of competent jurisdiction, for the support and maintenance of a child, including a child who has attained the age of majority under the law of the issuing state, or a child and the parent with whom the child is living, which provides for monetary support, health care, arrearages, or reimbursement and which may include related costs and fees, interest and penalties, income withholding, attorneys' fees, and other relief."

Amend
§ 16-901

(b) Section 16-916 is amended as follows:

(1) Subsection (a) is amended by striking the phrase "that either or both parents shall pay for the unreimbursed medical expenses of the child, and that a parent shall obtain medical insurance for the child whenever that insurance is available at a reasonable cost,"

(2) Subsection (c) is amended by striking the phrase "that either or both parents shall pay for the unreimbursed medical expenses of the child, that the parent obtain medical insurance for the child whenever that insurance is available at a reasonable cost,"

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

"(c-1) A support order entered under this section shall contain terms providing for the

Amend
§ 16-916

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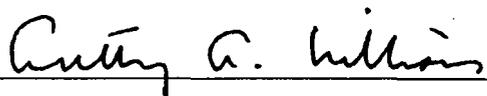
impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 13. Effective date.

This act shall take effect following approval by the Mayor (or in the event of a veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 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.

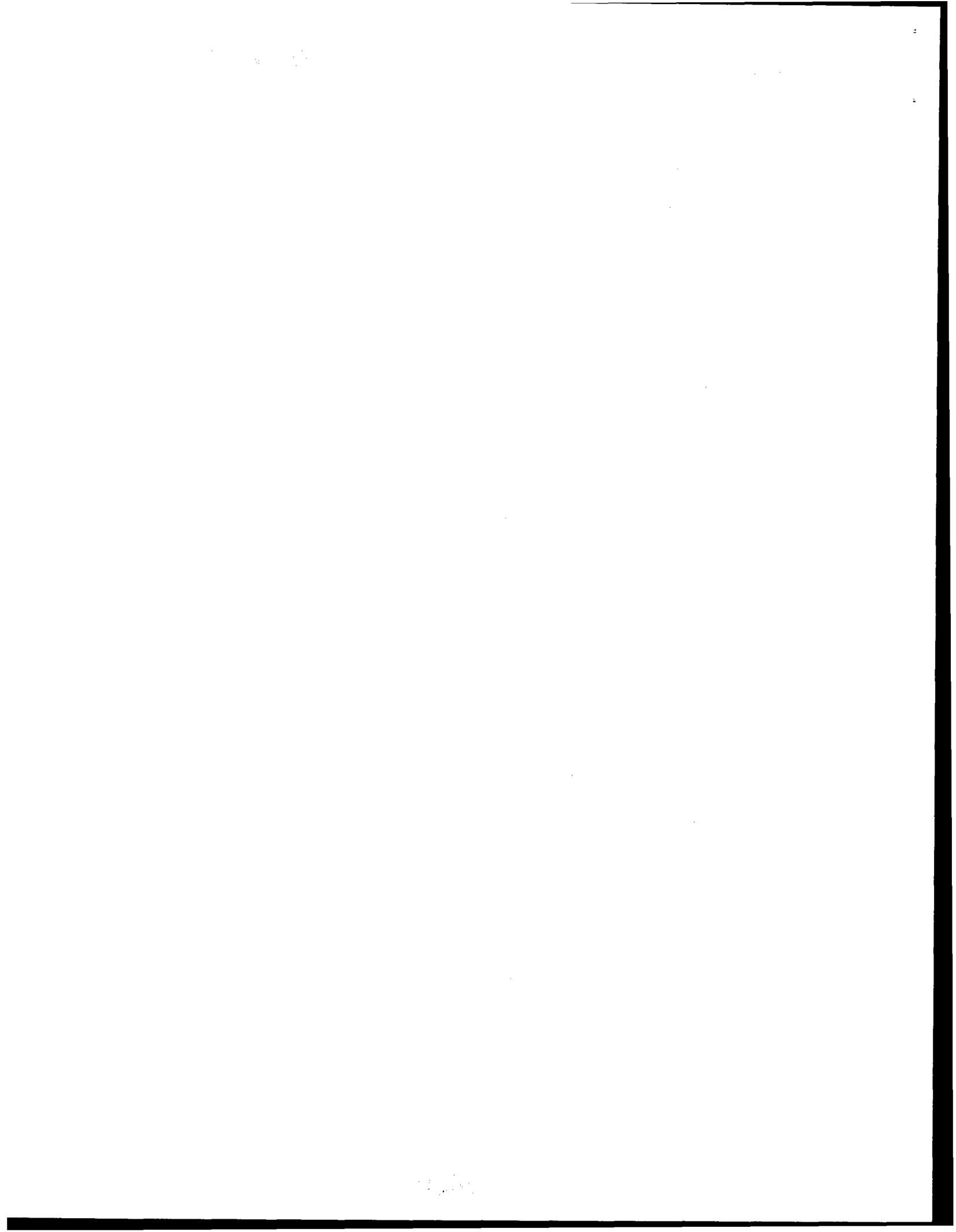


Chairman
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APPROVED
January 28, 2004



may bring a civil action against an employer who violates subsection (a) of this section. A civil penalty obtained under this section shall be used to offset the employee's duty of support.

(d) If an employer fails to withhold an employee contribution for health insurance coverage or fails to send a withheld contribution to the health insurer as required by section 108, a judgment shall be entered against the employer for the amount not withheld or paid to the health insurer, and for any reasonable counsel fees and court costs incurred by the employee, a parent, the health insurer, or the IV-D agency as a result of the failure to withhold or make payment.

(e) An employer shall be liable for unreimbursed health care expenses incurred by or on behalf of a child as a result of the employer's failure to comply with the requirements of this title or section 3 of the Medicaid Benefits Protection Act of 1994, effective March 14, 1995 (D.C. Law 10-202; D.C. Official Code § 1-307.42).

(f) A health insurer shall be liable for unreimbursed health care expenses incurred by or on behalf of a child as a result of the health insurer's failure to comply with the requirements of this title or section 2 of the Medicaid Benefits Protection Act of 1994, effective March 14, 1995 (D.C. Law 10-202; D.C. Official Code § 1-307.41).

(g) Neither an employer nor a health insurer shall be subject to liability under subsections (d), (e), or (f) of this section if the employer or health insurer proves by a preponderance of the evidence that the failure to comply was due to exigent circumstances beyond the control of the employer or health insurer.

(h) Neither an employer nor a health insurer who complies, in accordance with the requirements of this title, with a medical support notice or a support order that is regular on its face shall be subject to civil liability to an individual or entity for conduct in compliance with the medical support notice or support order.

TITLE II -- CONFORMING AMENDMENTS

Sec. 201. The Medicaid Benefits Protection Act of 1994, effective March 14, 1995 (D.C. Law 10-202; D.C. Official Code § 1-307.41 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 1-307.41) is amended as follows:

Amend
§ 1-307.41

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

“(1) Provide such information to the custodial parent as may be necessary to obtain benefits through such coverage, including the information required under section 105(a) of the Medical Support Establishment and Enforcement Amendment Act of 2004, passed on 2nd reading on January 6, 2004 (Enrolled version of Bill 15-219).”

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

(A) Paragraph (2) is amended by striking the word “and” at the end.

(B) A new paragraph (2A) is added to read as follows:

“(2A) Enroll the child and the employed parent under family coverage upon application by the child's other parent, or by the District of Columbia agency administering either the Medicaid program or the child support enforcement program pursuant to Part D of Title IV of the Social Security Act, approved January 4, 1975 (88 Stat. 2351; 42 U.S.C. § 651 *et seq.*), if the employed parent is not enrolled and the health insurance plan requires the employed parent's enrollment for the child to be eligible; and”.

(b) Section 3 (D.C. Official Code § 1-307.42) is amended as follows:

Amend
§ 1-307.42

(1) A new paragraph (2A) is added to read as follows:

“(2A) Enroll the child and the employed parent under family coverage upon

AN ACT
D.C. ACT 15-312

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
JANUARY 28, 2004

*Codification
District of
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Official Code*

2001 Edition

2004 Spring
Supp.

West Group
Publisher

To amend the District of Columbia Police and Firemen’s Salary Act of 1958 to provide for the inclusion of military and certain other government service in computing credit for service longevity for the purposes of calculating retirement annuities.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Police and Firemen’s Service Longevity Amendment Act of 2004”.

Sec. 2. Section 401(a)(3) of the District of Columbia Police and Firemen’s Salary Act of 1958, approved August 1, 1958 (72 Stat. 484; D.C. Official Code § 5-544.01(a)(3)), is amended as follows:

Note,
§ 5-544.01

(a) Subparagraph (A) is amended by adding a new sentence at the end to read as follows:

“For the purpose of computing credit for service longevity in calculating retirement annuities pursuant to this subparagraph, active service includes any service that is creditable under section 12(c) of the Policemen and Firemen’s Retirement and Disability Act, approved September 1, 1916 (39 Stat. 718; D.C. Official Code § 5-704).”.

(b) Subparagraph (B) is amended by adding a new sentence at the end to read as follows:

“For the purpose of computing credit for service longevity in calculating retirement annuities pursuant to this subparagraph, active service includes any service that is creditable under section 12(c) of the Policemen and Firemen’s Retirement Disability Act, approved September 1, 1916 (39 Stat. 718; D.C. Official Code § 5-704).”.

Sec. 3. Appropriations.

This act shall be subject to the availability of appropriations.

Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

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

1914

1914

Act, approved May 29, 1968 (82 Stat. 163; 15 U.S.C. § 1673(b)), and determine whether the available earnings are sufficient to satisfy current cash support due under all applicable support orders. The employer shall not withhold contributions for health insurance coverage required under any support order until all the employee's current cash support obligations are satisfied.

(d) An employer shall apply the law of the employee's principal place of employment in determining the limitations and priorities applicable to the withholding of employee contributions for health insurance coverage.

Sec. 109. Liability for contributions to health insurance coverage; objections to withholding.

(a) An employee is liable for employee contributions required to enroll a child in health insurance coverage pursuant to a medical support notice or a support order, except that an employee may contest a withholding for employee contributions for health insurance coverage based on a mistake of fact.

(b) An employee may contest a withholding for employee contributions for health insurance coverage by filing a motion to quash the withholding with the Superior Court of the District of Columbia, with service upon the IV-D agency if the withholding was commenced pursuant to a medical support notice. The employee shall file the motion within 15 days after the date the first employee contributions for health insurance coverage are withheld from the employee's earnings.

(c) The only grounds for contesting a withholding based on a mistake of fact under this section are:

- (1) The identity of the employee;
- (2) The accuracy of the amount of the employee contributions withheld to enroll the child in the health insurance coverage;
- (3) The existence of an underlying support order requiring the employee to provide health insurance coverage for the child; and
- (4) Whether the amount withheld for health insurance coverage exceeds the limits of section 303(b) of the Consumer Credit Protection Act, approved May 29, 1968 (82 Stat. 163; 15 U.S.C. § 1673(b)).

(d) Enrollment of a child in health insurance coverage and withholding of the employee's contributions for health insurance coverage shall not be stayed or terminated until the employer receives written notice that the contest has been resolved in the employee's favor.

(e) Nothing in this section shall be construed to limit an employee's right to contest an underlying support order requiring the employee to provide health insurance coverage for a child.

Sec. 110. Sanctions; limitations on liability.

(a) An employer shall not discharge, refuse to employ, or take disciplinary action against a parent or employee based on the parent or employee's obligation to provide health insurance coverage for a child under a medical support notice or a support order.

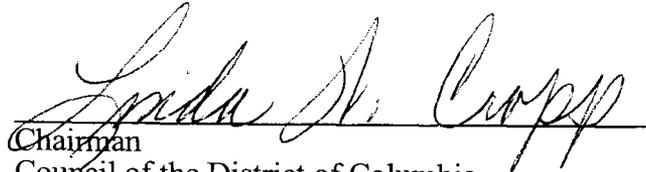
(b) There shall be a rebuttable presumption that an employer who engages in conduct described in subsection (a) of this section, within 90 days from the date of receipt of the medical support notice or the support order, is in violation of this section and may be subject to the sanctions in subsection (c) of this section.

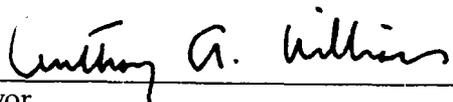
(c) Any employer who engages in conduct described in subsection (a) of this section shall be subject to a civil penalty of up to \$10,000. An employee, a parent, or the IV-D agency

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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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shall select an available option in consultation with the child's custodian.

(b) In selecting an option in consultation with the child's custodian pursuant to subsection (a) of this section, the IV-D agency shall consider, at a minimum, the cost, comprehensiveness, accessibility, and continuing availability of the health insurance coverage.

(c) The IV-D agency shall notify the health insurer of its selection promptly after the health insurer provides the IV-D agency with the information required under section 105(d).

Sec. 107. Withholding for health insurance coverage.

(a) When an employer receives notice from a health insurer that a child has been enrolled in health insurance coverage pursuant to a medical support notice or a support order requiring a parent to provide health insurance coverage, the employer shall:

(1) Withhold from the employee's earnings the employee contributions required to effectuate health insurance coverage for the child in each plan in which the child is enrolled;

(2) Send the amount withheld to the applicable health insurer within 7 business days after the date the amount would have been next paid or credited to the employee;

(3) Continue to withhold premiums for health insurance coverage from the employee's earnings on a regular and consistent basis and pay the premiums to the health insurer; and

(4) Send each additional payment to the health insurer on the same date that the employee is compensated.

(b) Withholding for health insurance coverage shall not exceed the limitations set forth in § 303(b) of the Consumer Credit Protection Act, approved May 29, 1968 (82 Stat. 163; 15 U.S.C. § 1673(b)).

(c) Nothing in this title shall alter the obligation of an obligor, obligee, employer, or other person or entity to comply with the provisions for the withholding of earnings or other income stated in the District of Columbia Child Support Enforcement Amendment Act of 1985, effective February 24, 1987 (D.C. Law 6-166; D.C. Official Code § 46-201 *et seq.*).

Sec. 108. Priority of withholding for employee contributions to health insurance coverage.

(a) If withholding of both the full amount of current cash support and the full amount of an employee's contributions for health insurance coverage for a child included in a medical support notice or a support order requiring a parent to provide health insurance coverage exceeds the limits of section 303(b) of the Consumer Credit Protection Act, approved May 29, 1968 (82 Stat. 163; 15 U.S.C. § 1673(b)), then current cash support shall receive priority and shall be withheld in full prior to any withholding being made for employee contributions for health insurance coverage.

(b) If the full amount of current cash support and the full amount of employee contributions for health insurance coverage can be withheld within the limits of section 303(b) of the Consumer Credit Protection Act, approved May 29, 1968 (82 Stat. 163; 15 U.S.C. § 1673(b)), the employer shall withhold earnings for additional cash amounts that are subject to withholding after the employee's obligations for current cash support and contributions for health insurance coverage are satisfied.

(c) If an employer is required to withhold earnings or employee contributions for health insurance coverage pursuant to more than one support order, the employer shall prorate among the support orders subject to withholding the amount of the employee's earnings that are available for withholding within the limits of section 303(b) of the Consumer Credit Protection

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AN ACT
D.C. ACT 15-313

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
JANUARY 28, 2004

*Codification
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2001 Edition

2004 Spring
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West Group
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To designate the tennis courts at Takoma Recreation Center, located at the corner of 3rd and Van Buren Streets N.W., as the Henry Kennedy Memorial Tennis Courts, in Ward 4.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Henry Kennedy Memorial Tennis Courts Designation Act of 2004".

Sec. 2. Pursuant to section 401 of the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code § 9-204.01)("Act"), the Council designates the tennis courts located at the corner of 3rd and Van Buren Streets, N.W., as the "Henry Kennedy Memorial Tennis Courts."

Note,
§ 9-204.01

Sec. 3. The Secretary to the Council shall transmit a copy of this act, after it becomes effective, to the Director of the Department of Parks and Recreation.

Sec. 4. The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code §1-206.02(c)(3)).

Sec. 5. 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

paragraph (1) of this subsection:

- insurance coverage;
- (i) Determine the child's eligibility for enrollment in health insurance coverage;
- (ii) Enroll the child in health insurance coverage if the child is eligible for enrollment and not already enrolled, without regard to enrollment season restrictions;
- (iii) Enroll the child and the employee in health insurance coverage if the employee is not enrolled and the health insurance plan requires the employee's enrollment for the child to be eligible;
- (iv) Complete and send to the IV-D agency and the employer the applicable portion of the medical support notice;
- (v) Send the parent, the child's custodian, and the child a written notification that health insurance coverage is or will become available to the child; and
- (vi) Send the child's custodian a written description of the available health insurance coverage, the effective date of the health insurance coverage, summary plan descriptions, and, if not already provided, forms, documents, or other information necessary to obtain health insurance coverage for the child and to submit claims for benefits.
- (b) Notification to the child's custodian of the availability of health insurance coverage pursuant to subsection (a)(3)(E) of this section shall be deemed to be notification to the child if the child resides at the same address.

(c) If enrollment of a child in health insurance coverage is subject to a waiting period that has not been completed, within 40 business days after the date of the medical support notice the health insurer shall complete and send to the employer, the IV-D agency, and both parents the applicable portion of the medical support notice. Within 20 business days after the employee's completion of the waiting period, the health insurer shall comply with the requirements of subsection (a)(3) of this section.

(d) If a child is eligible for enrollment in more than one health insurance coverage option available through the employer, the health insurer shall, within 40 business days after the date of the medical support notice:

- (1) Complete and send to the IV-D agency and the employer the applicable portion of the medical support notice; and
- (2) Send the IV-D agency copies of applicable summary plan descriptions or other documents that describe the available coverage, including any additional employee contributions necessary to obtain coverage for the child under each option, and any applicable service area limitations for each option.

(e) Within 20 business days after the health insurer sends to the IV-D agency the information stated in subsection (d) of this section, the health insurer shall

(1) Enroll the child in the health insurance coverage option selected by the IV-D agency, and comply with the other requirements of subsection (a)(3) of this section, if the IV-D agency has notified the health insurer of its selection; or

(2) Enroll the child in any default option for which the child is eligible, and comply with the other requirements of subsection (a)(3) of this section, if the IV-D agency has not notified the health insurer of its selection of a different option.

Sec. 106. Selection of a health insurance coverage option.

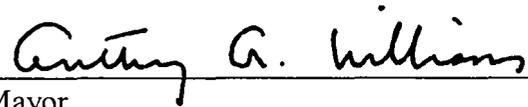
(a) Upon receipt of notice from a health insurer that more than one health insurance coverage option is available for a child included in a medical support notice, the IV-D agency

ENROLLED ORIGINAL

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
January 28, 2004

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1998 (112 Stat. 663; 42 U.S.C. § 651 note), shall be deemed to be a qualified medical child support order under section 609(a)(2) of the Employee Retirement Income Security Act of 1974, approved August 10, 1993 (107 Stat. 371; 29 U.S.C. § 1169(a)(2)).

(c) A medical support notice issued in another jurisdiction shall be treated under this title in the same manner as a medical support notice issued in the District of Columbia.

Sec. 104. Duties of the employer.

(a) Upon receipt of a medical support notice, an employer shall, within 20 business days after the date of the medical support notice:

(1) Determine whether health insurance coverage is available to the child included in the medical support notice based on the parent's employment status;

(2) Complete and return to the IV-D agency the applicable portion of the medical support notice if health insurance coverage is unavailable to the child based on the parent's employment status; and

(3) Send the medical support notice, excluding the severable employer withholding notice, to each health insurer that provides health insurance coverage for which the child may be eligible, if health insurance coverage is available to the child based on the parent's employment status.

(b) If the employer determines that the child cannot be enrolled in health insurance coverage because the employee contributions exceed the amount that may be withheld from the parent's earnings due to federal or District of Columbia withholding limitations or prioritizations, the employer shall promptly complete and send to the IV-D agency the applicable portion of the medical support notice.

(c) If the employer receives notice from a health insurer that the parent is subject to a waiting period that expires more than 90 days from the health insurer's receipt of the medical support notice, or that has a duration determined by a measure other than the passage of time, the employer shall inform the health insurer, when the parent is eligible to enroll in health insurance coverage, that the parent is eligible and that the medical support notice requires the enrollment of the child.

(d) Within 10 days after an employer receives notice that a parent subject to a medical support notice will terminate employment, or within 10 days after the termination, whichever occurs earlier, the employer shall notify the IV-D agency of the termination and provide the IV-D agency with the last known address and the name and address of the parent's new employer, if known.

Sec. 105. Duties of the health insurer.

(a) Upon receipt of a medical support notice from an employer, a health insurer shall, within 40 business days after the date of the notice:

(1) Determine whether the medical support notice contains:

(A) The employee's name and mailing address; and

(B) The name of the child to be enrolled in health insurance coverage and the mailing address of the child or a substituted official; and

(2)(A) Complete and send to the IV-D agency and the employer the applicable portion of the medical support notice if the medical support notice does not contain the information described in paragraph (1) of this subsection; or

(B) Comply with the following requirements, subject to paragraphs (c), (d), and (e) of this section, if the medical support notice contains the information described in

ENROLLED ORIGINAL

AN ACT

D.C. ACT 15-314

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 28, 2004

*Codification
District of
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2001 Edition

2004 Spring
Supp.West Group
Publisher

To amend An Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes to extend the time period within which the Mayor may enter into an agreement to dispose of District-owned property located at 2341 4th Street, N.E., pursuant to the Unsolicited Proposal Submitted by the H Street Community Development Corporation for the Acquisition and Development of 2341 4th Street, N.E., Resolution of 1999.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Extension of the Time Period for Disposition of a Property Located at 2341 4th Street, N.E., Amendment Act of 2004".

Sec. 2. Section 1 of An Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes, approved August 5, 1939 (53 Stat. 1211; D.C. Official Code § 10-801), is amended by adding a new subsection (d-2) to read as follows:

Note,
§ 10-801

"(d-2)(1) Notwithstanding subsection (d) of this section, the time period within which the Mayor may dispose of the property located at 2341 4th Street, N.E., pursuant to the Unsolicited Proposal Submitted by the H Street Community Development Corporation for the Acquisition and Development of 2341 4th Street, N.E., Resolution of 1999, deemed approved February 10, 2000 (PR13-436), is extended to February 10, 2004.

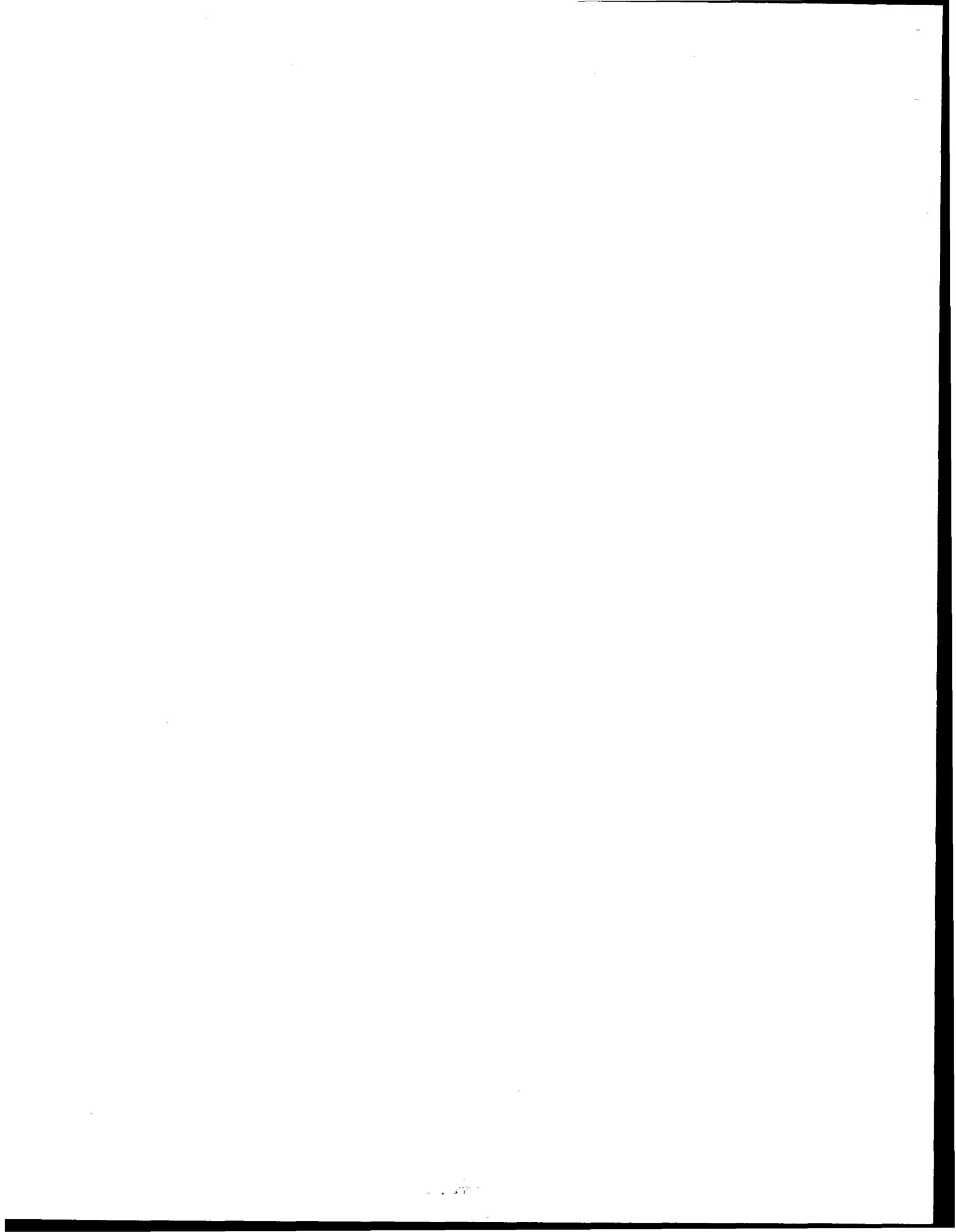
"(2) This subsection shall apply as of February 10, 2000."

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



in alternative coverage.

(b) Where a noncustodial parent is a newly hired employee entered in the District of Columbia Directory of New Hires pursuant to section 27f of the District of Columbia Child Support Enforcement Amendment Act of 1985, effective April 3, 2001 (D.C. Law 13-269; D.C. Official Code § 46-226.06), and the support order requires the noncustodial parent to provide health insurance coverage for a child, the IV-D agency shall submit the medical support notice to the employer within 2 business days after the entry of the employee in the directory.

(c) The IV-D agency shall promptly notify an employer that has received a medical support notice when there is no longer a support order in effect for which the IV-D agency is responsible that requires a parent to provide health insurance coverage for a child.

Sec. 103. Medical support notice; contents; effect.

(a) A medical support notice shall be issued in a format consistent with federal requirements and shall contain all information required by federal law. A medical support notice shall:

(1) Conform with the requirements applicable to medical child support orders under section 609(a) of the Employee Retirement Income Security Act of 1974, approved August 10, 1993 (107 Stat. 371; 29 U.S.C. § 1169(a)), in connection with group health plans;

(2) Conform with the requirements of section 466(a)(19) of the Social Security Act, approved August 16, 1984 (98 Stat. 1306; 42 U.S.C. § 666(a)(19));

(3) Include a separate and easily severable employer withholding notice that informs the employer of:

(A) The employer's obligations under section 107 to withhold employee contributions due in connection with health insurance coverage a parent is required to provide for a child pursuant to a support order;

(B) The duration of the withholding requirement as stated in section 3(3) of the Medicaid Benefits Protection Act of 1994, effective March 15, 1995 (D.C. Law 10-202; D.C. Official Code § 1-307.42(3));

(C) The applicability of the limits on withholding imposed under section 303 (b) of the Consumer Credit Protection Act, approved May 29, 1968 (82 Stat. 163; 15 U.S.C. § 1673(b));

(D) The applicability of any prioritization required under section 108 when the employee's earnings are insufficient to satisfy fully through withholding the employee's obligations to provide cash support and contributions for health insurance coverage for the child;

(E) The name and telephone number of the appropriate person to contact at the IV-D agency about the medical support notice;

(F) The employee's right to contest the withholding based on mistake of fact pursuant to section 109, and the employer's obligation to initiate and continue the withholding until the employer receives notice that the contest is resolved; and

(G) The applicability of sanctions against the employer under section 110 for discharging, refusing to employ, or taking disciplinary action against a parent because of the requirement to withhold employee contributions for health insurance coverage, or for failing to withhold or remit earnings.

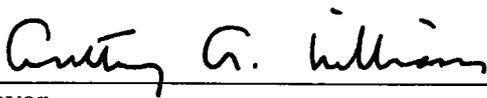
(b) An appropriately completed medical support notice that meets the requirements of section 401(b) of the Child Support Performance and Incentive Act of 1998, approved July 16,

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
January 28, 2004

TITLE I - MEDICAL SUPPORT ENFORCEMENT

Sec. 101. Definitions.

For the purposes of this title, the term:

(1) "Custodian" means the parent, relative, guardian, or other person with whom the dependent child resides.

(2) "Health insurance coverage" means benefits consisting of amounts paid for the diagnosis, cure, mitigation, treatment, or prevention of disease, or amounts paid for the purpose of affecting any structure or function of the body (provided directly, through insurance or reimbursement, or otherwise, and includes items and services) under any hospital or medical service policy or certificate, hospital, or medical service plan contract, or health maintenance organization contract offered by a health insurer.

(3) "Health insurer" means any person that provides one or more health benefit plans or insurance in the District of Columbia, including a group health plan, as defined in section 607(1) of the Employee Retirement Income Security Act of 1974, approved April 7, 1986 (100 Stat. 231; 29 U.S.C. § 1167(1)), a plan administrator as defined in section 3(16) of the Employee Retirement Income Security Act of 1974, approved September 2, 1974 (88 Stat. 835; 29 U.S.C. § 1002(16)), an insurer, a hospital and medical service corporation, a health maintenance organization, a multiple employer welfare arrangement, or any other person providing a plan of health insurance subject to the authority of the Commissioner of the Department of Insurance and Securities Regulation.

(4) "IV-D agency" means the organizational unit of the District of Columbia government, its contractors or assignees, or a successor organizational unit, that is responsible for administering or supervising the administration of the District of Columbia's State Plan under Part D of Title IV of the Social Security Act, approved January 4, 1975 (88 Stat. 2351; 42 U.S.C. § 651 *et seq.*), pertaining to parent locator services, paternity establishment, and the establishment, modification, and enforcement of support orders.

(5) "Medical support notice" means a notice issued by the IV-D agency that meets the requirements of a National Medical Support Notice promulgated under section 401(b) of the Child Support Performance and Incentive Act of 1998, approved July 16, 1998 (112 Stat. 660; 42 U.S.C. § 651 note).

(6) "Support order" means a judgment, decree, or order, whether temporary or final, or subject to modification, issued by a court or an administrative agency of competent jurisdiction, for the support and maintenance of a child, including a child who has attained the age of majority under the law of the issuing state, or a child and the parent with whom the child is living, which provides for monetary support, health care, arrearages, or reimbursement, and which may include related costs and fees, interest and penalties, income withholding, attorneys' fees, and other relief.

Sec. 102. Use of medical support notice; IV-D agency.

(a) In cases being enforced pursuant to Part D of Title IV of the Social Security Act, approved January 4, 1975 (88 Stat. 2351; 42 U.S.C. § 651 *et seq.*), where a parent is required by a support order to provide health insurance coverage for a child, which is available through the parent's employer, the IV-D agency may apply for the enrollment of the child in the health insurance coverage by submitting a medical support notice to the employer. The IV-D agency shall, where appropriate, submit a medical support notice to the employer when the support order requires the noncustodial parent to provide health insurance coverage for the child and the employer is known to the IV-D agency, unless the support order directs enrollment of the child

AN ACT

D.C. ACT 15-315

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 28, 2004

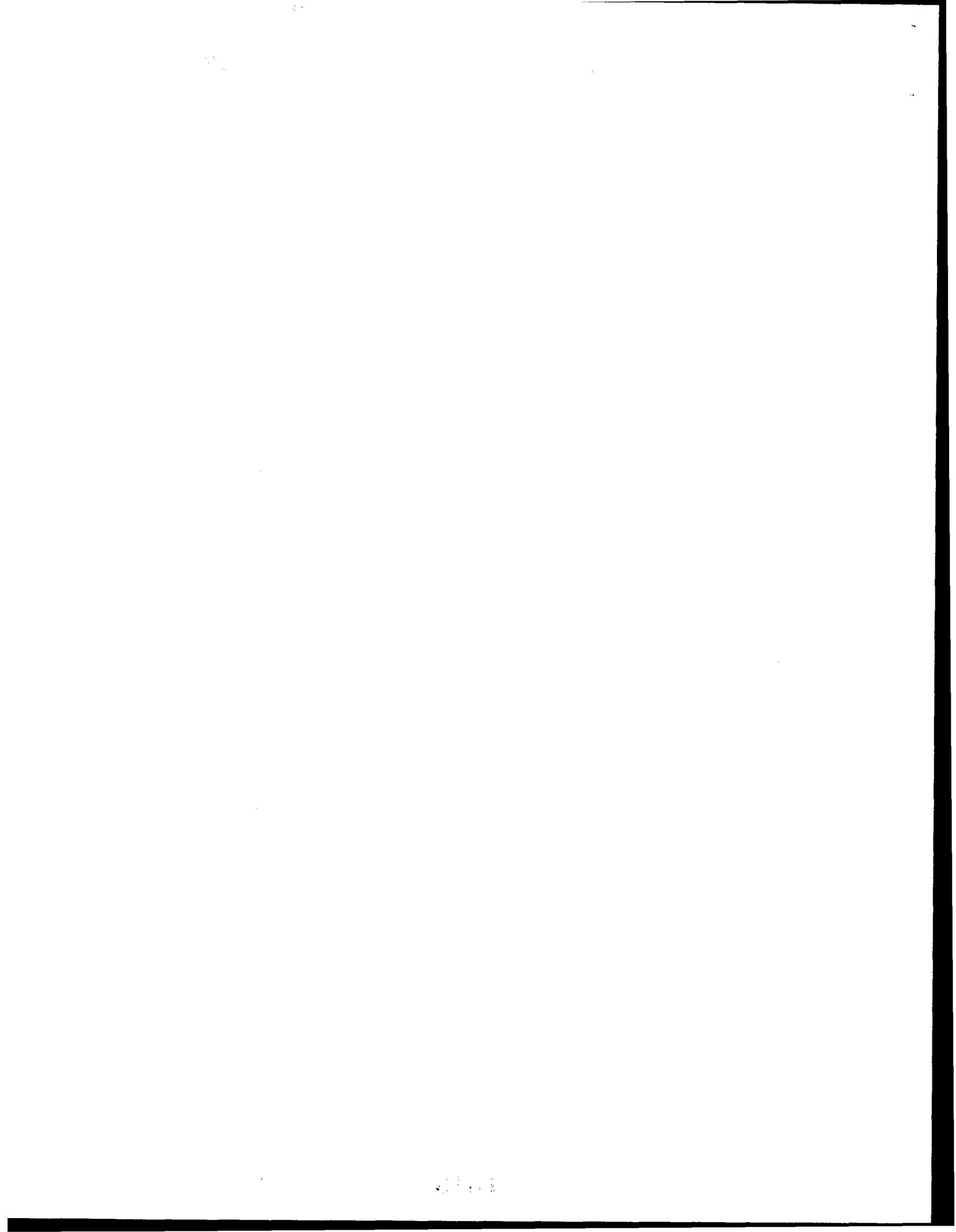
To order the closing of a portion of the alley in Square 2848, bounded by Kenyon Street, N.W., 13th Street, N.W., Irving Street, N.W., and 14th Street, N.W., and a portion of Kenyon Street, N.W., in Ward 1.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Closing of a Public Alley in Square 2848 and of a Portion of Kenyon Street, N.W., S.O. 03-411, Act of 2004".

Sec. 2. Pursuant to section 201 of the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code § 9-202.01), the Council finds that the portion of the alley in Square 2848, as shown on the Surveyor's plat filed under S.O. 03-411, is unnecessary for alley purposes and orders it closed, with title to the land to vest as shown on the Surveyor's plat, and that the portion of the Kenyon Street, N.W., as shown on the Surveyor's plat filed under S.O. 03-411, is unnecessary for street purposes and orders it closed, with title to the land to vest as shown on the Surveyor's plat. The approval of the Council of this closing is contingent upon the satisfaction of the conditions of the District Department of Transportation, the District of Columbia Water and Sewer Authority, the District of Columbia Office of Planning, and those of any other District agencies and affected public utilities as set forth in the official file on S.O. 03-411.

Sec. 3. 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. The Secretary to the Council shall transmit a copy of this act, upon its effective date, to the Surveyor of the District of Columbia and the District of Columbia Recorder of Deeds.



AN ACT
D.C. ACT 15-331

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 28, 2004

*Codification
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2001 Edition

2004 Spring
Supp.

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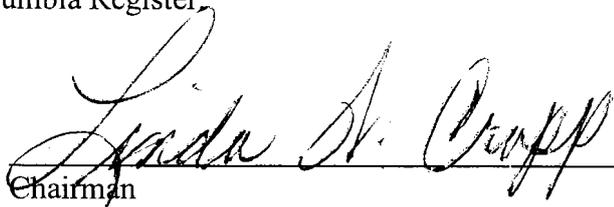
To require the IV-D agency to use a medical support notice to enforce provisions in support orders requiring health insurance coverage for children; to require a medical support notice to include specific information and conform with federal law; to require an appropriately completed medical support notice to be deemed a qualified medical child support order, and to require that a medical support notice issued in another jurisdiction be treated the same as a medical support notice issued in the District of Columbia; to require employers to follow specified procedures upon receipt of a medical support notice from the IV-D agency and to notify the IV-D agency when the parent terminates employment; to require health insurers to follow specified procedures upon receipt of a medical support notice; to require the IV-D agency to select among available health insurance coverage options available through the insurer in consultation with the child's custodian; to require employers to withhold employee contributions for health insurance coverage from the employee's earnings and send the contributions to the health insurer; to establish withholding priorities for current cash support and employee contributions for health insurance coverage; to establish the parent's liability for employee contributions for health insurance coverage, to permit the parent to contest a withholding for employee contributions based on a mistake of fact, and to require the enrollment of the child in health insurance coverage and the withholding of employee contributions to continue while the contest is pending; to establish remedies against employers for taking action against a parent based on enrollment and withholding requirements and for failing to comply with enrollment and withholding requirements; to limit the liability of employers and health insurers that comply with the requirements for health insurance coverage enrollment and withholding; to amend the Medicaid Benefits Protection Act of 1994 to conform with the procedures established for the medical support notice and to include provisions required by federal law; to amend Title 16 of the District of Columbia Official Code to require the inclusion of a provision for health insurance coverage in a support order where health insurance coverage is available to the non-custodial parent at a reasonable cost, and to provide for the modification of support orders to include provisions for health insurance coverage; and to amend the District of Columbia Child Support Enforcement Amendment Act of 1985 to conform with the procedures established for the medical support notice.

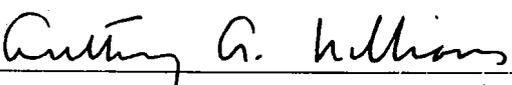
BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Medical Support Establishment and Enforcement Amendment Act of 2004".

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Sec. 5. 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
January 28, 2004

Sec. 302. Fiscal impact statement.

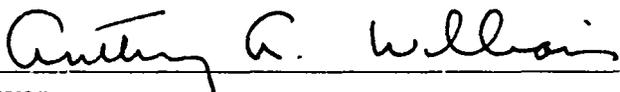
The Council adopts the fiscal impact statement in the committee report of the Medical Support Establishment and Enforcement Amendment Act of 2004, passed on 2nd reading on January 6, 2004 (Enrolled version of Bill 15-219), as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 303. Effective date.

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
January 28, 2004

ENROLLED ORIGINAL

AN ACT
D.C. ACT 15-316

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
JANAURY 28, 2004

*Codification
District of
Columbia
Official Code*

2001 Edition

2004 Spring
Supp.

West Group
Publisher

To amend, on a temporary basis, Initiative Measure No. 62, the Treatment Instead of Jail for Certain Non-Violent Offenders Initiative of 2002, to require that implementation of the initiative is subject to the inclusion of sufficient additional federal or non-local funds in an approved budget and multiyear financial plan that do not adversely affect any existing allocations in the approved budget and multi-year financial plan.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this bill may be cited as the "Initiative Measure No. 62 Applicability and Fiscal Impact Temporary Amendment Act of 2004".

Sec. 2. Initiative Measure No. 62, the Treatment Instead of Jail for Certain Non-Violent Offenders Initiative of 2002, effective June 5, 2003 (D.C. Law 14-308; D.C. Official Code § 24-751.01 *et seq.*) ("Initiative Measure No. 62"), is amended by adding a new section 12a to read as follows:

"Sec. 12a. Applicability and fiscal impact statement.

"This act shall not apply until the Chief Financial Officer certifies that sufficient additional federal or non-local funds have been included in an approved budget and multiyear financial plan that do not adversely affect any existing allocations in the budget and multiyear financial plan."

Sec. 3. This act is necessary to ensure that Initiative Measure No. 62 has no adverse impact upon the approved budget and multi-year financial plan.

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

(2) A new subsection (h-1) is added to read as follow:

“(h-1) For the purposes of this section, medical insurance coverage shall be considered reasonable in cost if it is employer-related or other group medical insurance coverage, regardless of the service delivery mechanism.”.

(3) Subsection (o) is amended by adding a new paragraph (2A) to read as follows:

“(2A) The court may modify a support order to require a parent to provide medical insurance coverage for a child at the request of a party, if the support order does not contain a provision for medical insurance coverage. The court shall modify a support order to include a provision for medical insurance coverage at the request of the IV-D agency, if the support order is being enforced pursuant to Part D of Title IV of the Social Security Act, approved January 4, 1975 (88 Stat. 2351; 42 U.S.C. § 651 *et seq.*), and medical insurance coverage is available to the noncustodial parent at a reasonable cost.”.

Sec. 203. The District of Columbia Child Support Enforcement Amendment Act of 1985, effective February 24, 1987 (D.C. Law 6-166; D.C. Official Code § 46-201 *et seq.*), is amended as follows:

(a) Section 5(a) (D.C. Official Code § 46-204(a)) is amended by striking the phrase “reviewed pursuant to § 16-916.1(o)(2).” in the last sentence and inserting the phrase “reviewed or modified pursuant to D.C. Official Code § 16-916.01(o)(2) or (o)(2A).” in its place.

Note,
§ 46-204

(b) Section 6(5) (D.C. Official Code § 46-205(5)) is amended to read as follows:

“(5) Notice that if the obligor is required under the support order to provide health insurance coverage for a child, the obligor’s employer will, upon receipt of notice of the health insurance coverage provision, enroll the child in health insurance coverage in accordance with sections 2 and 3 of the Medicaid Benefits Protection Act of 1994, effective March 14, 1995 (D.C. Law 10-202; D.C. Official Code §§ 1-307.41 and 1-307.42), and Title I of the Medical Support Establishment and Enforcement Congressional Review Emergency Amendment Act of 2004.”.

Note,
§ 46-205

(c) Section 8(b)(6) (D.C. Official Code § 46-207(b)(6)) is amended to read as follows:

“(6) Notice that if the obligor is required under the support order to provide health insurance coverage for a child, the obligor’s employer will, upon receipt of notice of the health insurance coverage provision, enroll the child in health insurance coverage in accordance with sections 2 and 3 of the Medicaid Benefits Protection Act of 1994, effective March 14, 1995 (D.C. Law 10-202; D.C. Official Code §§ 1-307.41 and 1-307.42), and Title I of the Medical Support Establishment and Enforcement Congressional Review Emergency Amendment Act of 2004;”.

Note,
§ 46-207

TITLE III - APPLICABILITY; FISCAL IMPACT STATEMENT; EFFECTIVE DATE

Sec. 301. Applicability.

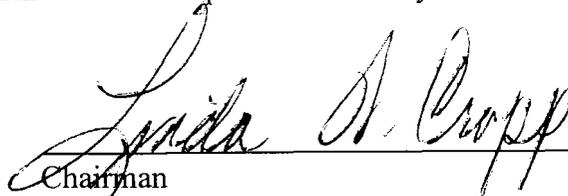
This act shall apply as of January 22, 2004.

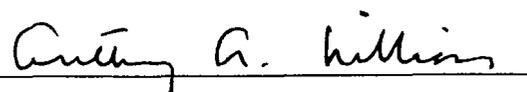
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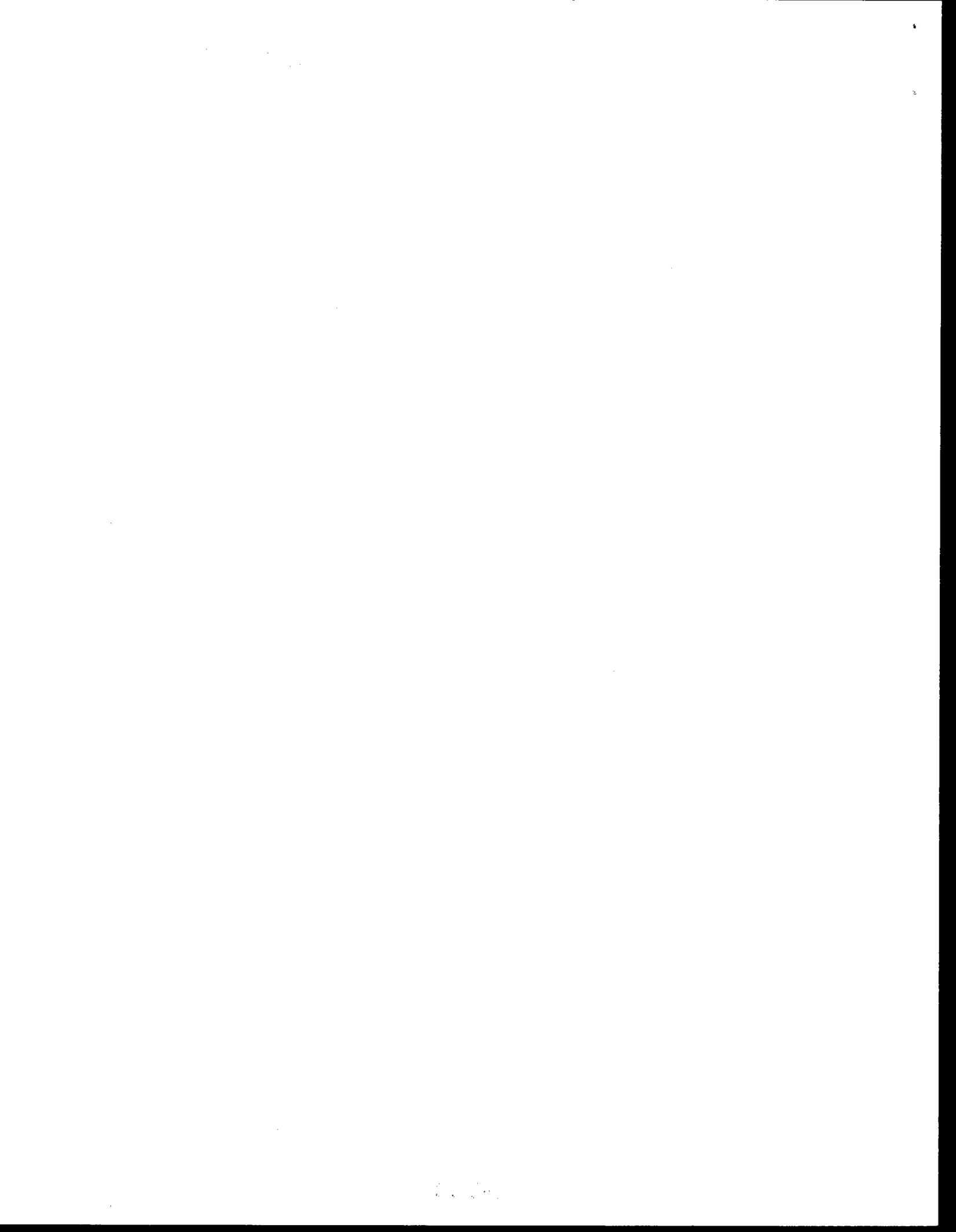
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December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(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
January 28, 2004



ENROLLED ORIGINAL

Sec. 202. Title 16 of the District of Columbia Official Code is amended as follows:

(a) Section 16-901 is amended to add a new paragraph (4) to read as follows:

Note,
§ 16-901

“(4) “Support order” means a judgment, decree, or order, whether temporary, final, or subject to modification, issued by a court or an administrative agency of competent jurisdiction, for the support and maintenance of a child, including a child who has attained the age of majority under the law of the issuing state, or a child and the parent with whom the child is living, which provides for monetary support, health care, arrearages, or reimbursement and which may include related costs and fees, interest and penalties, income withholding, attorneys’ fees, and other relief.”

(b) Section 16-916 is amended as follows:

Note,
§ 16-916

(1) Subsection (a) is amended by striking the phrase “that either or both parents shall pay for the unreimbursed medical expenses of the child, and that a parent shall obtain medical insurance for the child whenever that insurance is available at a reasonable cost.”

(2) Subsection (c) is amended by striking the phrase “that either or both parents shall pay for the unreimbursed medical expenses of the child, that the parent obtain medical insurance for the child whenever that insurance is available at a reasonable cost.”

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

“(c-1) A support order entered under this section shall contain terms providing for the payment of medical expenses for each child included in the support order, whether or not health insurance coverage is available to pay for those expenses. The court may order either or both parents to provide health insurance coverage for the child, or to pay the unreimbursed medical expenses of the child.

“(c-2) Each new or modified support order entered pursuant to Part D of Title IV of the Social Security Act, approved January 4, 1975 (88 Stat. 2351; § 42 U.S.C. 651 *et seq.*), shall contain a provision for health insurance coverage for each child included in the support order whenever health insurance coverage is available to the noncustodial parent at a reasonable cost. If health insurance coverage is not available to the noncustodial parent at a reasonable cost when the support order is entered, the court may order the noncustodial parent to obtain the health insurance coverage when it becomes available.

“(c-3) For the purposes of this section, health insurance coverage shall be considered reasonable in cost if it is employer-related or other group health insurance coverage, regardless of the service delivery mechanism.”

(c) Section 16-916.01 is amended as follows:

Note,
§ 16-916.01

(1) Subsection (h)(3) is amended to read as follows:

“(3) If a noncustodial parent does not have medical insurance coverage, and can obtain medical insurance coverage at a reasonable cost, the court shall order the noncustodial parent to obtain medical insurance coverage for the child in accordance with § 16-916 and federal law. The amount of the offset shall equal the difference between the premium for single coverage and the premium for family coverage. No offset shall be calculated by using the cost for the coverage for the noncustodial parent.”

AN ACT
D.C. ACT 15-317

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
JANUARY 28, 2004

*Codification
District of
Columbia
Official Code*

2001 Edition

2004 Spring
Supp.

West Group
Publisher

To authorize, on an emergency basis, the use of subpoenas and the administration of oaths and affirmations by the District of Columbia Auditor in the conduct of investigations and audits.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "District of Columbia Auditor Subpoena and Oath Authority Emergency Act of 2004".

Sec. 2. The District of Columbia Auditor may issue subpoenas requiring the attendance and testimony of witnesses and the production of books, papers, and any other evidence relating to any matter under investigation by the District of Columbia Auditor.

Sec. 3. In a case of contumacy or refusal to obey a subpoena issued to a person under section 2, the Auditor may apply to the Superior Court of the District of Columbia for an order requiring that person to appear before the Auditor to give testimony, produce evidence, or both, relating to the matter under investigation. Failure to obey the order of the court shall be punished by the Superior Court as civil contempt.

Sec. 4. The District of Columbia Auditor may administer to or take from any person an oath, affirmation, or affidavit, whenever necessary to perform the duties of the Auditor. The Auditor may delegate the power to administer to or take from any person an oath, affirmation, or affidavit, when he or she deems it appropriate.

Sec. 5. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report for the District of Columbia Auditor Subpoena and Oath Authority Act of 2004, passed on 1st reading on January 6, 2004 (Engrossed version of Bill 15-394), 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

Amendment Act of 2004.”

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

(A) Paragraph (2) is amended by striking the word “and” at the end.

(B) A new paragraph (2A) is added to read as follows:

“(2A) Enroll the child under family coverage upon application by the child’s other parent, or by the District of Columbia agency administering either the Medicaid program or the child support enforcement program pursuant to Part D of Title IV of the Social Security Act, approved January 4, 1975 (88 Stat. 2351; 42 U.S.C. § 651 *et seq.*), if the employed parent is not enrolled and the health insurance plan requires the employed parent’s enrollment for the child to be eligible; and”.

(b) Section 3 (D.C. Official Code § 1-307.42) is amended as follows:

(1) A new paragraph (2A) is added to read as follows:

“(2A) Enroll the child under family coverage upon application by the child’s other parent, or by the District of Columbia agency administering either the Medicaid program or the child support enforcement program pursuant to Part D of Title IV of the Social Security Act, approved January 4, 1975 (88 Stat. 2351; 42 U.S.C. § 651 *et seq.*), if the employed parent is not enrolled and the health insurance plan requires the employed parent’s enrollment for the child to be eligible;”.

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

(A) Subparagraph (B) is amended by striking the word “or” at the end.

(B) Subparagraph (C) is amended by adding the word “or” at the end.

(C) A new subparagraph (D) is added to read as follows:

“(D) The employer no longer employs the parent and the parent has not elected to continue coverage through a plan offered by the employer for post-employment health insurance coverage for dependents;”.

(3) Paragraph (4) is amended as follows:

(A) Strike the word “Withhold” and insert the phrase “Subject to sections 107 and 108 of the Medical Support Establishment and Enforcement Congressional Review Emergency Amendment Act of 2004, withhold” in its place.

(B) Strike the word “and” at the end.

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

“(5) Upon receipt of a court or administrative order that has directed the parent to provide health insurance coverage for the child, notify the insurer of the order for health insurance coverage and inform the insurer that the order operates to enroll the child in the coverage; and”

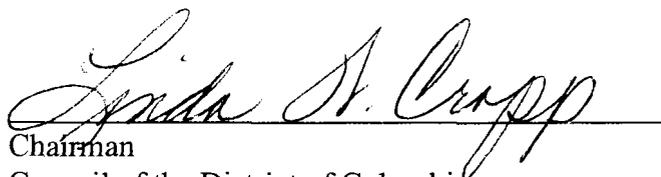
(5) A new paragraph (6) is added to read as follows:

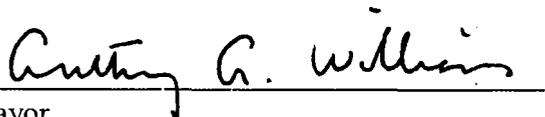
“(6) Upon receipt of a medical support notice issued by the IV-D agency under section 102 of the Medical Support Establishment and Enforcement Congressional Review Emergency Amendment Act of 2004, comply with the provisions of sections 104, 107 and 108 of that act.”.

Note,
§ 1-307.42

Sec. 6. Effective date.

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


Chairman
Council of the District of Columbia


Mayor
District of Columbia
APPROVED
January 28, 2004

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insurance coverage for a child under a medical support notice or a support order.

(b) There shall be a rebuttable presumption that an employer who engages in conduct described in subsection (a) of this section within 90 days from the date of receipt of the medical support notice or the support order is in violation of this section and may be subject to the sanctions in subsection (c) of this section.

(c) Any employer who engages in conduct described in subsection (a) of this section shall be subject to a civil penalty of up to \$10,000. An employee, a parent, or the IV-D agency may bring a civil action against an employer who violates subsection (a) of this section. A civil penalty obtained under this section shall be used to offset the employee's duty of support.

(d) If an employer fails to withhold an employee contribution for health insurance coverage or fails to send a withheld contribution to the health insurer as required by section 108, a judgment shall be entered against the employer for the amount not withheld or paid to the health insurer, and for any reasonable counsel fees and court costs incurred by the employee, a parent, the health insurer, or the IV-D agency as a result of the failure to withhold or make payment.

(e) An employer shall be liable for unreimbursed health care expenses incurred by or on behalf of a child as a result of the employer's failure to comply with the requirements of this title or section 3 of the Medicaid Benefits Protection Act of 1994, effective March 14, 1995 (D.C. Law 10-202; D.C. Official Code § 1-307.42).

(f) A health insurer shall be liable for unreimbursed health care expenses incurred by or on behalf of a child as a result of the health insurer's failure to comply with the requirements of this title or section 2 of the Medicaid Benefits Protection Act of 1994, effective March 14, 1995 (D.C. Law 10-202; D.C. Official Code § 1-307.41).

(g) Neither an employer nor a health insurer shall be subject to liability under subsections (d), (e), or (f) of this section if the employer or health insurer proves by a preponderance of the evidence that the failure to comply was due to exigent circumstances beyond the control of the employer or health insurer.

(h) Neither an employer nor a health insurer who complies, in accordance with the requirements of this title, with a medical support notice or a support order that is regular on its face shall be subject to civil liability to an individual or entity for conduct in compliance with the medical support notice or support order.

TITLE II -- CONFORMING AMENDMENTS

Sec. 201. The Medicaid Benefits Protection Act of 1994, effective March 14, 1995 (D.C. Law 10-202; D.C. Official Code § 1-307.41 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 1-307.41) is amended as follows:

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

“(1) Provide such information to the custodial parent as may be necessary to obtain benefits through such coverage, including the information required under section 105(a) of the Medical Support Establishment and Enforcement Congressional Review Emergency

Note,
§ 1-307.41

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AN ACT
D.C. ACT 15-318

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
JANUARY 28, 2004

*Codification
District of
Columbia
Official Code*

2001 Edition

2004 Spring
Supp.

West Group
Publisher

To amend, on an emergency basis due to Congressional review, Chapter 10 of Title 47 of the District of Columbia Official Code to provide an exemption from real property taxation for lots 826 and 831 in square 491 and a payment in lieu thereof.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Freedom Forum Newseum Real Property Tax Exemption and Equitable Real Property Tax Relief Congressional Review Emergency Act of 2004".

Sec. 2. Chapter 10 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) The table of contents is amended by adding the section designation "47-1057. Payments in lieu of taxes; lots 826 and 831, square 491." at the end.

(b) A new section 47-1057 is added to read as follows:

“§ 47-1057. Payments in lieu of taxes; lots 826 and 831, square 491.

“(a) Subject to subsection (b) of this section, the real properties located in the District of Columbia described as lots 826 and 831 in square 491, together with improvements thereon, owned by The Freedom Forum, Inc., a nonprofit corporation exempt from federal income taxation, or a wholly owned entity thereof disregarded for purposes of federal income taxation ("properties"), are hereby exempt from real property taxation as of December 21, 2000.

Recordation taxes assessed against The Freedom Forum, Inc., or its disregarded entity, as a result of the transfer of the properties, shall be forgiven and any amounts paid therefor shall be refunded to the payor. The Freedom Forum, Inc., and its disregarded entity, shall be exempt from transfer and recordation taxes arising from the transfer of any portion of the properties.

“(b)(1) Upon issuance of a final certificate of occupancy to The Freedom Forum, Inc., or its disregarded entity, to operate the Newseum on the properties, the properties, or portion thereof, shall be subject to a payment in lieu of taxes at the election of the District of Columbia in accordance with the provisions of that certain Land Use Restriction Agreement dated as of December 21, 2000 and recorded among the land records of the District of Columbia at the Recorder of Deeds ("Land Records") as Document Number 2000117290, as amended by that

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remaining earnings that are available for withholding under section 303(b) of the Consumer Credit Protection Act, approved May 29, 1968 (82 Stat. 163; 15 U.S.C. § 1673(b)), to determine whether the earnings prorated to each support order are sufficient to allow the enrollment in health insurance coverage of the child subject to the applicable support order.

(d) An employer shall apply the law of the employee's principal place of employment in determining the limitations and priorities applicable to the withholding of employee contributions for health insurance coverage.

Sec. 109. Liability for contributions to health insurance coverage; objections to withholding.

(a) An employee is liable for employee contributions required to enroll a child in health insurance coverage pursuant to a medical support notice or a support order, except that an employee may contest a withholding for employee contributions for health insurance coverage based on a mistake of fact.

(b) An employee may contest a withholding for employee contributions for health insurance coverage by filing a motion to quash the withholding with the Superior Court of the District of Columbia, with service upon the IV-D agency, if the withholding was commenced pursuant to a medical support notice. The employee shall file the motion within 15 days after the date the first employee contributions for health insurance coverage are withheld from the employee's earnings.

(c) The only grounds for contesting a withholding based on a mistake of fact under this section are:

- (1) The identity of the employee;
- (2) The amount of the employee contributions necessary to enroll the child in the health insurance coverage;
- (3) The existence of an underlying support order requiring the employee to provide health insurance coverage for the child; and
- (4) Whether the amount withheld for health insurance coverage exceeds the limits of section 303(b) of the Consumer Credit Protection Act, approved May 29, 1968 (82 Stat. 163; 15 U.S.C. § 1673(b)).

(d) Enrollment of a child in health insurance coverage and withholding of the employee's contributions for health insurance coverage shall not be stayed or terminated until the employer receives written notice that the contest has been resolved in the employee's favor.

(e) Nothing in this section shall be construed to limit an employee's right to contest an underlying support order requiring the employee to provide health insurance coverage for a child.

Sec. 110. Sanctions; limitations on liability.

(a) An employer shall not discharge, refuse to employ, or take disciplinary action against a parent or employee based on the parent or employee's obligation to provide health

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certain First Amendment to Land Use Restriction Agreement dated as of June 17, 2002 and recorded among the Land Records as Document Number 2002071121 (as amended, "Land Use Restriction Agreement"). The payment shall be treated in the same manner as a tax under § 47-1330(2) and shall be subject to collection under Chapter 13A.

"(2) Upon transfer of any portion of the properties to an unrelated person, the portion of the properties so transferred shall be subject to real property taxation in accordance with the provisions of the Land Use Restriction Agreement.

"(3) The foregoing provisions notwithstanding, if the Freedom Forum, Inc., or its disregarded entity, enters into a joint venture with a third party for purposes of residential development on the properties, or a portion thereof, the portion of the properties on which the residential development occurs shall become subject to real property taxation upon the earlier of:

"(A) The date of issuance of a final certificate of occupancy to The Freedom Forum, Inc., or its disregarded entity, to operate the Newseum on the properties; or

"(B) The date of issuance of the first final certificate of occupancy for the residential development."

Sec. 3. Fiscal impact statement.

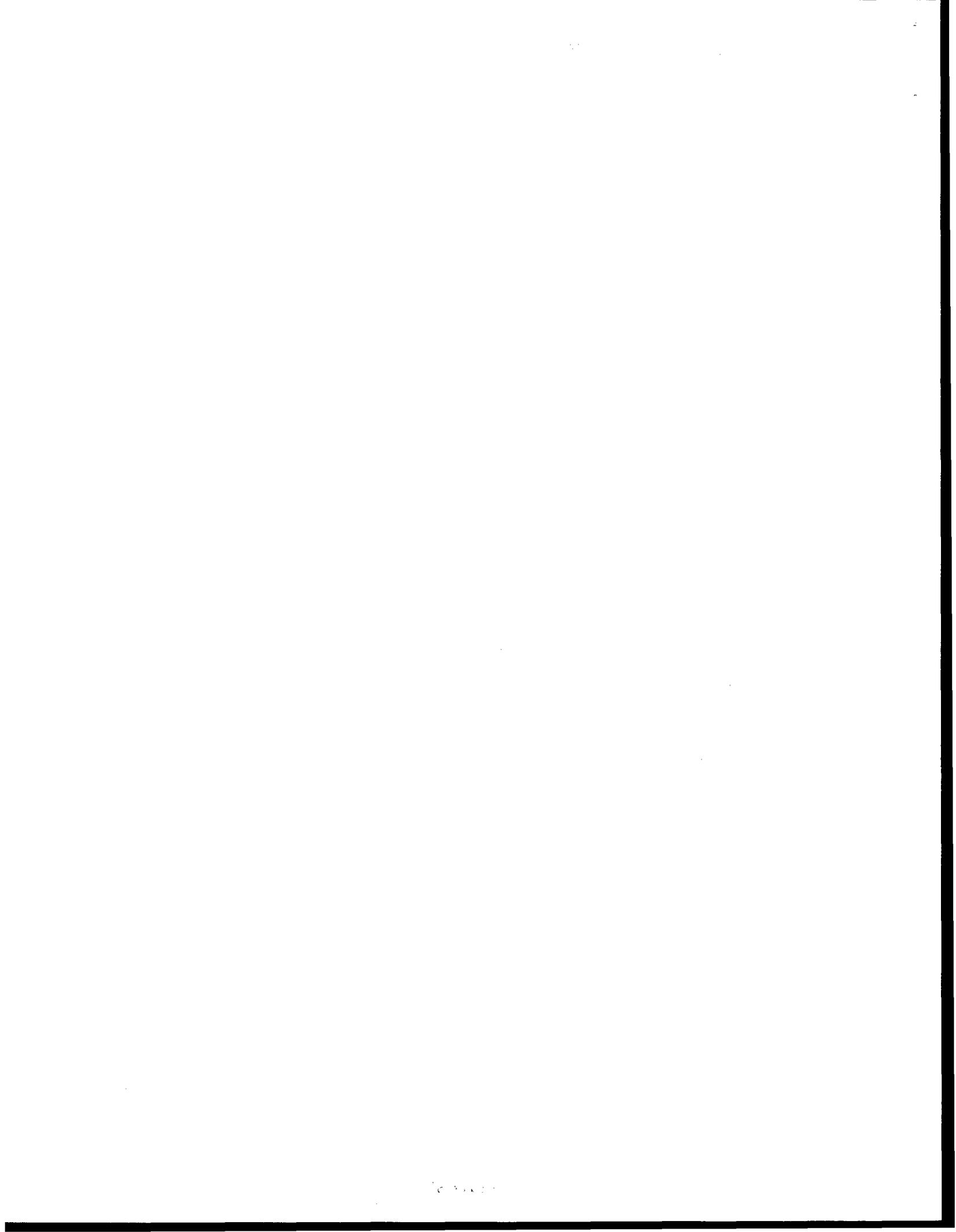
The Council adopts the attached fiscal impact statement as the fiscal impact statement required by § 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206(c)(3)).

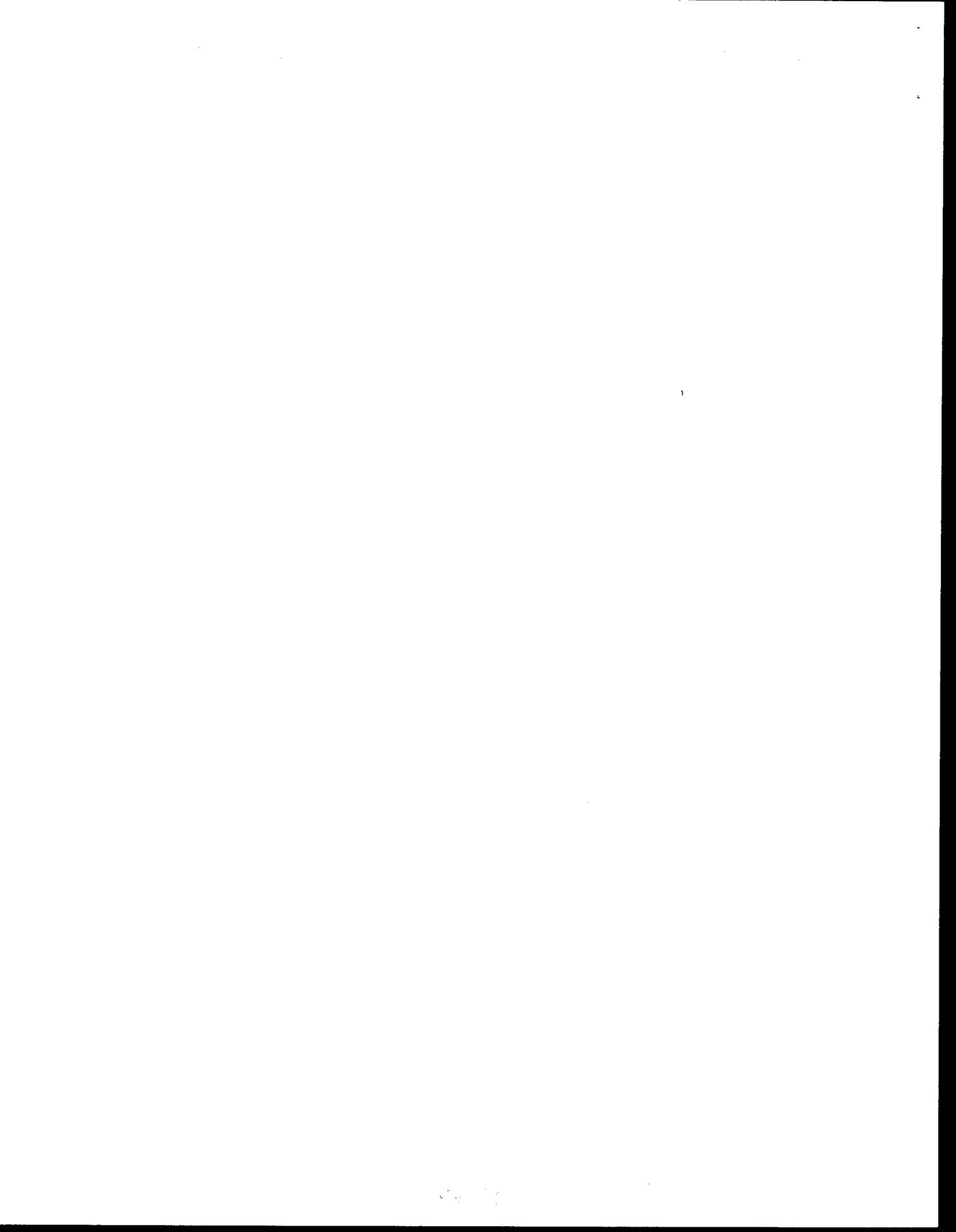
Sec. 4. Applicability.

This act shall apply as of January 22, 2004.

Sec. 5. Effective date.

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





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to effectuate health insurance coverage for the child in each plan in which the child is enrolled;

(2) Send the amount withheld to the applicable health insurer within 7 business days after the date the amount would have been next paid or credited to the employee;

(3) Continue to withhold premiums for health insurance coverage from the employee's earnings on a regular and consistent basis and pay the premiums to the health insurer; and

(4) Send each additional payment to the health insurer on the same date that the employee is compensated.

(b) Withholding for health insurance coverage shall not exceed the limitations set forth in section 303(b) of the Consumer Credit Protection Act, approved May 29, 1968 (82 Stat. 163; 15 U.S.C. § 1673(b)).

(c) Nothing in this title shall alter the obligation of an obligor, obligee, employer, or other person or entity to comply with the provisions for the withholding of earnings or other income stated in the District of Columbia Child Support Enforcement Amendment Act of 1985, effective February 24, 1987 (D.C. Law 6-166; D.C. Official Code § 46-201 *et seq.*).

Sec. 108. Priority of withholding for employee contributions to health insurance coverage.

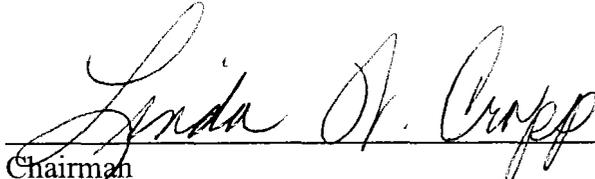
(a) If withholding of both the full amount of current cash support and the full amount of an employee's contributions for health insurance coverage for a child included in a medical support notice or a support order requiring a parent to provide health insurance coverage exceeds the limits of section 303(b) of the Consumer Credit Protection Act, approved May 29, 1968 (82 Stat. 163; 15 U.S.C. § 1673(b)), then current cash support shall receive priority and shall be withheld in full prior to any withholding being made for employee contributions for health insurance coverage.

(b) If the full amount of current cash support and the full amount of employee contributions for health insurance coverage can be withheld within the limits of section 303(b) of the Consumer Credit Protection Act, approved May 29, 1968 (82 Stat. 163; 15 U.S.C. § 1673(b)), the employer shall withhold earnings for additional cash amounts that are subject to withholding after the employee's obligations for current cash support and contributions for health insurance coverage are satisfied.

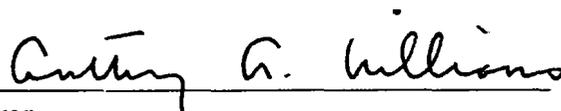
(c) If an employer is required to withhold earnings or employee contributions for health insurance coverage pursuant to more than one support order, the employer shall prorate among the support orders subject to withholding the amount of the employee's earnings that are available for withholding within the limits of section 303(b) of the Consumer Credit Protection Act, approved May 29, 1968 (82 Stat. 163; 15 U.S.C. § 1673(b)), and determine whether the available earnings are sufficient to satisfy current cash support due under all applicable support orders. The employer shall not withhold contributions for health insurance coverage required under any support order until all the employee's current cash support obligations are satisfied. The employer shall prorate among the support orders subject to withholding the employee's

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
January 28, 2004

10/10/2010

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pursuant to subsection (a)(3)(D) of this section shall be deemed to be notification to the child if the child resides at the same address.

(c) If enrollment of a child in health insurance coverage is subject to a waiting period that has not been completed, within 40 business days after the date of the medical support notice, the health insurer shall complete and send to the employer, the IV-D agency, and both parents the applicable portion of the medical support notice. Within 20 business days after the employee's completion of the waiting period, the health insurer shall comply with the requirements of subsection (a)(3) of this section.

(d) If a child is eligible for enrollment in more than one health insurance coverage option available through the employer, the health insurer shall, within 40 business days after the date of the medical support notice:

(1) Complete and send to the IV-D agency and the employer the applicable portion of the medical support notice; and

(2) Send the IV-D agency copies of applicable summary plan descriptions or other documents that describe the available coverage, including any additional employee contributions necessary to obtain coverage for the child under each option, and any applicable service area limitations for each option.

(e) Within 20 business days after the health insurer sends to the IV-D agency the information stated in subsection (d) of this section, the health insurer shall:

(1) Enroll the child in the health insurance coverage option selected by the IV-D agency, and comply with the other requirements of subsection (a)(3) of this section, if the IV-D agency has notified the health insurer of its selection; or

(2) Enroll the child in any default option for which the child is eligible, and comply with the other requirements of subsection (a)(3) of this section, if the IV-D agency has not notified the health insurer of its selection of a different option.

Sec. 106. Selection of a health insurance coverage option.

(a) Upon receipt of notice from a health insurer that more than one health insurance coverage option is available for a child included in a medical support notice, the IV-D agency shall select an available option in consultation with the child's custodian.

(b) Unless the IV-D agency selects a default health insurance coverage option for which the child is eligible, the IV-D agency shall notify the health insurer of its selection promptly after the health insurer provides the IV-D agency with the information required under section 105(d).

Sec. 107. Withholding for health insurance coverage.

(a) When an employer receives notice from a health insurer that a child has been enrolled in health insurance coverage pursuant to a medical support notice or a support order requiring a parent to provide health insurance coverage, the employer shall:

(1) Withhold from the employee's earnings the employee contributions required

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



Natwar M. Gandhi
Chief Financial Officer

MEMORANDUM

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

FROM: Natwar M. Gandhi
Chief Financial Officer

DATE: JUL -1 2002

SUBJECT: Fiscal Impact Statement: "Freedom Forum Newseum Payment In Lieu Of Taxation and Real Property Transfer Tax Exemption Amendment Act of 2002"

REFERENCE: Resolution as Introduced - No Number Available

Conclusion

Combined with the initiative to develop 555 Pennsylvania Avenue, the proposed legislation will result in new Local General Fund revenue. District revenue will increase as assessments are made on the occupied portions of the subject property and taxes are collected.

Background

The proposed legislation approves the negotiated tax incentives between the District of Columbia and Freedom Forum Newseum, Incorporated. The District will recognize the not-for-profit status of Freedom Forum Newseum, Incorporated and implement a payment in lieu of taxation (PILOT) for the area at 555 Pennsylvania Avenue that is used as a museum. The subject property is in Square 491, Lots 826 and 831. The mixed-use nature of the property prevents the District from granting a general exemption to the entire property.

The property is to be exempted from deed recordation and deed transfer taxes as the property is compartmentalized into residences, commercial office space and retail space. However, further transfers of ownership of the condominiumized portions will not be eligible for the deed recordation and deed transfer tax exemption. All portions of the property not used as a museum will be subject to District taxes as they become occupied.

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prioritizations, the employer shall promptly complete and send to the IV-D agency the applicable portion of the medical support notice.

(c) If the employer receives notice from a health insurer that the parent is subject to a waiting period that expires more than 90 days from the health insurer's receipt of the medical support notice, or that has a duration determined by a measure other than the passage of time, the employer shall inform the health insurer, when the parent is eligible to enroll in health insurance coverage, that the parent is eligible and that the medical support notice requires the enrollment of the child.

(d) Within 10 days after an employer receives notice that a parent subject to a medical support notice will terminate employment, or within 10 days after the termination, whichever occurs earlier, the employer shall notify the IV-D agency of the termination and provide the IV-D agency with the parent's last known address and the name and address of the parent's new employer, if known.

Sec. 105. Duties of the health insurer.

(a) Upon receipt of a medical support notice from an employer, a health insurer shall, within 40 days after the date of the notice:

(1) Determine whether the medical support notice contains:

(A) The employee's name and mailing address; and

(B) The name of the child to be enrolled in health insurance coverage and the mailing address of the child or a substituted official; and

(2) Complete and send to the IV-D agency and the employer the applicable portion of the medical support notice if the medical support notice does not contain the information described in paragraph (1) of this subsection; or

(3) Comply with the following requirements, subject to subsections (c), (d), and (e) of this section, if the medical support notice contains the information described in paragraph (1) of this subsection:

(A) Determine the child's eligibility for enrollment in health insurance coverage;

(B) Enroll the child in health insurance coverage if the child is eligible for enrollment and not already enrolled, without regard to enrollment season restrictions;

(C) Complete and send to the IV-D agency and the employer the applicable portion of the medical support notice;

(D) Send the parent, the child's custodian, and the child a written notification that health insurance coverage is or will become available to the child; and

(E) Send the child's custodian a written description of the available health insurance coverage, the effective date of the health insurance coverage, summary plan descriptions, and, if not already provided, forms, documents, or other information necessary to obtain health insurance coverage for the child and to submit claims for benefits.

(b) Notification to the child's custodian of the availability of health insurance coverage

The Honorable Linda W. Cropp
FIS: Draft Resolution, "Freedom Forum Newseum Payment In Lieu Of
Taxation and Real Property Transfer Tax Exemption Amendment Act of 2002"
Page 2 of 2

Financial Plan Impact

Funds are sufficient in the FY 2002 budget and the FY 2003 through FY 2006 budget and financial plan because no additional staff or resources will be required. Although the Office of Tax and Revenue will experience operational pressures when administering the provisions of the proposed legislation, staff and resources will be adjusted to accommodate this and other changes to the District tax code.

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D.C. Official Code § 1-307.42(3));

(C) The applicability of the limits on withholding imposed under section 303(b) of the Consumer Credit Protection Act, approved May 29, 1968 (82 Stat. 163; 15 U.S.C. § 1673(b));

(D) The applicability of any prioritization required under section 108 when the employee's earnings are insufficient to satisfy fully through withholding the employee's obligations to provide cash support and contributions for health insurance coverage for the child;

(E) The name and telephone number of the appropriate person to contact at the IV-D agency about the medical support notice;

(F) The employee's right to contest the withholding based on mistake of fact pursuant to section 109, and the employer's obligation to initiate and continue the withholding until the employer receives notice that the contest is resolved; and

(G) The applicability of sanctions against the employer under section 110 for discharging, refusing to employ, or taking disciplinary action against a parent because of the requirement to withhold employee contributions for health insurance coverage, or for failing to withhold or remit earnings.

(b) An appropriately completed medical support notice that meets the requirements of section 401(b) of the Child Support Performance and Incentive Act of 1998, approved July 16, 1998 (112 Stat. 660; 42 U.S.C. § 651 note), shall be deemed to be a qualified medical child support order under section 609(a)(2) of the Employee Retirement Income Security Act of 1974, approved August 10, 1993 (107 Stat. 371; 29 U.S.C. § 1169(a)(2)).

(c) A medical support notice issued in another jurisdiction shall be treated under this title in the same manner as a medical support notice issued in the District of Columbia.

Sec. 104. Duties of the employer.

(a) Upon receipt of a medical support notice, an employer shall, within 20 business days after the date of the medical support notice:

(1) Determine whether health insurance coverage is available to the child included in the medical support notice based on the parent's employment status;

(2) Complete and return to the IV-D agency the applicable portion of the medical support notice if health insurance coverage is unavailable to the child based on the parent's employment status; and

(3) Send the medical support notice, excluding the severable employer withholding notice, to each health insurer that provides health insurance coverage for which the child may be eligible, if health insurance coverage is available to the child based on the parent's employment status.

(b) If the employer determines that the child cannot be enrolled in health insurance coverage because the employee contributions exceed the amount that may be withheld from the parent's earnings due to federal or District of Columbia withholding limitations or

AN ACT

D.C. ACT 15-319

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 28, 2004

*Codification
District of
Columbia
Official Code*

2001 Edition

2004 Spring
Supp.

West Group
Publisher

To amend, on an emergency basis due to Congressional review, section 47-2005(7) of the District of Columbia Official Code to exempt from sales taxation goods sold at certain charity auctions, not more than 5 times a year, by a nonprofit organization incorporated and providing a benefit in the District of Columbia.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Charity Auction Sales Tax Exemption Congressional Review Emergency Act of 2004".

Sec. 2. Section 47-2005(7) of the District of Columbia Official Code is amended as follows:

Note,
§ 47-2005

- (1) The existing text is re-designated as subparagraph (A).
- (2) A new subparagraph (B) is added to read as follows:

“(B) Casual and isolated sales at a charity auction or other fundraising activity not held more than 5 times a year by a nonprofit organization incorporated in the District of Columbia; provided, that the proceeds of the auction or other activity is solely for charitable purposes providing a benefit in the District of Columbia.”.

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. Applicability date.

This act shall apply as of January 22, 2004.

Sec. 5. Effective date.

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

is living, which provides for monetary support, health care, arrearages, or reimbursement, and which may include related costs and fees, interest and penalties, income withholding, attorneys' fees, and other relief.

Sec. 102. Use of medical support notice; IV-D agency.

(a) In cases being enforced pursuant to Part D of Title IV of the Social Security Act, approved January 4, 1975 (88 Stat. 2351; 42 U.S.C. § 651 *et seq.*), where a parent is required by a support order to provide health insurance coverage for a child, which is available through the parent's employer, the IV-D agency may apply for the enrollment of the child in the health insurance coverage by submitting a medical support notice to the employer. The IV-D agency shall, where appropriate, submit a medical support notice to the employer when the support order requires the noncustodial parent to provide health insurance coverage for the child and the employer is known to the IV-D agency, unless the support order directs enrollment of the child in alternative coverage.

(b) Where a noncustodial parent is a newly hired employee entered in the District of Columbia Directory of New Hires pursuant to section 27f of the District of Columbia Child Support Enforcement Amendment Act of 1985, effective April 3, 2001 (D.C. Law 13-269; D.C. Official Code § 46-226.06), and the support order requires the noncustodial parent to provide health insurance coverage for a child, the IV-D agency shall submit the medical support notice to the employer within 2 business days after the entry of the employee in the directory.

(c) The IV-D agency shall promptly notify an employer that has received a medical support notice when there is no longer a support order in effect for which the IV-D agency is responsible that requires a parent to provide health insurance coverage for a child.

Sec. 103. Medical support notice; contents; effect.

(a) A medical support notice shall be issued in a format consistent with federal requirements and shall contain all information required by federal law. A medical support notice shall:

(1) Conform with the requirements applicable to medical child support orders under section 609(a) of the Employee Retirement Income Security Act of 1974, approved August 10, 1993 (107 Stat. 371; 29 U.S.C. § 1169(a)), in connection with group health plans;

(2) Conform with the requirements of section 466(a)(19) of the Social Security Act, approved August 16, 1984 (98 Stat. 1306; 42 U.S.C. § 666(a)(19));

(3) Include a separate and easily severable employer withholding notice that informs the employer of:

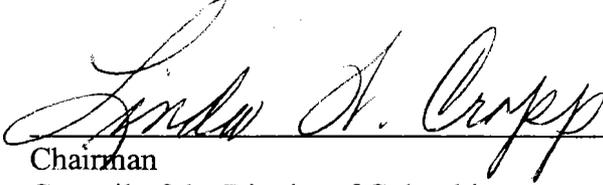
(A) The employer's obligations under section 107 to withhold employee contributions due in connection with health insurance coverage a parent is required to provide for a child pursuant to a support order;

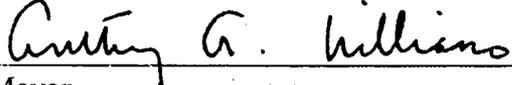
(B) The duration of the withholding requirement as stated in section 3(3) of the Medicaid Benefits Protection Act of 1994, effective March 14, 1995 (D.C. Law 10-202;

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


Chairman
Council of the District of Columbia


Mayor
District of Columbia

APPROVED
January 28, 2004

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established for the medical support notice.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Medical Support Establishment and Enforcement Congressional Review Emergency Amendment Act of 2004".

TITLE I - MEDICAL SUPPORT ENFORCEMENT

Sec. 101. Definitions.

For the purposes of this title, the term:

(1) "Custodian" means the parent, relative, guardian, or other person with whom the dependent child resides.

(2) "Health insurance coverage" means benefits consisting of amounts paid for the diagnosis, cure, mitigation, treatment, or prevention of disease, or amounts paid for the purpose of affecting any structure or function of the body (provided directly, through insurance or reimbursement, or otherwise, and includes items and services) under any hospital or medical service policy or certificate, hospital or medical service plan contract, or health maintenance organization contract offered by a health insurer.

(3) "Health insurer" means any person that provides one or more health benefit plans or insurance in the District of Columbia, including a group health plan, as defined in section 607(1) of the Employee Retirement Income Security Act of 1974, approved April 7, 1986 (100 Stat. 231; 29 U.S.C. § 1167(1)), a plan administrator, as defined in section 3(16) of the Employee Retirement Income Security Act of 1974, approved September 2, 1974 (88 Stat. 835; 29 U.S.C. § 1002(16)), an insurer, a hospital and medical service corporation, a health maintenance organization, a multiple employer welfare arrangement, or any other person providing a plan of health insurance subject to the authority of the Commissioner of the Department of Insurance and Securities Regulation.

(4) "IV-D agency" means the organizational unit of the District of Columbia government, or successor organizational unit, that is responsible for administering or supervising the administration of the District of Columbia's State Plan under Part D of Title IV of the Social Security Act, approved January 4, 1975 (88 Stat. 2351; 42 U.S.C. § 651 *et seq.*), pertaining to parent locator services, paternity establishment, and the establishment, modification, and enforcement of support orders.

(5) "Medical support notice" means a notice issued by the IV-D agency that meets the requirements of a National Medical Support Notice promulgated under section 401(b) of the Child Support Performance and Incentive Act of 1998, approved July 16, 1998 (112 Stat. 660; 42 U.S.C. § 651 note).

(6) "Support order" means a judgment, decree, or order, whether temporary or final, or subject to modification, issued by a court or an administrative agency of competent jurisdiction, for the support and maintenance of a child, including a child who has attained the age of majority under the law of the issuing state, or a child and the parent with whom the child

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

Bill Number:	Type: Emergency (X) Temporary () Permanent ()	Date Reported: October 7, 2003
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Subject/Short Title: "Charity Auction Sales Tax Exemption Emergency Declaration Resolution of 2003".

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. 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)
The fiscal impact of this legislation is de minimus, and these are not funds the District routinely collects at this time.		

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

10/7/03

ENROLLED ORIGINAL

AN ACT
D.C. ACT 15-330

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 28, 2004*Codification
District of
Columbia
Official Code*

2001 Edition

2004 Spring
Supp.West Group
Publisher

To require, on an emergency basis, due to Congressional review, the IV-D agency to use a medical support notice to enforce provisions in support orders requiring health insurance coverage for children; to require a medical support notice to include specific information and conform with federal law; to require an appropriately completed medical support notice to be deemed a qualified medical child support order, and to require that a medical support notice issued in another jurisdiction be treated the same as a medical support notice issued in the District of Columbia; to require employers to follow specified procedures upon receipt of a medical support notice from the IV-D agency and to notify the IV-D agency when the parent terminates employment; to require health insurers to follow specified procedures upon receipt of a medical support notice; to require the IV-D agency to select among available health insurance coverage options available through the insurer in consultation with the child's custodian; to require employers to withhold employee contributions for health insurance coverage from the employee's earnings and send the contributions to the health insurer; to establish withholding priorities for current cash support and employee contributions for health insurance coverage; to establish the parent's liability for employee contributions for health insurance coverage, to permit the parent to contest a withholding for employee contributions based on a mistake of fact, and to require the enrollment of the child in health insurance coverage and the withholding of employee contributions to continue while the contest is pending; to establish remedies against employers for taking action against a parent based on enrollment and withholding requirements and for failing to comply with enrollment and withholding requirements; and to limit the liability of employers and health insurers that comply with the requirements for health insurance coverage enrollment and withholding; to amend the Medicaid Benefits Protection Act of 1994 to conform with the procedures established for the medical support notice and to include provisions required by federal law; to amend Title 16 of the District of Columbia Official Code to require the inclusion of a provision for health insurance coverage in a support order where health insurance coverage is available to the noncustodial parent at a reasonable cost, and to provide for the modification of support orders to include provisions for health insurance coverage; and to amend the District of Columbia Child Support Enforcement Amendment Act of 1985 to conform with the procedures

ENROLLED ORIGINAL

AN ACT
D.C. ACT 15-320

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 28, 2004

To approve, on an emergency basis, the acceptance and use of grants not appropriated in the District of Columbia Appropriations Act, 2003.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "January Budget Modification for FY2004 Grant Funds Approval Emergency Act of 2004".

Sec. 2. Pursuant to section 119 of the District of Columbia Appropriations Act 2003, approved February 20, 2003 (Pub. Law 108-7; 117 Stat. 11), as extended by a Joint Resolution Making Continuing appropriations for fiscal year 2004, and or other purposes, approved September 30, 2003 (Pub. Law 108-84; 117 Stat. 1042), the acceptance and use of the following grants are hereby approved:

Agency	Grant Number	Phase	Type	Grant Name	Reason for Request	Budget Amount
Emergency Management Agency	GR3547	03	Federal	Pre-Disaster	Increase Budget to meet Projected Expenditures	\$100
Department of Health	31PHCD	04	Federal	Chronic Disease Prevention & Health Promotion Program	Reduced Unnecessary Budget Authority	(\$18,457)
Department of Health	32NCPC	04	Federal	National Cancer Prevention & Control Program	Reduced Unnecessary Budget Authority	(\$214,093)
Department of Health	42EHCP	04	Federal	Core Program	Reduced Unnecessary Budget Authority	(\$22,222)
University of District of Columbia	6P6100	03	Private	UDC School of Business and Public Admin. Small Business Devel. Center	Increase Budget to meet Projected Expenditures	\$3,717
	ERGA03	03	Federal	Emergency	Carryover from	\$64,146

DISTRICT OF COLUMBIA REGISTER
 COUNCIL OF THE DISTRICT OF COLUMBIA
 OFFICE OF THE BUDGET DIRECTOR

FEB 13 2004 ENROLLED ORIGINAL
 FISCAL IMPACT STATEMENT

Bill Number:	Type: Emergency (X) Temporary () Permanent ()	Date Reported: February 4, 2003
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Subject/Short Title: "Kings Court Community Garden Equitable Real Property Tax Relief Emergency Act of 2003".

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)	()
The fiscal impact of this legislation has already been presumed under previous legislation granting an exemption to the property.		

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

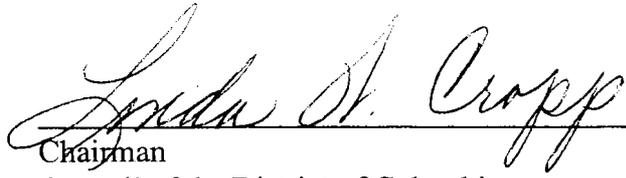
Sources of information: Office of Chief Financial Officer.	Councilmember: Evans
	Staff Person & Tel: Jeff Coudriet, 202/724-8058.
	Council Budget Director's Signature: <i>[Signature]</i>

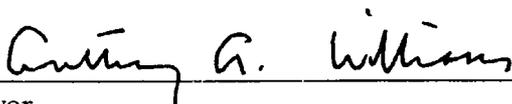
2/4/03

ENROLLED ORIGINAL

Agency	Grant Number	Phase	Type	Grant Name	Reason for Request	Budget Amount
Department of Metal Health				Response Grant	FY03 Budget	
Department of Health	41PSOH	04	Federal	Oral Health Services to Children with Special Health	Established Budget Authority	\$100,000
Department of Health	33PSOH	03	Federal	Oral Health Services to Children with Special Health	Reduced Unnecessary Budget Authority	(\$225,000)
Parks and Recreation	SPARKS	04	Private	SPARK - Nat'l Black Child Development Institute	Established Budget Authority	\$105,320
Child and Family Services	CACA01	03	Federal	Child Abuse Prevention Treatment	Carryover from FY03 Budget	\$81,943
Child and Family Services	CJACAP	02	Federal	Child Justice Act Grant	Carryover from FY03 Budget	\$24,828
Child and Family Services	CJACAP	03	Federal	Child Justice Act Grant	Established Budget Authority	\$73,828
Child and Family Services	42ILEV	03	Federal	Education and Training Voucher	Established Budget Authority	\$254,564
Child and Family Services	CASPRG	03	Private	National Expert Panel	Carryover from FY03 Budget	\$122,566
Child and Family Services	RETCP3	03	Private	Recruit and Retention	Carryover from FY03 Budget	\$65,000
Child and Family Services	AECMC4	04	Private	My Community My Children	Established Budget Authority	\$171,000
Department of Human Services	42DCCF	04	Federal	FY04 Child Care Development Fund	Reduced Unnecessary Budget Authority	(\$130,000)
	32DCC1	04	Federal	FY03 Community	Increase Budget to meet Projected	\$30,000

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
January 28, 2004

ENROLLED ORIGINAL

Agency	Grant Number	Phase	Type	Grant Name	Reason for Request	Budget Amount
Department of Human Services				Integrated Service	Expenditures	
Department of Human Services	42DCCI	04	Federal	FY04 Community Integrated Service	Increase Budget to meet Projected Expenditures	\$100,000
Department of Human Services	32DCHS	04	Federal	FY03 Head Start Collaboration	Reduced Unnecessary Budget Authority	(\$66,440)
Department of Human Services	42DCHS	04	Federal	FY04 Head Start Collaboration	Increase Budget to meet Projected Expenditures	\$66,440
Department of Human Services	42FSSS	04	Federal	FY04 Refugee Resettlement Prg-Social Services	Reduced Unnecessary Budget Authority	(\$106,032)
Department of Human Services	42CSSS	04	Federal	Social Service Block Grant	Increase Budget to meet Projected Expenditures	\$106,032
Department of Human Services	42MSDD	04	Federal	FY04 Development Disabilities Council	Reduced Unnecessary Budget Authority	(\$200,225)
Department of Human Services	32MSDD	04	Federal	FY03 Development Disabilities Council	Increase Budget to meet Projected Expenditures	\$200,225
Department of Human Services	42RSBS	04	Federal	FY04 Basic Support	Reduced Unnecessary Budget Authority	(\$312,000)
Department of Human Services	42RSDD	04	Federal	Disability Determination Program	Increase Budget to meet Projected Expenditures	\$312,000

ENROLLED ORIGINAL

AN ACT

D.C. ACT 15-329

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 28, 2004

To provide, on an emergency basis, equitable real property tax relief to Kings Court Community Gardens, a tax-exempt organization.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Kings Court Community Garden Equitable Real Property Tax Relief Emergency 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 real property located at square 1060, lot 30, for the period of tax years 2001 to 2003, be forgiven, and that any payments already made for this period, as of the effective date of this act, be refunded; provided, that this property is owned, occupied, and used by the Capitol Hill Community Garden Land Trust, is available for use by the public, and not used for commercial purposes.

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. Applicability date.

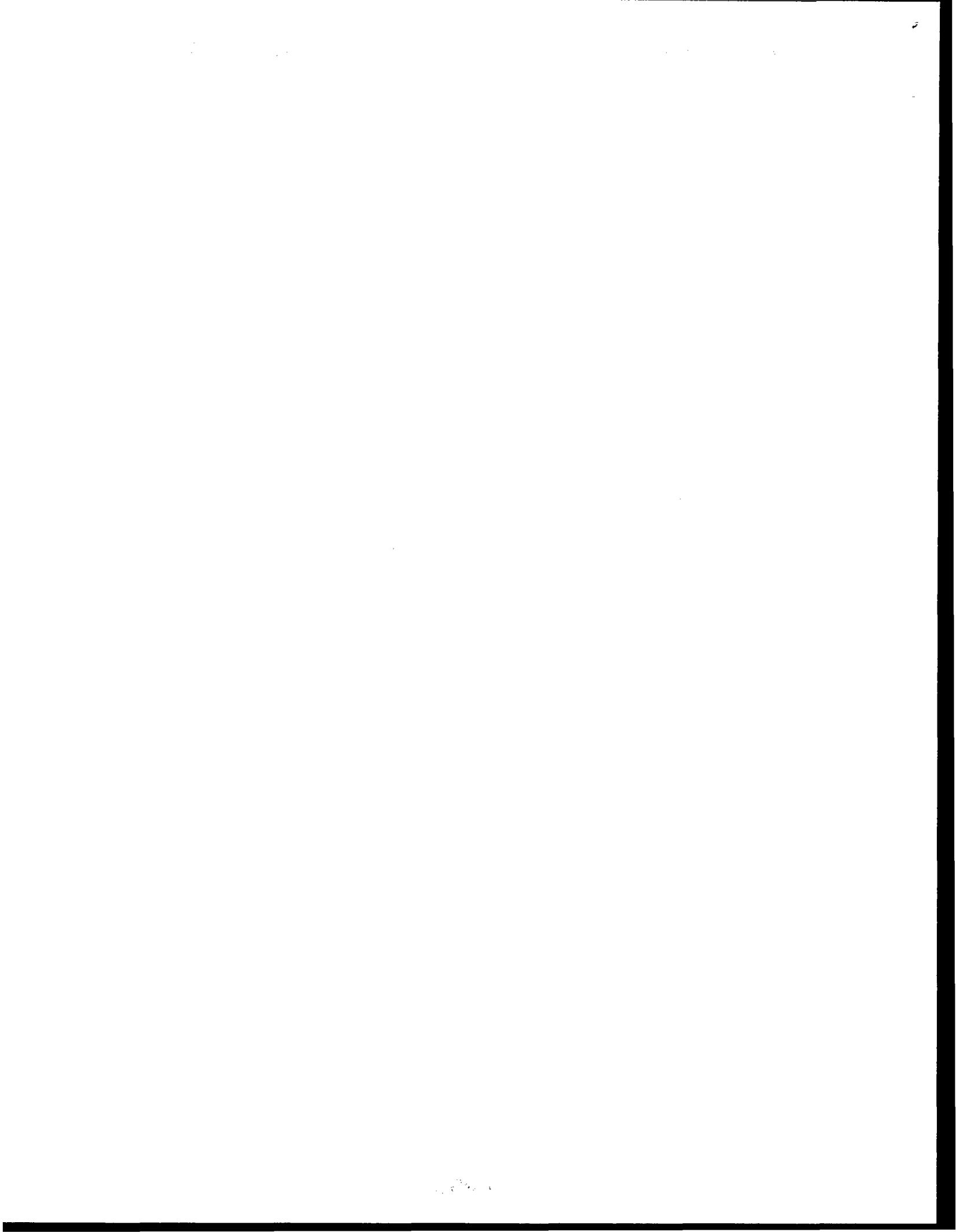
This act shall apply as of January 16, 2004.

Sec. 5. Effective date.

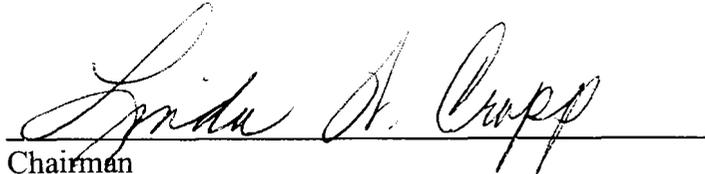
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

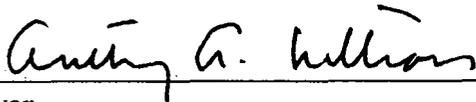
Agency	Grant Number	Phase	Type	Grant Name	Reason for Request	Budget Amount
Department of Human Services	39AFTF	04	Federal	FY03 TANF	Increase Budget to meet Projected Expenditures	\$4,011,158
Department of Health	41PHPN	04	Private	Komen-Multicultural Peer Navigator Program	Established Budget Authority	\$75,000
Department of Health	41PSFS	04	Federal	Food Stamp Nutrition Education Program	Established Budget Authority	\$431,028
Department of Health	31PHIM	04	Federal	Immunization and Vaccine for Children	Increase Budget to meet Projected Expenditures	\$410,513
Department of Health	41APBH	04	Federal	Bioterrorism Hospital Preparedness	Increase Budget to meet Projected Expenditures	\$2,514,588
Department of Health	41PSDP	04	Federal	FY03 WIC Using Loving Support to Build a Breastfeeding Program	Established Budget Authority	\$74,999
Department of Health	32HAPR	04	Federal	HIV Prevention Project	Reduced Unnecessary Budget Authority	(\$961,114)
Department of Health	32HASS	03	Federal	HIV/AIDS Surveillance	Reduced Unnecessary Budget Authority	(\$117,756)
Department of Health	32HASS	04	Federal	HIV/AIDS Surveillance	Increase Budget to meet Projected Expenditures	\$361,453
Department of Health	32HATT	04	Federal	HIV Administration	Reduced Unnecessary Budget Authority	(\$520,333)
Department of	32HAER	04	Federal	HIV Emergency Relief Project	Increase Budget to meet Projected Expenditures	\$8,196,126



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
January 28, 2004

ENROLLED ORIGINAL

Agency	Grant Number	Phase	Type	Grant Name	Reason for Request	Budget Amount
Health						
Department of Health	13HAHO	04	Federal	Housing Opportunities for Persons with AIDS	Carryover from FY03 Budget	\$712,524
Department of Health	23HAHO	03	Federal	Housing Opportunities for Persons with AIDS	Reduced Unnecessary Budget Authority	(\$153,528)
Department of Health	33HAHO	04	Federal	Persons with AIDS	Increase Budget to meet Projected Expenditures	\$3,000,000
Department of Health	43HACB	04	Federal	Community Based	Increase Budget to meet Projected Expenditures	\$48,446
Metropolitan Police Department	BOATSF	04	Federal	Boating Safety- New Award	Increase Budget to meet Projected Expenditures	\$28,700
Metropolitan Police Department	MORE03	03	Federal	COPS MORE-01	Carryover from FY03 Budget	\$474,908
Metropolitan Police Department	GREATF	03	Federal	Gang Prevention (G.R.E.A.T)	Carryover from FY03 Budget	\$108,629
Metropolitan Police Department	CHS04F	04	Federal	COPS Homeland Security	Established Budget Authority	\$2,999,978
Metropolitan Police Department	FGTF04	04	Federal	D.C. Violent Crimes/Fugitive TF	Increase Budget to meet Projected Expenditures	\$10,987
University of	6F9600	02	Federal	H-1B Technical	Carryover from	\$261,496

1950

AN ACT
D.C. ACT 15-328

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
JANUARY 28, 2004

*Codification
District of
Columbia
Official Code*

2001 Edition

2004 Spring
Supp.

West Group
Publisher

To amend, on an emergency basis, due to Congressional review, section 16-1005 of the District of Columbia Official Code to clarify that communications made by a person located outside the District of Columbia to a person located in the District of Columbia shall be deemed to have been made in the District of Columbia for the purpose of establishing a violation of a domestic violence protection order.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Domestic Violence Protection Orders Technical Congressional Review Emergency Act of 2004".

Sec. 2. Section 16-1005(h) of the District of Columbia Official Code is amended by striking the phrase "subsection (g)" and inserting the phrase "subsections (f) and (g)" in its place.

Note,
§ 16-1055

Sec. 3. Applicability.
This act shall apply as of January 25, 2004.

Sec. 4. Fiscal impact statement.
This legislation is a technical amendment to legislation already approved by the Council and funded in the District of Columbia's financial plan. This amendment has no additional fiscal impact.

Sec. 5. Effective date.
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

Agency	Grant Number	Phase	Type	Grant Name	Reason for Request	Budget Amount
District of Columbia				Skills Training Grant	FY03 Budget	
University of District of Columbia	6F4200	03	Federal	Water Resource Research Center	Reduced Unnecessary Budget Authority	(\$1,258)
University of District of Columbia	6F4200	02	Federal	Water Resource Research Center	Carryover from FY03 Budget	\$61,890
University of District of Columbia	6F4200	01	Federal	Water Resource Research Center	Carryover from FY03 Budget	\$33,792
University of District of Columbia	6FF400	03	Federal	Adult Education State Administered	Increase Budget to meet Projected Expenditures	\$61,166
University of District of Columbia	6P1500	03	Private	NYSP Summer Program	Carryover from FY03 Budget	\$11,784
Department of Employment Services	EDWAA3	01	Federal	WIA Dislocated Worker	Carryover from FY03 Budget	\$952,683
Department of Employment Services	WIADIS	02	Federal	WIA Dislocated Worker	Reduced Unnecessary Budget Authority	(\$191,909)
Department of Employment Services	WIADIS	03	Federal	WIA Dislocated Worker	Reduced Unnecessary Budget Authority	(\$2,914,654)
Department of Employment Services	JTPA2A	01	Federal	WIA Adult Training	Carryover from FY03 Budget	\$39,681
	WIAADT	02	Federal	WIA Adult	Reduced	(\$367,300)

ENROLLED ORIGINAL

Sec. 3. Applicability.

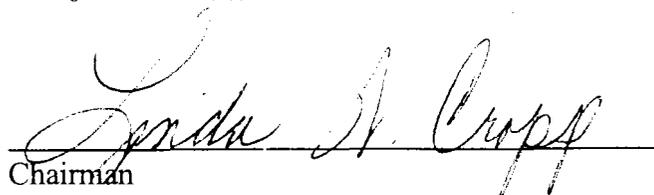
This act shall apply as of January 22, 2004.

Sec. 4. Fiscal impact statement.

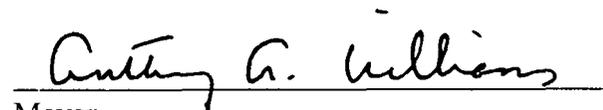
The Council adopts the July 1, 2002 fiscal impact statement of the Chief Financial Officer, published at 49 DCR 7620, as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 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
January 28, 2004

ENROLLED ORIGINAL

Agency	Grant Number	Phase	Type	Grant Name	Reason for Request	Budget Amount
Department of Employment Services				Training	Unnecessary Budget Authority	
Department of Employment Services	WIAADT	03	Federal	WIA Adult Training	Reduced Unnecessary Budget Authority	(\$301,342)
Department of Employment Services	JTPA2B	01	Federal	WIA Youth Program	Carryover from FY03 Budget	\$507,766
Department of Employment Services	WIA YTH	02	Federal	WIA Youth Program	Reduced Unnecessary Budget Authority	(\$517,443)
Department of Employment Services	WIA YTH	03	Federal	WIA Youth Program	Reduced Unnecessary Budget Authority	(\$325,253)
Department of Employment Services	DUAFLB	03	Federal	Disaster Relief-Isabel-FEMA	Carryover from FY03 Budget	\$27,600
Department of Employment Services	DUAFLA	03	Federal	Disaster Relief-Isabel-Admin	Carryover from FY03 Budget	\$2,760
Department of Employment Services	WIANEG	04	Federal	National Emergency Grant Program	Reduced Unnecessary Budget Authority	(\$707,882)
Department of Employment Services	FBO002	02	Federal	Faith Based Initiative	Carryover from FY03 Budget	\$69,676
Department of Employment Services	164ALC	03	Federal	Alien Labor Certification	Carryover from FY03 Budget	\$5,806
Department of	175WTC	03	Federal	Work Opportunities	Carryover from FY03 Budget	\$48,927

ENROLLED ORIGINAL

AN ACT

D.C. ACT 15-327

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 28, 2004*Codification
District of
Columbia
Official Code*

2001 Edition

2004 Spring
Supp.West Group
Publisher

To amend, on an emergency basis, due to Congressional review, the Fiscal Year 1997 Budget Support Act of 1996 to establish the Automated Traffic Enforcement Fund as a lapsing fund, and to require that revenue collected and deposited into the Automated Traffic Enforcement Fund be used for the expenses associated with automated traffic enforcement.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Automated Traffic Enforcement Fund Congressional Review Emergency Amendment Act of 2004".

Sec. 2. Title IX of the Fiscal Year 1997 Budget Support Act of 1996, effective April 9, 1997 (D.C. Law 11-198; D.C. Official Code § 50-2209.01 *et seq.*), is amended by adding a new section 904 to read as follows:

"Sec. 904. Automated Traffic Enforcement Fund.

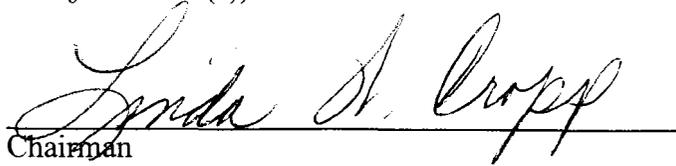
"(a) There is established the Automated Traffic Enforcement Fund ("Fund") as a lapsing fund, to be administered by the Mayor as an agency fund as defined in D.C. Official Code § 47-373(2)(I), into which shall be deposited funds to be used exclusively for administration of the automated traffic enforcement system. Authorized expenditures include, but are not limited to, vendor payments pursuant to an agreement reached under section 903 of this title, overtime incurred by members of the Metropolitan Police Department in the administration of the system, adjudication costs resulting from use of the system, supplies and equipment purchases related to use of the system, and any other expense determined by the Mayor or his designee to be required for the administration of the system. The Fund shall be financed through fines and fees received from enforcement and regulation of the activities described in section 902 of this title and through other funds as may be appropriated to the Fund. Revenue deposited into the Fund and all interest earned thereon shall revert to the General Fund on September 30 of each fiscal year, but shall, during the fiscal year, be continually available for the uses and purposes set forth in this section, subject to authorization by Congress in an appropriations act.

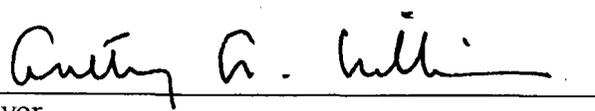
"(b) The Fund shall be accounted for under procedures established pursuant to D.C. Official Code §§ 47-371- 47-377."

ENROLLED ORIGINAL

Agency	Grant Number	Phase	Type	Grant Name	Reason for Request	Budget Amount
Employment Services				Tax Credit		
Department of Employment Services	2070UI	03	Federal	Temporary Extended Unemp. Comp.	Carryover from FY03 Budget	\$668,044
District of Columbia Public Schools	000ZAF	04	Federal	Head Start Program	Increase Budget to meet Projected Expenditures	\$1,300,568
District of Columbia Public Schools	000LTZ	04	Federal	VISTA Program	Established Budget Authority	\$21,750
District of Columbia Public Schools	000NAE	04	Federal	State Coordinator-NAEP	Reduced Unnecessary Budget Authority	(\$75,325)
District of Columbia Public Schools	000RBZ	04	Federal	Public Charter Schools	Reduced Unnecessary Budget Authority	(\$633,985)
District of Columbia Public Schools	000MAR	04	Federal	Comprehensive Schools-Project OMAR	Reduced Unnecessary Budget Authority	(\$69,538)
District of Columbia Public Schools	000ERD	04	Federal	Reading First	Reduced Unnecessary Budget Authority	(\$152,333)
District of Columbia Public Schools	000ERF	04	Federal	Reading First	Increase Budget to meet Projected Expenditures	\$239,905
District of Columbia Public Schools	000ERP	04	Federal	Reading First	Increase Budget to meet Projected Expenditures	\$117,715
District of Columbia Public Schools	000ERS	04		Reading First	Reduced Unnecessary	(\$205,287)

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
January 28, 2004

ENROLLED ORIGINAL

Agency	Grant Number	Phase	Type	Grant Name	Reason for Request	Budget Amount
Columbia Public Schools			Federal		Budget Authority	
District of Columbia Public Schools	000QDG	04	Federal	Teachers & Personnel Grant	Established Budget Authority	\$235,272
District of Columbia Public Schools	000API	04	Federal	Advanced Placement Fee	Reduced Unnecessary Budget Authority	(\$146,074)
District of Columbia Public Schools	000FLI	03	Federal	Foreign Language Incentive	Carryover from FY03 Budget	\$12,982
District of Columbia Public Schools	000BAA	03	Federal	Comprehensive Schools Reform	Carryover from FY03 Budget	\$252,789
District of Columbia Public Schools	000BAB	03	Federal	Comprehensive Schools Reform	Carryover from FY03 Budget	\$110,310
District of Columbia Public Schools	000BAD	03	Federal	Comprehensive Schools Reform	Carryover from FY03 Budget	\$41,054
District of Columbia Public Schools	000EBZ	03	Federal	Neglected & Delinquent	Carryover from FY03 Budget	\$19,745
District of Columbia Public Schools	000EGZ	03	Federal	Migrant Education	Carryover from FY03 Budget	\$414,729
District of Columbia Public Schools	000TAH	03	Federal	Teaching History Grant	Carryover from FY03 Budget	\$701,477

1998

AN ACT
D.C. ACT 15-326IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
JANUARY 28, 2004Codification
District of
Columbia
Official Code

2001 Edition

2004 Spring
Supp.West Group
Publisher

To amend, on an emergency basis, due to Congressional review, the Health Care Privatization Amendment Act of 2001 to add authority for the Mayor to issue rules and to require proposed rules to be submitted to the Council for a 30-day period of review.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Health Care Privatization Rulemaking Congressional Review Emergency Amendment Act of 2004".

Sec. 2. The Health Care Privatization Amendment Act of 2001, effective July 12, 2001 (D.C. Law 14-18; D.C. Official Code § 7-1401 *et seq.*), is amended by adding a new section 7a to read as follows:

"Sec. 7a. Rules.

The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), may issue rules to implement the provisions of this act. The proposed rules shall be submitted to the Council for a 30-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed rules, in whole or in part, by resolution within the 30-day period, the proposed rules shall be deemed disapproved."

Sec. 3. Applicability.

This act shall apply as of January 25, 2004.

Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement of 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(c)(3)).

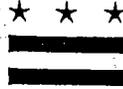
Sec. 5. Effective date.

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

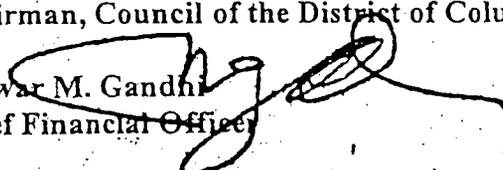
ENROLLED ORIGINAL

Agency	Grant Number	Phase	Type	Grant Name	Reason for Request	Budget Amount
District of Columbia Public Schools	000FAA	03	Federal	Vocational Education	Carryover from FY03 Budget	\$6,609
District of Columbia Public Schools	000FAC	03	Federal	Vocational Education	Carryover from FY03 Budget	\$51,783
District of Columbia Public Schools	000FAE	03	Federal	Vocational Education	Carryover from FY03 Budget	\$25,718
District of Columbia Public Schools	000FBE	03	Federal	Vocational Education	Carryover from FY03 Budget	\$629
District of Columbia Public Schools	000FCG	03	Federal	Vocational Education	Carryover from FY03 Budget	\$11,090
District of Columbia Public Schools	000FCJ	03	Federal	Vocational Education	Carryover from FY03 Budget	\$2,154,592
District of Columbia Public Schools	000FGZ	03	Federal	Tech-Prep Education	Carryover from FY03 Budget	\$327,966
District of Columbia Public Schools	000ITD	03	Federal	Improving Teacher Quality	Carryover from FY03 Budget	\$1,169,128
District of Columbia Public Schools	000ITN	03	Federal	Improving Teacher Quality	Carryover from FY03 Budget	\$849
District of Columbia Public Schools	000ITP	03	Federal	Improving Teacher Quality	Reduced Unnecessary Budget Authority	(\$53,760)

FEB 13 2004

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF THE CHIEF FINANCIAL OFFICERNatwar M. Gandhi
Chief Financial OfficerMEMORANDUM

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

FROM: Natwar M. Gandhi
Chief Financial Officer 

DATE: NOV 12 2003

SUBJECT: Fiscal Impact Statement: "Veterinary Practice Amendment Act of 2003"

REFERENCE: Bill Number: B15-149

Conclusion

Funds are sufficient in the FY 2004 through FY 2007 budget and financial plan to implement the proposed legislation because no additional staff or resources will be required. The proposed legislation would have no effect on General Fund revenue.

Background

The proposed legislation would reduce the number of members of the Board of Veterinary Examiners from seven (7) to three (3). Two of the three members would be required to be licensed veterinarians and one member would be required to be a consumer or public member. The bill also would adjust the terms of the members to account for the reduced number of members.

Financial Plan Impact

The proposed legislation would not require any additional resources and therefore, funds are sufficient in the FY 2004 through FY 2007 budget and financial plan to implement the bill.

1592

ENROLLED ORIGINAL

Agency	Grant Number	Phase	Type	Grant Name	Reason for Request	Budget Amount
District of Columbia Public Schools	000ITQ	03	Federal	Improving Teacher Quality	Reduced Unnecessary Budget Authority	(\$1,795,494)
District of Columbia Public Schools	000ITS	03	Federal	Improving Teacher Quality	Carryover from FY03 Budget	\$128,686
District of Columbia Public Schools	000ITT	03	Federal	Improving Teacher Quality	Carryover from FY03 Budget	\$203,507
District of Columbia Public Schools	000RCZ	03	Federal	Technology Literacy	Reduced Unnecessary Budget Authority	(\$148,216)
District of Columbia Public Schools	000HLA	03	Federal	Title IV Safe & Drug Free	Carryover from FY03 Budget	\$94,828
District of Columbia Public Schools	000HLB	03	Federal	Title IV Safe & Drug Free	Carryover from FY03 Budget	\$107,762
District of Columbia Public Schools	000HLK	03	Federal	Title IV Safe & Drug Free	Carryover from FY03 Budget	\$55,389
District of Columbia Public Schools	000LAI	03	Federal	Language Acquisition	Carryover from FY03 Budget	\$92,780
District of Columbia Public Schools	000LAL	03	Federal	Language Acquisition	Carryover from FY03 Budget	\$291,764
District of Columbia Public	000LAP	03	Federal	Language Acquisition	Reduced Unnecessary	(\$55,101)

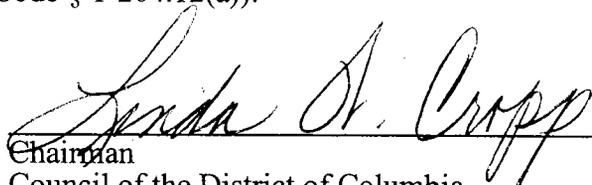
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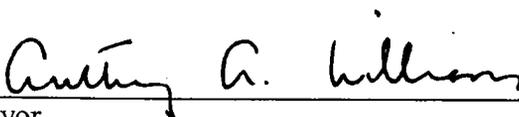
FEB 13 2004

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
January 28, 2004

ENROLLED ORIGINAL

Agency	Grant Number	Phase	Type	Grant Name	Reason for Request	Budget Amount
Schools					Budget Authority	
District of Columbia Public Schools	000LAS	03	Federal	Language Acquisition	Reduced Unnecessary Budget Authority	(\$87,703)
District of Columbia Public Schools	000RSA	03	Federal	State Assessment	Carryover from FY03 Budget	\$2,557,628
District of Columbia Public Schools	000RSS	03	Federal	State Assessment	Reduced Unnecessary Budget Authority	(\$2,346,919)
District of Columbia Public Schools	000ZHZ	03	Federal	Even Start	Carryover from FY03 Budget	\$142,224
District of Columbia Public Schools	000RIT	03	Federal	School Renovation Grant	Carryover from FY03 Budget	\$427,819
University of District of Columbia	6F6600	03	Federal	Indoor Air Quality Program	Established Budget Authority	\$2,500
University of District of Columbia	6P3500	03	Federal	NYSP Extended Youth Sports Girls Clinic	Carryover from FY03 Budget	\$4,903
University of District of Columbia	6P6400	03	Federal	NYSP Excess Distribution	Carryover from FY03 Budget	\$8,504
	6F9500	01		Diabetes: Factors Influencing Self-Care Among African American in		\$67,253

AN ACT
D.C. ACT 15-325

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 28, 2004

*Codification
District of
Columbia
Official Code*

2001 Edition

2004 Spring
Supp.

West Group
Publisher

To amend, on an emergency basis, due to Congressional review, the Veterinary Practice Act of 1982 to reduce the size of the Board of Veterinary Examiners from 7 members to 3 members.

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

Sec. 2. Section 6 of the Veterinary Practice Act of 1982, effective March 9, 1983 (D.C. Law 4-171; D.C. Official Code § 3-505), is amended as follows:

Note,
§ 3-505

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

"(b) The Board shall consist of 3 members appointed by the Mayor with the advice and consent of the Council. Two members of the Board shall be licensed veterinarians and one member shall be a consumer. No full-time or part-time officer or member of any school of veterinary medicine shall be eligible for appointment to the Board."

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

"(f) Of the members first appointed to the Board after July 29, 2003, one licensed member and one consumer member shall be appointed to serve terms of 3 years, and one licensed member shall be appointed to serve a term of 2 years."

Sec. 3. Applicability.

This act shall apply as of January 25, 2004.

Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

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

Agency	Grant Number	Phase	Type	Grant Name	Reason for Request	Budget Amount
University of District of Columbia			Federal	Rural and Urban Populations	Carryover from FY03 Budget	

Sec.3. Pursuant to section 119 of the District of Columbia Appropriations Act, 2003, approved February 20, 2003 (Pub. Law 108-7; 117 Stat. 11), as extended by a Joint Resolution Making continuing appropriations for fiscal year 2003, and for other purposes, approved September 30, 2003 (Pub. Law 108-84; 117 Stat. 1042), the acceptance and use of the following grants are hereby approved:

Agency	Grant Number	Phase	Type	Grant Name	Reason for Request	Budget Amount
Office of the City Administrator	JA9001	03	Federal	Juvenile Accountability	Reduced Unnecessary Budget Authority	(\$17,160)
Office of the City Administrator	JA9001	00	Federal	Juvenile Accountability	Increase Budget to meet Projected Expenditures	\$17,160

Sec .4. Fiscal impact statement.

This legislation does not affect the District of Columbia's budget or financial plan and, therefore, has no fiscal impact.

Sec. 5. Effective date.

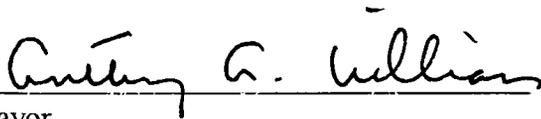
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

Sec. 5. Effective date.

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



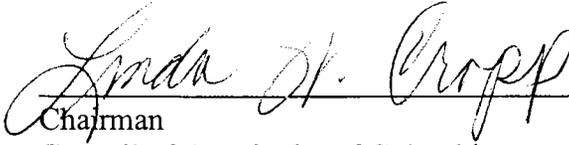
Chairman
Council of the District of Columbia



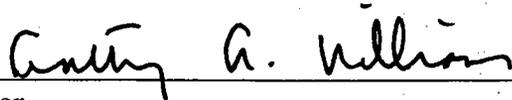
Mayor
District of Columbia
APPROVED
January 28, 2004

ENROLLED ORIGINAL

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)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
January 28, 2004

AN ACT
D.C., ACT 15-324

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
JANUARY 28, 2004

*Codification
District of
Columbia
Official Code*

2001 Edition

2004 Spring
Supp.

West Group
Publisher

To amend, on an emergency basis, due to Congressional review, An Act Relating to the adulteration of foods and drugs in the District of Columbia to authorize the Mayor to establish sanitary standards for wholesale food operations that do not provide food directly to the consumer, including manufacturers, processors, repackagers, and distributors of food, by including "food processing plants" within the definition of "food establishment".

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

Sec. 2. Section 2(5) of An Act Relating to the adulteration of foods and drugs in the District of Columbia, approved February 17, 1898 (30 Stat. 246; D.C. Official Code § 48-102(5)), is amended as follows:

Note,
§ 48-102

(a) Subparagraph (A) is amended as follows:

- (1) Sub-subparagraph (v) is amended by striking the word "and" at the end.
- (2) Sub-subparagraph (vi) is amended by adding the word "and" at the end.
- (3) A new sub-subparagraph (vii) is added to read as follows:
" (vii) A food processing plant."

(b) Subparagraph (B)(iii) is repealed.

Sec. 3. Applicability.

This act shall apply as of January 25, 2004.

Sec. 4. Fiscal impact statement.

This act has no fiscal impact because it merely includes food processing plants within the Mayor's original authorization to regulate food and food service establishments.

AN ACT

D.C. ACT 15-321

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
JANUARY 28, 2004

To provide, on an emergency basis, the details of the purpose of the expenditure of \$14.6 million from the fiscal year 2001 reserve funds.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "District of Columbia Public Schools Use of the Budget Reserve Funds Emergency Act of 2004".

Sec. 2. Pursuant to section 202(j)(3)(B) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (109 Stat. 109; D.C. Official Code § 47-392.03(j)(3)(B)), the Council approves the expenditure of \$14.6 million from the fiscal year 2001 budget reserve, to be made available to the District of Columbia Public Schools for its use in the following increments and manner.

(1) An amount of \$10.9 million in response to a court order requiring that supplemental funds be allocated for the purpose of enhancing special education transportation functions; and

(2) An amount of \$3.7 million in response to a request from the Board of Education to allow for the postponement of selected position eliminations until the end of the fiscal year.

Sec. 3. The Board of Education will identify alternate savings or additional revenue in the amount of \$3.7 million by the end of fiscal year 2004 and these savings or revenues will be used to refund the \$3.7 million to the District's reserve funds, unless the Chief Financial Officer certifies that additional savings of \$3.7 million were not achieved and that an applicable source of additional revenue was not received.

Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

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

Sec. 3. Section 1075(b) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective October 4, 2000 (D.C. Law 13-160; D.C. Official Code § 1-610.75(b)), is repealed.

Note,
§ 1-610.75

Sec. 4. Fiscal impact statement.

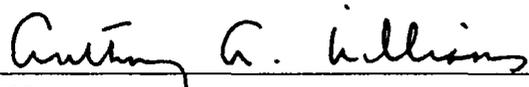
The Council adopts the fiscal impact statement provided by the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

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



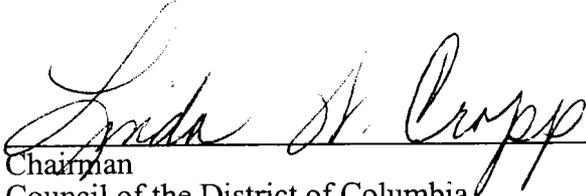
Mayor
District of Columbia

APPROVED
January 28, 2004

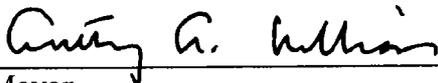
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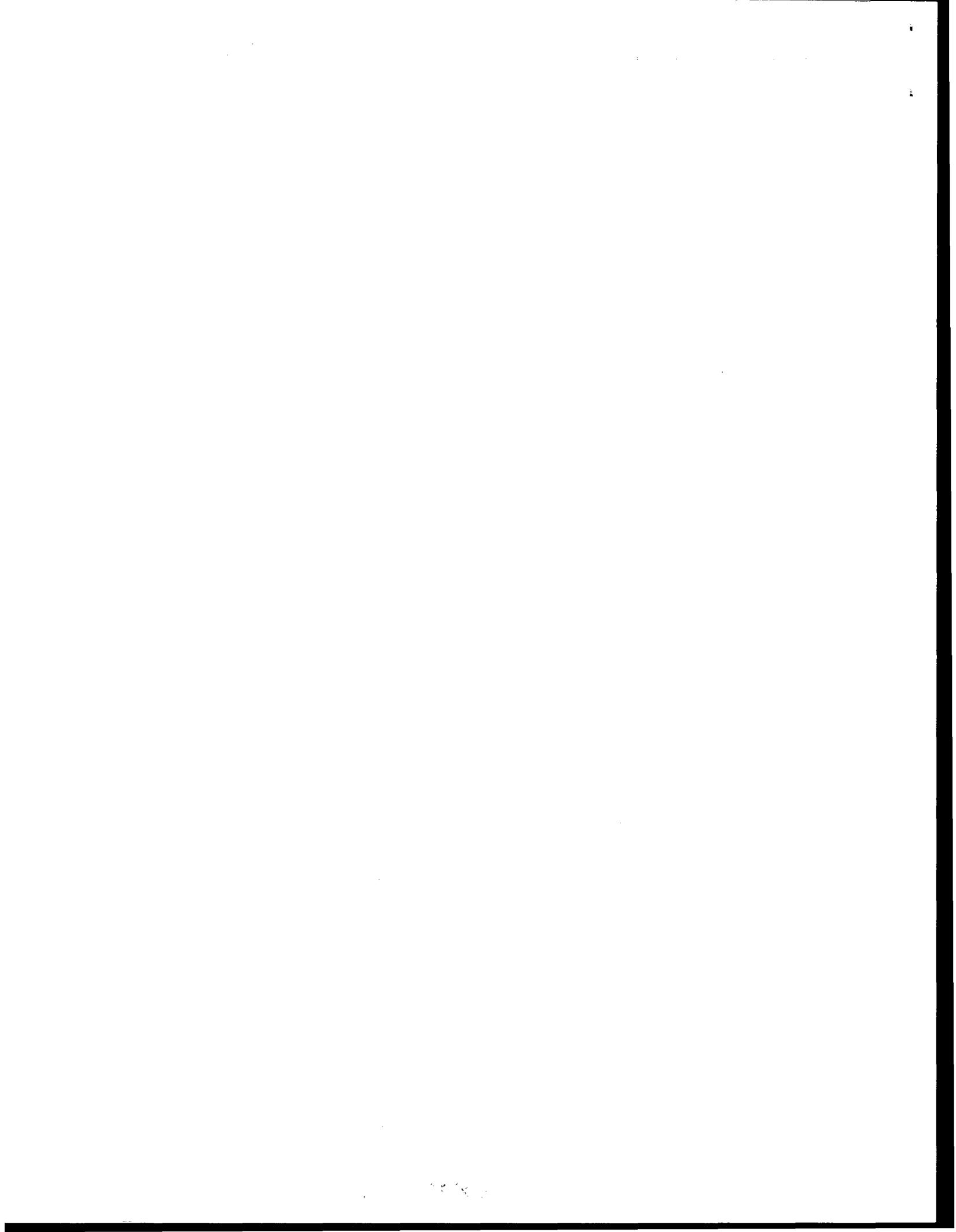
412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;
D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
January 28, 2004



ENROLLED ORIGINAL

AN ACT
D.C. ACT 15-323

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
JANUARY 28, 2004

*Codification
 District of
 Columbia
 Official Code*

2001 Edition

2004 Spring
 Supp.

West Group
 Publisher

To amend, on an emergency basis, the Metropolitan Police Department Application, Appointment, and Training Requirements Act of 2000 to extend the deadline for sworn Metropolitan Police Department officers hired between January 11, 2000 and December 31, 2003, to obtain 60 semester hours of post-secondary education, and to provide candidates for sworn employment with the Metropolitan Police Department who have applications pending as of December 31, 2003, and are subsequently appointed 5 years to meet the requisite educational requirement of 60 semester hours of post-secondary education; and to amend the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to repeal an unnecessary provision.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Metropolitan Police Department Educational Requirement Clarification Emergency Amendment Act of 2004".

Sec. 2. Section 202 of the Metropolitan Police Department Application, Appointment, and Training Requirements Act of 2000, effective October 4, 2000 (D.C. Law 13-160; D.C. Official Code § 5-107.01), is amended as follows:

Note,
 § 5-107.01

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

"(a)(1) Except as provided in paragraph (2) of this subsection, to be eligible for appointment as a sworn member of the Metropolitan Police Department, as of December 31, 2003, an applicant must have successfully completed at least 60 post-secondary semester hours from an accredited university.

"(2) A candidate for appointment as a sworn member of the Metropolitan Police Department whose application is pending as of December 31, 2003, and who is subsequently appointed shall have successfully completed at least 60 post-secondary semester hours from an accredited university within 5 years from the effective date of the Metropolitan Police Department Educational Requirement Clarification Emergency Amendment Act of 2004, passed on emergency basis on January 6, 2004 (Enrolled version of Bill 15-652)."

(b) New subsection (d) is added to read as follows:

"(d) A sworn Metropolitan Police Department officer appointed after January 11, 2000, and prior to December 31, 2003, shall have successfully completed at least 60 post-secondary semester hours from an accredited university within 5 years from the effective date of the Metropolitan Police Department Educational Requirement Clarification Emergency Amendment Act of 2004, passed on emergency basis on January 6, 2004 (Enrolled version of Bill 15-652)."

AN ACT

D.C. ACT 15-322

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 28, 2004Codification
District of
Columbia
Official Code

2001 Edition

2004 Spring
Supp.West Group
Publisher

To amend, on an emergency basis, the Health Services Planning Program Re-Establishment Act of 1996 to provide that staffing of the State Health Planning and Development Act ("SHPDA") can continue beyond March 1, 2003, to authorize the funding of SHPDA through fees, to exempt public, charter, and private schools from the Certificate of Need ("CON") procedures for services offered to students with special needs, to require that CON determinations be made within 90 days, extendable under certain circumstances for an additional 30 days; to authorize public access to the CON applications filed with SHPDA with certain redactions, to implement other streamlined CON procedures, to increase the threshold for nonpatient care projects from \$5 million to \$8 million, and to establish the State Health Planning and Development Fund as a nonlapsing, revolving fund; to amend Title XX of the Fiscal Year 2003 Budget Support Amendment Act of 2002 to provide that staffing of the SHPDA can continue beyond March 1, 2003; and to amend Title XX of the Fiscal Year 2003 Budget Support Amendment Congressional Review Emergency Act of 2002 to provide that staffing of the SHPDA can continue beyond March 1, 2003.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Health Services Planning and Development Emergency Amendment Act of 2004".

Sec. 2. The Health Services Planning Program Re-Establishment Act of 1996, effective April 9, 1997 (D.C. Law 11-191; D.C. Official Code § 44-401 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 44-401) is amended as follows:

(1) Paragraph (3)(A) is amended by striking the number "\$2,000,000" and inserting the number "\$2,500,000" in its place.

(2) Paragraph (10) is amended by striking the phrase "the private office facilities of a health professional," and inserting the phrase "the private office facilities of a health professional or group of health professionals, where the health professional or group of health professionals provides conventional offices services limited to medical consultation, general non-invasive examination, and minor treatment," in its place.

Note,
§ 44-401

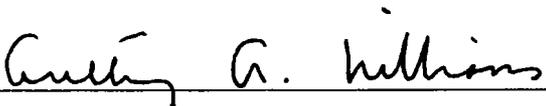
FEB 13 2004

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
January 28, 2004

ENROLLED ORIGINAL

(3) Paragraph (14)(A) is amended to read as follows:

"(14)(A) "Major medical equipment" means equipment which is used for the provision of medical or other health services, which is acquired by lease, purchase, donation or other comparable arrangement by or on behalf of a health care facility and which has a fair market value in excess of \$1,500,000 or by or on behalf of a physician or group of physicians and which has a fair market value in excess of \$750,000; except that the SHPDA may, by rule, adjust this threshold annually to reflect the change in the Consumer Price index issued by the Bureau of Labor Statistics, United States Department of Labor. "Major medical equipment" shall not include medical equipment acquired by or on behalf of a clinical laboratory to provide clinical laboratory services if the clinical laboratory is independent of a physician's office or a hospital and it meets the requirements of § 1861(s)(10) and (11) under the Social Security Act, approved August 14, 1935 (49 Stat. 420; 42 U.S.C. 1395x(s))."

(b) Section 3(a) (D.C. Official Code § 44-402(a)(2)) is amended as follows:

Note,
§ 44-402

(1) Designate the existing language as paragraph (1).

(2) A new paragraph (2) is added to read as follows:

"(2) Local revenues, not to exceed fees collected pursuant to section 21, shall be utilized to staff and administer the State Health Planning and Development Agency."

(c) Section 6 (D.C. Official Code § 44-405) is amended by adding a new subsection (g) to read as follows:

Note,
§ 44-405

"(g) The SHPDA is authorized to establish a fee schedule for certain data, analyses, and reports available through SHPDA."

(d) Section 8(b) (D.C. Official Code § 44-407(b)) is amended as follows:

Note,
§ 44-407

(1) Paragraphs (1), (3), (4), and (6) are amended to read as follows:

"(1) The upgrading, maintenance, or correction of facility deficiencies that may be in violation of federal and District fire, building, and safety codes, or that will improve patient safety;

"(3) Nonpatient care projects requiring the obligation of a capital expenditure of less than \$8 million;

"(4) The acquisition of the same or similar medical equipment to replace, upgrade, or expand the capacity of the same equipment for which a certificate of need has been granted, if the replacement equipment is removed from service;

"(6) The acquisition of major medical equipment or institution of new institutional health services determined by the Department to be necessary for a declared public health purpose or deemed necessary to provide health care services under contract to or grant from a District agency;"

(2) Paragraph (7) is amended by striking the word "and" at the end.

(3) Paragraph (8) is amended by striking the phrase "HSP." and inserting the phrase "HSP; and" in its place.

(4) A new paragraph (8A) is added to read as follows:

ENROLLED ORIGINAL

monies received by and deposited in the State Health Planning and Development Fund shall be for the sole use of the State Health Planning and Development Agency and from it shall be paid all salaries and all other expenses necessary in carrying out the duties of the SHPDA. The Mayor shall be responsible for the deposit and expenditure of these monies.

“(d) The Mayor shall submit to the Council, as a part of the annual budget, a requested appropriation for expenditures from the State Health Planning and Development Fund. The Mayor’s budget request shall be based on an estimated projection of the expenditures necessary to perform the administrative and regulatory functions of the State Health Planning and Development Agency.”.

Sec. 3. Title XX of the Fiscal Year 2003 Budget Support Amendment Act of 2002, effective June 5, 2003 (D.C. Law 14-307; 49 DCR 11664), is amended as follows:

(a) Section 2002(b)(1)(B) is amended to read as follows:

“(B) A new paragraph (2) is added to read as follows:

““(2) Local revenues, not to exceed fees collected pursuant to section 21, shall be utilized to staff and administer the State Health Planning and Development Agency.”.”.

Sec. 4. Applicability.

This act shall apply as of February 1, 2004.

Sec. 5. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director 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.

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

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“(8A) District of Columbia public, chartered, and private schools for any health care service offered or developed for students with special needs in compliance with the Individuals with Disabilities Education Act (IDEA), the Rehabilitation Act of 1973, or the Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) standards;”

(e) Section 10 (D.C. Official Code § 44-409) is amended as follows:

Note,
§ 44-409

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

(A) Insert the phrase "for expedited administrative review," after the phrase "renewal applications,".

(B) Strike the last sentence.

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

“(2) The SHPDA shall issue its determination on an application for a certificate of need within 90 days after the date that the review process begins. If the SHPDA cannot issue its determination within that period, the review period may be extended for one additional period of 30 days.”

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

“The SHPDA is authorized to charge reasonable fees for the costs of acquiring these documents.”

(f) Section 11(a) (D.C. Official Code § 44-410 (a)) is amended by inserting the phrase “major medical equipment” after the phrase “health service”.

Note,
§ 44-410

(g) Section 21 (D.C. Official Code § 44-420) is amended by inserting 3 new sentences at the end to read as follows:

Note,
§ 44-420

“The user fee for hospitals shall be \$5 per inpatient admission, to be paid to the SHPDA on a quarterly basis, in lieu of a CON application fee. User fees may also be established for other classes of facilities by regulation. SHPDA may adjust a user fee periodically to reflect the change in the Consumer Price index issued by the Bureau of Labor Statistics, United States Department of Labor.”

(h) A new section 22b is added to read as follows:

“Sec. 22b. Establishment of State Health Planning and Development Fund.

“(a) There is established as a nonlapsing, revolving fund in the Department of Health the State Health Planning and Development Fund (“SHPDA Fund”), to be administered by the Mayor as an agency fund as defined in section 373(2)(I) of Title 47 of the District of Columbia Code, to which all fees, civil fines, and interest relating to the State Health Planning and Development Agency shall be deposited and credited.

“(b) Revenues deposited into the SHPDA Fund shall not revert to the General Fund at the end of any fiscal year or at any other time but shall be continually available to the Department of Health for the uses and purposes set forth in subsection (c) of this section, subject to authorization by Congress in an appropriations act.

“(c) Subject to the applicable laws relating to the appropriation of District funds,

