

AN ACT
D.C. ACT 15-259

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
DECEMBER 18, 2003

*Codification
District of
Columbia
Official Code*

2001 Edition

2004 Winter
Supp.

West Group
Publisher

To amend the Utility Regulatory Assessment Clarification Act of 1985 to permit utilities to provide notice of rate or service changes to only affected customers, to authorize notification by electronic means if the customer has registered for electronic billing, and to require utilities to make notices of rate or service changes available at their website.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Utility Rate Payers Amendment Act of 2003".

Sec. 2. Section 8(39)(a) of an Act Making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and fourteen, and for other purposes, approved March 4, 1913 (37 Stat. 983; D.C. Official Code § 34-909(a)), is amended by striking the first sentence and inserting the following new sentences in its place to read as follows: "Notice of every rate application or change in condition of service proposed and filed with the Public Service Commission shall be given by the utility to each residential or commercial rate payer affected by the proposed rate application or change. The notice shall be: (1) by written notice in the affected rate payer's billing envelope, (2) by electronic notice to those rate payers who have registered for electronic billing with a utility, and (3) available for viewing at a utility's website and updated by a utility on at least a monthly basis consistent with the billing cycle."

Amend
§ 34-909

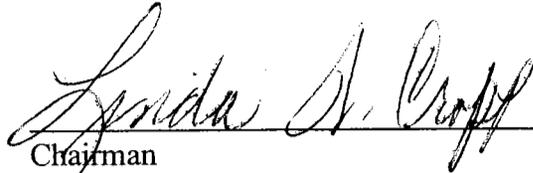
Sec. 3. Fiscal impact statement.

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

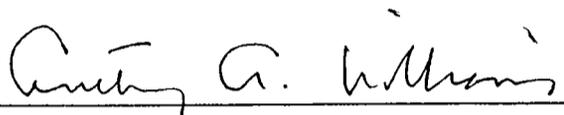
Sec. 4. Effective date.

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

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
December 18, 2003

AN ACT

D.C. ACT 15-260

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 18, 2003

To order the closing of a portion of a public alley in Square 2677, bounded by 14th Street, N.W., 15th Street, N.W., and Newton 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 Portion of a Public Alley in Square 2677, S.O. 03-0208, Act of 2003".

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 public alley in Square 2677, as shown on the Surveyor's plat filed under S.O. 03-0208, is unnecessary for alley 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 all conditions of the District Department of Transportation and Verizon, as set forth in the official file on S.O. 03-0208.

Sec. 3. Fiscal impact statement.

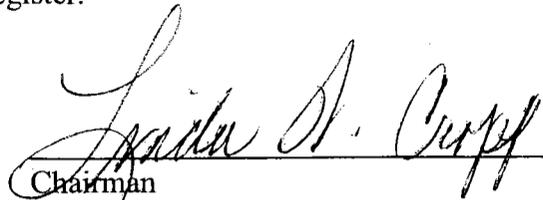
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. 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.

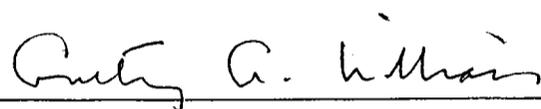
Sec. 5. Effective date.

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

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
December 18, 2003

AN ACT
D.C. ACT 15-261

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 18, 2003

*Codification
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To amend, on a temporary basis, the Housing and Community Development Reform Advisory Commission Act of 2002 to strike the affiliation prohibition to broaden the pool of persons who may serve on the Commission.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Housing and Community Development Reform Advisory Commission Temporary Amendment Act of 2003".

Sec. 2. Public members affiliations

Section 1142(2)(A) of the Housing and Community Development Reform Advisory Commission Act of 2002, effective October 1, 2002 (D.C. Law 14-190; D.C. Official Code § 6-1032(2)(A)), is amended by striking the phrase "agent or other affiliate" and replacing it with "or agent".

Note,
§ 6-1032

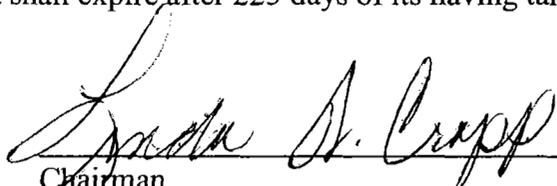
Sec. 3. Fiscal impact statement.

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)).

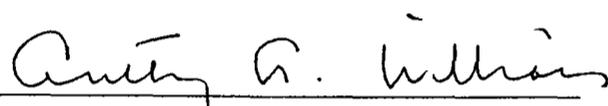
Sec. 4. (a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule

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

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
December 18, 2003

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

Bill Number: 15-242	Type: Emergency () Temporary (X) Permanent ()	Date Reported: November 2003
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Subject/Short Title: Housing and Community Development Reform Advisory Commission Temporary Amendment 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.	()	()
b) It will affect federal expenditures.	()	()
c) It will affect private/other expenditures.	()	()
d) It will affect intra-District expenditures.	()	()
2. It will impact revenue. (If "Yes," complete Section 2 in the Fiscal Estimate Worksheet).	()	(X)
a) It will impact local revenue.	()	()
b) It will impact federal revenue.	()	()
c) It will impact private/other revenue.	()	()
d) It will impact intra-District revenue.	()	()
3. The bill will have NO or minimal fiscal impact. (If "Yes," explain below). The legislation will merely allow affiliates of organizations that receive funding from DHCD to sit on the Reform Advisory Commission.	(X)	()

Part II. Other Impact of the Bill

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

	YES	NO
1. It will affect an agency and/or agencies in the District.	()	(X)
2. Are there performance measures/output for this bill?	()	(X)
3. Will it have results/outcome, i.e., what would happen if this bill is not enacted? If the resolution is not approved, the Mayor's nomination of Robert Pohlman will not be approved	(X)	()
4. Are funds appropriated for this bill in the Budget and Financial Plan for the current year? No additional funds are needed to implement this legislation.	(X)	()

Sources of information:	Councilmember: Harold Brazil
	Staff Person & Tel: Barry Kreiswirth 724-8792
	Council Budget Director's Signature: <i>ATA-BLAW</i>

11/7/03

AN ACT

D.C. ACT 15-262

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 18, 2003

*Codification
District of
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Official Code*

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To amend, on an temporary basis, the Washington Convention Center Authority Act of 1994 to eliminate the limit on the number of consecutive terms that may be served by a member of the Board of Directors.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Washington Convention Center Authority Term Limit Temporary Amendment Act of 2003".

Sec. 2. Section 205(b)(1) of the Washington Convention Center Authority Act of 1994, effective September 28, 1994 (D.C. Law 10-188; D.C. Official Code § 10-1202.05(b)(1)), is amended by striking the phrase ", and no Board member shall serve more than 2 consecutive terms".

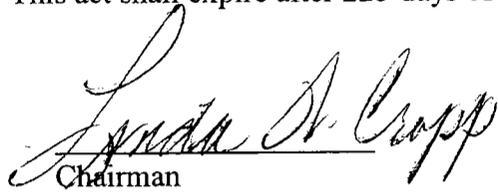
Note,
§ 10-1202.05

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

Sec. 4. (a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule

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

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
December 18, 2003

COUNCIL OF THE DISTRICT OF COLUMBIA
OFFICE OF THE BUDGET DIRECTOR

FISCAL IMPACT STATEMENT

Bill Number:	Type: Emergency () Temporary (X) Permanent ()	Date Reported: November 2003
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Subject/Short Title: Washington Convention Center Authority Term Limit Temporary Amendment 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.	()	()
b) It will affect federal expenditures.	()	()
c) It will affect private/other expenditures.	()	()
d) It will affect intra-District expenditures.	()	()
2. It will impact revenue. (If "Yes," complete Section 2 in the Fiscal Estimate Worksheet).	()	(X)
a) It will impact local revenue.	()	()
b) It will impact federal revenue.	()	()
c) It will impact private/other revenue.	()	()
d) It will impact intra-District revenue.	()	()
3. The bill will have NO or minimal fiscal impact. (If "Yes," explain below). The legislation will eliminate the number of consecutive terms that may be served by current members of the Washington Convention Center Authority Board of Directors.	(X)	()

Part II. Other Impact of the Bill

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

	YES	NO
1. It will affect an agency and/or agencies in the District. The legislation will eliminate the number of consecutive terms that may be served by current members of the Washington Convention Center Authority Board of Directors.	(X)	()
2. Are there performance measures/output for this bill?	()	(X)
3. Will it have results/outcome, i.e., what would happen if this bill is not enacted? The legislation will allow the reappointment of the term of the current members of the Washington Convention Center Authority Board of Directors.	(X)	()
4. Are funds appropriated for this bill in the Budget and Financial Plan for the current year? Funds have been appropriated for the Budget and Financial Plan for the current year for the continued operation of the Washington Convention Center Authority Board of Directors.	(X)	()

Sources of information:	Councilmember: Harold Brazil
	Staff Person & Tel: Barry Kreiswirth 724-8792
	Council Budget Director's Signature: <i>Ann Brazil</i>

11/3/03

AN ACT
D.C. ACT 15-263

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
DECEMBER 18, 2003

Codification
District of
Columbia
Official Code

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To amend, on a temporary basis, Title 47 of the District of Columbia Official Code to authorize the Mayor to promulgate rules governing the business of furnishing towing services for motor vehicles, to require that the proposed rules be submitted to the Council for a 45-day period of review, and to provide that if the Council does not approve or disapprove the proposed regulations, in whole or in part, by resolution, within the 45-day review period, the proposed regulations shall be deemed disapproved.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Towing Regulation and Enforcement Authority Temporary Act of 2003".

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

(a) The table of contents for Chapter 28 is amended by adding the phrase "47-2850. Rules governing the business of furnishing towing services for motor vehicles."

(b) A new section 47-2850 is added to read as follows:

"§ 47-2850. Rules governing the business of furnishing towing services for motor vehicles.

"(a) The Mayor is authorized, in accordance with Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-502 *et seq.*), to:

"(1) Promulgate rules to govern the business of furnishing towing services for motor vehicles; and

"(2) Amend or repeal any provision of Chapter 4 of Title 16 of the District of Columbia Municipal Regulations governing the business of furnishing towing services for motor vehicles.

"(b) Rules proposed pursuant to this section shall be submitted to the Council for a 45-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed regulation, in whole or in part, by resolution, within this 45-day review period, the proposed regulations shall be deemed disapproved.

"(c) Any person who violates any of the rules promulgated pursuant to this section shall

Note,
§ 47-2849

ENROLLED ORIGINAL

be guilty of a misdemeanor and upon conviction, shall be subject to a fine not exceeding \$1,000 per violation, and imprisonment for not more than 90 days, or both. All prosecutions for violations of any rule or regulation issued pursuant to this section shall be in the Criminal Division of the Superior Court of the District of Columbia in the name of the District of Columbia by information signed by the Corporation Counsel or one of his or her assistants. Civil fines and penalties may be imposed as alternative sanctions for any infraction of the rules issued pursuant to this section, pursuant to Titles I-III of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985. Adjudication of any infractions shall be pursuant to Titles I-III of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985.”.

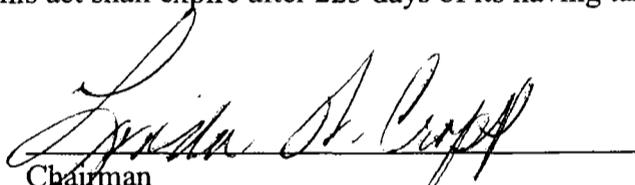
Sec. 3. Fiscal impact statement.

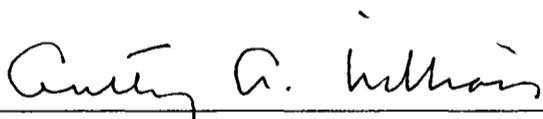
The Council adopts the attached fiscal impact statement as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

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

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

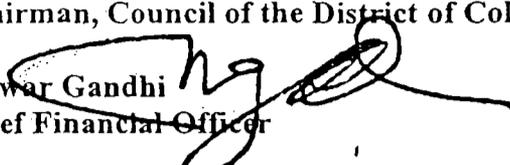

Chairman
Council of the District of Columbia


Mayor
District of Columbia
APPROVED
December 18, 2003

Natwar M. Gandhi
Chief Financial Officer

**MEMORANDUM**

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

FROM: Natwar Gandhi 
Chief Financial Officer

DATE: OCT 31 2003

SUBJECT: Fiscal Impact Statement: "Towing Regulation and Enforcement Authority Temporary Act of 2003" and "Towing Regulation and Enforcement Authority Emergency Act of 2003"

REFERENCE: Draft - No bill number

Conclusion

Funds are sufficient in the District of Columbia's proposed FY 2004 through FY 2007 budget and financial plan to implement the "Towing Regulation and Enforcement Authority Temporary Act of 2003" and the "Towing Regulation and Enforcement Authority Emergency Act of 2003". No additional staff or resources will be required.

Background

The purpose of the proposed legislation is to give the Mayor the authority to promulgate and enforce regulations that govern the business of towing and storing vehicles. In addition, the proposed legislation will establish criminal and civil penalties for violations of the proposed regulations.

Financial Plan Impact

Funds are sufficient in the proposed FY 2004 through FY 2007 budget and financial plan. It should be noted that revenue from criminal fines and fees is retained by the Superior Court.

AN ACT

D.C. ACT 15-264

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 18, 2003*Codification
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To continue, on a temporary basis, a parking meter fee moratorium on Saturday for up to 3 hours, unless current signage permits otherwise, and on other days between 6:30 p.m. and 7:00 a.m.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Parking Meter Fee Moratorium Temporary Act of 2003".

Sec. 2. Parking meter fees; exceptions.

(a) Except as provided in subsection (b) of this section, no citation shall be issued for a parking meter fee violation at any time on a Saturday, or on other days between the hours of 6:30 p.m. and 7:00 a.m.

(b) No person shall park at a parking meter on a Saturday between 7:00 a.m. and 6:30 p.m. for more than 3 hours, unless current signage permits parking for a longer time. Failure to move the vehicle after 3 hours on a Saturday, between 7:00 a.m. and 6:30 p.m., shall constitute a violation unless current signage permits parking for a longer time.

(c) The Mayor may promulgate rules to exempt certain streets from the provisions of this act when necessary to accommodate special needs or situations identified by proximate business or District agencies, subject to approval by the Council.

Sec. 3. Fiscal impact statement.

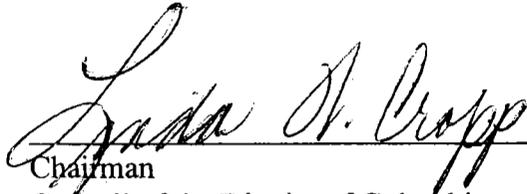
The Council adopts the attached fiscal impact statement as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

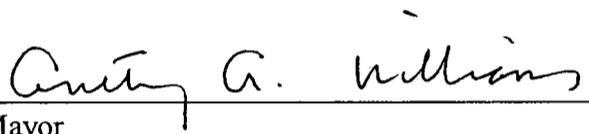
(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved

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

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
December 18, 2003

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

Bill Number:	Type: Emergency () Temporary (X) Permanent ()	Date Reported:
Subject/Short Title: "Parking Meter Fee Moratorium Temporary 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)	()
Explanation: This bill will have no or minimal fiscal impact because it would merely continue a program which has already been in existence, namely the parking meter fee moratorium program.		

Part II: Other Impacts 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? The current parking meter fee moratorium program would not be continued for the timebeing.	(X)	()
4. Are funds appropriated for this bill in the Budget and Financial Plan for the current year?	()	(X)

Sources of information:	Councilmember: Carol Schwartz
Council staff:	Staff Person & Tel: Andrew Gerst (202) 727-8272
	Council Budget Director's Signature: <i>[Signature]</i>

10/29/03

ENROLLED ORIGINAL

AN ACT
D.C. ACT 15-265

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
DECEMBER 18, 2003

*Codification
 District of
 Columbia
 Official Code*

2001 Edition

2004 Winter
 Supp.

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 Publisher

To amend, on a temporary basis, section 47-813(c-6) of the District of Columbia Official Code to clarify the definitions of real property classifications.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Real Property Classification Clarification Temporary Act of 2003".

Sec. 2. Section 47-813(c-6) of the District of Columbia Official Code is amended to read as follows:

Note,
 § 47-813

"(c-6)(1) For the real property tax year beginning October 1, 2002, and ending September 30, 2003, and for each subsequent tax year, the following classes of taxable real property are established:

- "(A) Class 1 Property;
- "(B) Class 2 Property; and
- "(C) Class 3 Property.

"(2)(A) Class 1 Property shall be comprised of residential real property that:

- "(i) Is improved;
- "(ii) Is occupied; and
- "(iii) Is used exclusively for nontransient residential dwelling

purposes.

"(B) Unimproved real property which abuts Class 1 Property shall be classified as Class 1 Property if the unimproved real property and the Class 1 Property have common ownership.

"(C) Residential real property that is either unoccupied or unimproved shall remain classified as Class 1 property if:

"(i) The improved real property is unoccupied due to a fire, flood, or other casualty, if the property was occupied at the time of the casualty, and the fire, flood, or other casualty occurred during the 12 months preceding the tax year and was not intentionally caused by the owner or sole tenant;

"(ii) The real property is actively offered for sale or rental at a reasonable market price as of September 30 of the preceding tax year or as of March 31 of the current tax year; provided, that a property which has been offered for sale or rental for more than 8 months shall be presumed not to be offered for sale or rental at a reasonable market price;

"(iii) A building permit or a demolition permit has been issued and construction or demolition is actively pursued as of September 30 of the preceding tax year or as of March 31 of the current tax year;

"(iv) A building permit has been issued during the 24 months

ENROLLED ORIGINAL

preceding the current tax year;

"(v) The improved real property is the subject of a probate proceeding or title to the improved real property is the subject of litigation;

"(vi) An application for a necessary approval for development of the improved real property is pending, as of September 30 of the preceding tax year or as of March 31 of the current tax year, before the Board of Zoning Adjustment, the Zoning Commission for the District of Columbia, the Commission on Fine Arts, the Historic Preservation Review Board, the Mayor's Agent for Historic Preservation, or the National Capital Planning Commission;

"(vii) The zoning regulations adopted by the Zoning Commission for the District of Columbia do not allow the building of any structure on the unimproved real property as a matter of right;

"(viii) The unimproved real property is used as a parking lot and each approval required from the District government for use as a parking lot has been obtained;

"(ix) Unimproved air rights lot that appertains to improved and occupied real property;

"(x) Property is designated as a historic landmark under subchapter I of Chapter 11 of Title 6, or is the subject of an agreement that runs with the land and provides for the preservation of certain historic features of the improvement;

"(xi) The unimproved real property is the subject of a public hearing on a proposed overlay zone or on a proposed downzoning of the zone district classification of the real property (other than a downzoning under § 1-301.67 or § 1-301.68); or

"(xii) The unimproved real property is encumbered by a deed of trust that was recorded during the 24 months preceding the current tax year.

"(D) Unimproved real property which is separated from Class 1 Property by a public alley less than 30 feet wide shall be classified as Class 1 Property if:

"(i) The unimproved real property is less than 1,000 square feet;

"(ii) The zoning regulations adopted by the Zoning Commission for the District of Columbia do not allow the building of any structure on the unimproved real property as a matter of right; and

"(iii) The owner of the unimproved real property also owns the Class 1 Property separated by the alley from the unimproved real property.

"(3)(A) Class 2 Property shall be comprised of commercial real property that is improved and occupied.

"(B) Unimproved real property which abuts Class 2 Property shall be classified as Class 2 Property if the unimproved real property and the Class 2 Property have common ownership.

"(C) Commercial real property that is unimproved or unoccupied shall remain classified as Class 2 Property if:

"(i) The improved real property is unoccupied due to a fire, flood, or other casualty, if the property was occupied at the time of the casualty, and the fire, flood, or other casualty occurred during the 12 months preceding the tax year and was not intentionally caused by the owner or sole tenant;

"(ii) The real property is actively offered for sale or rental at a reasonable market price as of September 30 of the preceding tax year or as of March 31 of the current tax year; provided, that a property which has been offered for sale or rental for more than 8 months shall be presumed not to be offered for sale or rental at a reasonable market price;

ENROLLED ORIGINAL

"(iii) A building permit or a demolition permit has been issued and building or demolition is actively pursued as of September 30 of the preceding tax year or as of March 31 of the current tax year;

"(iv) A building permit has been issued during the 24 months preceding the current tax year;

"(v) The improved real property is the subject of a probate proceeding or title to the improved real property is the subject of litigation;

"(vi) An application for a necessary approval for development of the real property is pending, as of September 30 of the preceding tax year or as of March 31 of the current tax year, before the Board of Zoning Adjustment, the Zoning Commission for the District of Columbia, the Commission on Fine Arts, the Historic Preservation Board, the Mayor's Agent for Historic Preservation, or the National Capital Planning Commission;

"(vii) The zoning regulations adopted by the Zoning Commission for the District of Columbia do not allow the building of any structure on the unimproved real property as a matter of right;

"(viii) The unimproved real property is used as a parking lot and each approval required from the District government for use as a parking lot has been obtained;

"(ix) An unimproved air rights lot that appertains to improved and occupied real property;

"(x) Property is designated as a historic landmark under subchapter I of Chapter 11 of Title 6, or is the subject of an agreement that runs with the land and provides for the preservation of certain historic features of the improvement;

"(xi) The unimproved real property is the subject of a public hearing on a proposed overlay zone or on a proposed downzoning of the zone district classification of the real property (other than a downzoning under § 1-301.67 or § 1-301.68); or

"(xii) The unimproved real property is encumbered by a deed of trust that was recorded during the 24 months preceding the current tax year.

"(D) Class 2 Property shall include, as of September 30 of the preceding tax year, the unimproved real property that is within the Northeast No. 1/Eckington Yards Special Treatment Area and the Buzzard Point/Near Southeast Development Opportunity Area, as designated on the current District of Columbia Generalized Land Use Map that is part of the Comprehensive Plan; provided, that the real property is zoned for commercial development and the real property owner is engaged in predevelopment activities as supported by written documentation. For the purpose of this subparagraph, the term "predevelopment activities" means completion of one of the following:

"(i) Preparation of subdivision or large tract review applications;

"(ii) Preparation or application for District of Columbia permits or authorizations to proceed with development;

"(iii) Participation in special planning or transportation studies prepared in conjunction with the District of Columbia; or

"(iv) Completion of environmental assessment or mitigation studies prepared in conjunction with the District of Columbia.

"(E) Unimproved real property which is separated from Class 2 Property by a public alley less than 30 feet wide shall be classified as Class 2 Property if :

"(i) The unimproved real property is less than 1,000 square feet;

"(ii) The zoning regulations adopted by the Zoning Commission for the District of Columbia do not allow the building of any structure on the unimproved real

property as a matter of right; and

"(iii) The owner of the unimproved real property also owns the Class 2 Property separated by the alley from the unimproved real property.

"(4) Class 3 Property shall be comprised of all real property which cannot be classified as either Class 1 Property or Class 2 Property."

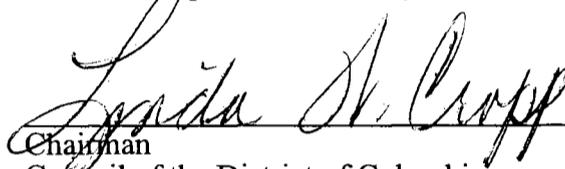
Sec. 3. Fiscal impact statement.

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

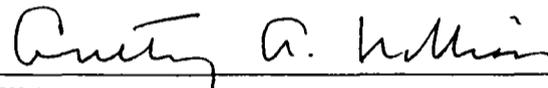
Sec. 4. Effective date.

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

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
December 18, 2003

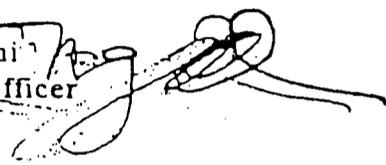
Government of the District of Columbia
Office of the Chief Financial Officer



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: DEC -2 2002

SUBJECT: Fiscal Impact Statement: "Real Property Tax
Revision Amendment Act of 2002"

REFERENCE: Draft Legislation - No Bill Number Available

Conclusion

Funds are sufficient in the FY 2003 through FY 2006 budget and financial plan as agreed upon by the Mayor and the Council of the District of Columbia. No additional staff or resources will be required to implement the provisions of the proposed legislation.

Background

The proposed legislation is an amendment in the nature of a substitute to the FY 2003 Budget Support Amendment Act. The purpose of the proposed title is to establish a new class III for vacant and abandoned property and establish a tax rate of \$5.00 per \$100 of assessed value. The proposed legislation stipulates conditions by which a vacant or abandoned property would not be reclassified. These conditions preclude reclassification due to abandonment or vacancy caused by tragic circumstance, active marketing of the property by the owner, anticipated construction or demolition. In these cases the class I assessment will remain in force.

The Honorable Linda W. Cropp
FIS: Draft Legislation, "Real Property Tax
Revision Amendment Act of 2002"
Page 2 of 2

Financial Plan Impact

The provisions of the proposed legislation will not change the estimated financial impacts of Title XIII of bill 14-892 "Fiscal Year 2003 Budget Support Amendment Act of 2002" because few properties would be affected.

The Chief Financial Officer's legislative fiscal analysis is prepared by the Special Projects and Fiscal Analysis Administration in the Office of Research and Analysis. Contact us at 441 4th Street, NW, Suite 400S, Washington D.C., 20001 or view our work on-line at <http://cfo.dc.gov>.

AN ACT

D.C. ACT 15-266

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 18, 2003

*Codification
District of
Columbia
Official Code*

2001 Edition

2004 Winter
Supp.

West Group
Publisher

To authorize, on a temporary basis, the Mayor to enter into discussions with Howard University for the purpose of negotiating for a new hospital on the Public Reservation 13 site.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "National Capital Medical Center Negotiation Temporary Act of 2003".

Sec. 2. (a) The District's existing healthcare infrastructure is inadequate in part because of the uneven distribution of hospitals throughout the city.

(b) To resolve the inadequacy of the District's healthcare infrastructure described in subsection (a) of this section, the Council encourages the Mayor to begin negotiations immediately with Howard University for the purpose of securing an agreement to construct a new hospital to be known as the National Capital Medical Center on the Public Reservation 13 site in a manner not inconsistent with land use guidelines, notwithstanding any specific acreage limitations, contained in the Master Plan for Reservation 13 Hill East Waterfront as enacted into law by the Draft Master Plan for Public Reservation 13 Approval Act of 2002, effective April 11, 2003 (D.C. Law 14-300; D.C. Official Code § 10-1501 *et seq.*).

Sec. 3. The Mayor shall, by January 15, 2004, submit to the Council, for its approval by act, the agreement, which shall include a provision:

- (1) For a long term lease for land, under District government control, to be made available to Howard University to construct a new hospital;
- (2) For the District to support the financing of the construction of the new hospital;
- (3) That the District shall not manage or operate the new hospital; and
- (4) A statement of the hospital's commitment to serve the underserved.

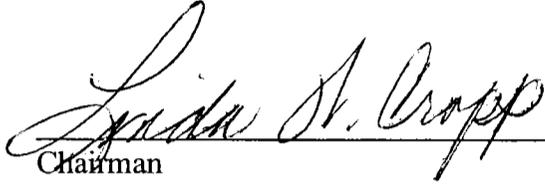
Sec. 4. Fiscal impact statement.
This legislation has no fiscal impact.

ENROLLED ORIGINAL

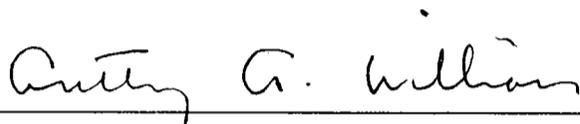
Sec. 5. Effective date.

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

(b) This act shall expire on the 225th day after its having taking effect.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
December 18, 2003

ENROLLED ORIGINAL

AN ACT

D.C. ACT 15-267

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 18, 2003*Codification
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2004 Winter
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Publisher

To amend, on a temporary basis, the District of Columbia Election Code of 1955 to change the primary date for national committeemen and national committee women, their alternates, and officials of local committees of political parties.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Presidential Primary State Committee Elections Temporary Amendment Act of 2003".

Sec. 2. Section 10(a)(1) of the District of Columbia Election Code of 1955, approved August 12, 1955 (69 Stat. 699; D.C. Official Code §1-1001.10(a)(1)), is amended to read as follows:

Note,
§ 1-1001.10

"(1) The election of the national committeemen and national committee women, and the alternates to these officials, referred to in section 1(1) and (3), and the members and officials of local committees of political parties referred to in section 1(4), shall be held on the 1st Tuesday after the 2nd Monday in September of each presidential election year."

Sec. 3. Fiscal impact statement.

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

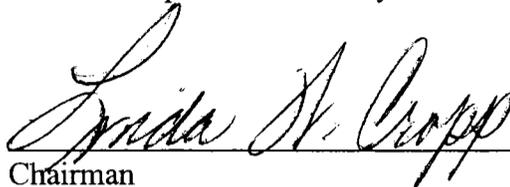
Sec. 4. Effective date.

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

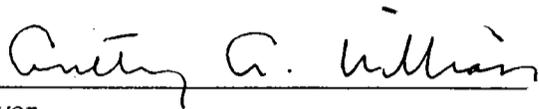
ENROLLED ORIGINAL

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

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
December 18, 2003

AN ACT

D.C. ACT 15-268

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 18, 2003

*Codification
District of
Columbia
Official Code*

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Publisher

To amend, on a temporary basis, Chapter 20 of Title 21 of the District of Columbia Official Code to add a definition of "emergency care" to the guardianship law, and to amend the Mentally Retarded Citizens Constitutional Rights and Dignity Act of 1978 to authorize the Administrator of the Mental Retardation and Developmental Disabilities Administration, or the Administrator's designee, to grant, refuse, or withdraw consent, with certain limitations, on behalf of incapacitated customers, for health care services, treatment, or procedures, upon the certification of 2 licensed physicians.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Citizens with Mental Retardation Substituted Consent for Health Care Decisions Temporary Amendment Act of 2003".

Sec. 2. Chapter 20 of Title 21 of the District of Columbia Official Code is amended as follows:

(a) Section 21-2011 is amended by adding a new paragraph (5A) to read as follows:

Note,
§ 21-2011

"(5A) "Emergency care" means immediate treatment, including diagnostic treatment, provided in response to a sudden, acute, and unanticipated medical crisis in order to avoid injury, extreme pain, impairment, or death."

(b) Section 21-2046(a) is amended by striking the phrase "life threatening emergency" and inserting the phrase "life-threatening situation or a situation involving emergency care" in its place.

Note,
§ 21-2046

Sec. 3. The Mentally Retarded Citizens Constitutional Rights and Dignity Act of 1978, effective March 3, 1979 (D.C. Law 2-137; D.C. Official Code § 7-1301.01 *et seq.*), is amended as follows:

(a) Section 507 (D.C. Official Code § 7-1305.07) is amended to read as follows:

"Sec. 507. Authority of Administrator to make health care decisions.

Note,
§ 7-1305.07

"(a) Subject to the limitations provided in subsection (b) of this section, if a customer is certified as an incapacitated individual in accordance with D.C. Official Code § 21-2204, and

there is no known person reasonably available, mentally capable, and willing to act pursuant to D.C. Official Code § 21-2210, the Administrator of the Mental Retardation and Developmental Disabilities Administration ("Administrator"), or the Administrator's designee, is authorized to grant, refuse, or withdraw consent on behalf of a customer with respect to the provision of any health care service, treatment, or procedure; provided, that 2 licensed physicians have certified in writing that the health care service, treatment, or procedure is clinically indicated to maintain the health of the customer.

"(b) The Administrator, or the Administrator's designee, is not authorized, unless authorized by a court, to consent to the following:

"(1) An abortion, sterilization, psychosurgery, or removal of a bodily organ, except to preserve the life or prevent the immediate serious impairment of the physical health of the customer;

"(2) Convulsive therapy;

"(3) Experimental treatments or behavior modification programs involving aversive stimuli or deprivation of rights; or

"(4) The withholding of life-saving medical procedures.

"(c) Nothing in this section shall be read to require any person to execute a durable power of attorney for health care."

(b) A new section 507a is added to read as follows:

"Sec. 507a. Provision of health care decisionmakers.

"(a) It shall be the policy of the District government to ensure that incapacitated persons have available health care decisionmakers. The Administrator of the Mental Retardation and Developmental Disabilities Administration shall establish a plan to encourage, as much as possible, the provision of health care decisionmakers pursuant to D.C. Official Code § 21-2210 for all incapacitated and potentially incapacitated persons under the Administrator's jurisdiction.

"(b) Nothing in this section shall be read to require any person to execute a durable power of attorney for health care."

Note,
§ 7-1305.07

Sec. 4. Fiscal impact statement.

The Council anticipates that this act will reduce costs to the Mental Retardation and Developmental Disabilities Administration by reducing legal costs associated with guardianships. This act will also reduce Medicaid costs to the District of Columbia because prompt attention to medical needs will reduce medical costs.

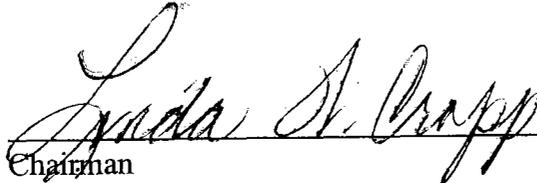
Sec. 5. Effective date.

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

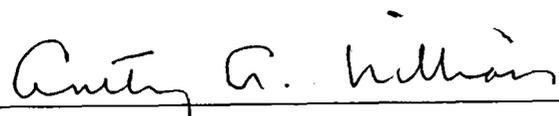
ENROLLED ORIGINAL

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

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
December 18, 2003

ENROLLED ORIGINAL

AN ACT

D.C. ACT 15-269

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 18, 2003

Codification
District of
Columbia
Official Code

2001 Edition

2004 Winter
Supp.West Group
Publisher

To establish, on a temporary basis, the Rehabilitation Services Program to assist individuals with disabilities in achieving gainful employment, and to authorize the Mayor to establish an economic needs test to be used in determining the ability of applicants for and recipients of vocational rehabilitation services to contribute to payment of the costs of the vocational rehabilitation services.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Rehabilitation Services Program Establishment Temporary Act of 2003".

Sec. 2. Establishment of the Rehabilitation Services Program.

(a) There is established a Rehabilitation Services Program that shall provide comprehensive, coordinated, efficient, and accountable federally subsidized services to individuals with disabilities, including individuals with significant disabilities, to assist those individuals in achieving gainful employment in accordance with the requirements of the Rehabilitation Act of 1973, approved August 7, 1998 (112 Stat. 1116; 29 U.S.C. § 720 *et seq.*).

(b) The Mayor shall establish an economic needs test to be used in determining the ability of applicants for and recipients of vocational rehabilitation services to contribute to the payment of the costs of the vocational rehabilitation services.

Sec. 3. Rules.

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

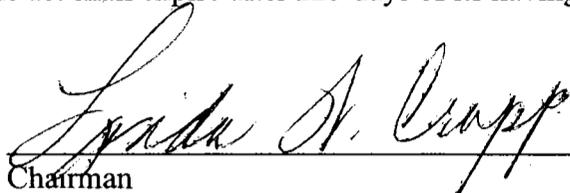
Sec. 4. Fiscal impact statement.

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 § 1-206.02(c)(3)).

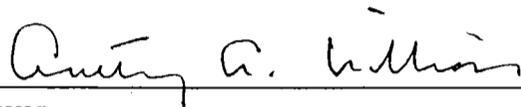
Sec. 5. Effective date.

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

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
December 18, 2003

AN ACT
D.C. ACT 15-270

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
DECEMBER 18, 2003

*Codification
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To amend, on a temporary basis, the District of Columbia Procurement Practices Act of 1985 to modify the conditions under which payment of supplies or services received by the District government without a valid written contract may be authorized.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Procurement Practices Vendor Payment Revised Approval Authorization Temporary Amendment Act of 2003".

Sec. 2 Section 105(d) of the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Official Code § 2-301.05(d)), is amended as follows:

Note,
§ 2-301.05

(a) Paragraph (5)(F)(ii) is amended to read as follows:

"(ii) If an agency exceeds the specified threshold, the payment requested by an agency director shall not be authorized until 30 days have elapsed after the Mayor submits a notice of the request to the Council; provided, that if the request is submitted to the Council less than 10 days prior to the upcoming legislative session, the period shall be 45 days."

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

"(6) No authorization for payment for supplies and services received without a valid written contract shall occur more than 2 times with the same vendor. After 2 authorizations for payment without a valid written contract, the payment requested by an agency director shall not be authorized pursuant to paragraph (5) of this subsection until 30 days have elapsed after the Mayor submits a notice of the request to the Council; provided, that if the request is submitted to the Council less than 10 days prior to the upcoming legislative session, the period shall be 45 days."

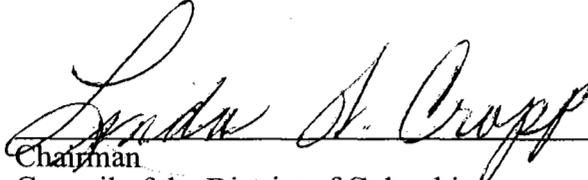
Sec. 3. Fiscal impact statement.

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 § 1-206.2(c)(3)).

Sec. 4. Effective date.

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

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


Chairman
Council of the District of Columbia


Mayor
District of Columbia
APPROVED
December 18, 2003

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

Type: Emergency (<input checked="" type="checkbox"/>) Temporary (<input type="checkbox"/>) Permanent (<input type="checkbox"/>)	Date Reported: November 2003
---	------------------------------

Subject/Short Title: "Procurement Practices Vendor Payment Revised Approval Authorization Emergency Amendment 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)
Explanation:		
3. The bill will have NO or minimal fiscal impact. (If "Yes," explain below).	()	(x)

Part II. Other Impact of the Bill		
If you check "Yes" for each question, please explain on separate sheet, if necessary.		
	YES	NO
1. It will affect an agency and/or agencies in the District. The proposed emergency legislation will directly affect any agency that requests, receives, and authorizes payment for supplies or services without a valid written contract. The Office of Contracting and Procurement, would also have a role.	(x)	()
2. Are there performance measures/output for this bill?	()	(x)
3. Will it have results/outcome, i.e., what would happen if this bill is not enacted? The proposed emergency legislation will help to ensure that vendors who provided supplies or services to the District of Columbia government without a valid written contract receive timely payment for supplies provided or services rendered. In addition, it would limit the number of "friendly lawsuits" that are filed.	(x)	()
4. Are funds appropriated for this bill in the Budget and Financial Plan for the current year? The proposed legislation would not authorize unbudgeted expenses.	(x)	()

AN ACT

D.C. ACT 15-271

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 18, 2003

*Codification
District of
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Official Code*

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2004 Winter
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To amend, on a temporary basis, the District of Columbia Procurement Practices Act of 1985 to provide that the term of the Inspector General shall end in 2008 and shall not vary thereafter from a 6-year term and to provide, subject to Congressional enactment, that in a non-control year, the Inspector General may be removed for cause by the Mayor with the approval of 2/3 of the members of the Council present and voting.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Inspector General Appointment and Term Clarification Temporary Amendment Act of 2003".

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

Note,
§ 2-302.08

(a) The existing text is re-designated as sub-subparagraph (i).

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

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

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

“(iii) During a year which is not a control year, the Inspector General shall be removed only for cause by the Mayor with the approval 2/3 of the members of the Council present and voting, by resolution.”

Sec. 3. Applicability.

Section 2(c) shall apply upon its enactment by Congress.

Sec. 4. Fiscal impact statement.

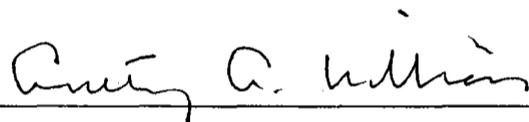
This legislation will have no fiscal impact. The Council adopts the attached fiscal impact statement as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

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

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


Chairman
Council of the District of Columbia


Mayor
District of Columbia
APPROVED
December 18, 2003

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

Bill Number:	Type: Emergency () Temporary (x) Permanent ()	Date Reported: November 2003
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Subject/Short Title: "The Inspector General Appointment and Term Clarification Amendment Temporary 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)	()

Explanation: The bill will have no fiscal impact because it clarifies the terms of office for the new Inspector General.

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)	()

If the bill is not enacted, the District may hire an Inspector General without providing clarity of the term of service and the terms for removal.

4. Are funds appropriated for this bill in the Budget and Financial Plan for the current year?
No funds are required to be appropriated because resources are in place to hire a new Inspector General and negotiate the terms of service. () (x)

Sources of information: Staff	Councilmember: Vincent B. Orange, Sr.
	Staff Person & Tel: Mercia E. Arnold, 724-8918
	Council Budget Director's Signature: <i>[Signature]</i>

11/2/03

AN ACT
D.C. ACT 15-272

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
DECEMBER 18, 2003

*Codification
District of
Columbia
Official Code*

2001 Edition

2004 Winter
Supp.

West Group
Publisher

To amend, on a temporary basis, the District of Columbia Campaign Contribution Limitation Initiative of 1992 to clarify the contribution limitations by supporters of candidates for the President of the Board of Education, who is to be elected at-large, and to raise the campaign contribution limit for members of the Board of Education from \$200 to \$300.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Board of Education Campaign Contribution Clarification Temporary Amendment Act of 2003".

Sec. 2. Section 3(a)(4) and (5) of the District of Columbia Campaign Contribution Limitation Initiative of 1992, effective March 17, 1993 (D.C. Law 9-204; D.C. Official Code § 1-1131.01 (a)(4) and (5)), is amended to read as follows:

Note,
§ 1-1131.01

"(4) In the case of a contribution in support of a candidate for President of the Board of Education or for a member of the Council elected from a ward or for the recall of a candidate for President of the Board of Education or for the recall of a member of the Council elected from a ward, \$500;

"(5) In the case of a contribution in support of a candidate for member of the Board of Education elected from a school district or for the recall of a member of the Board of Education elected from a school district or for an official of a political party, \$300; and".

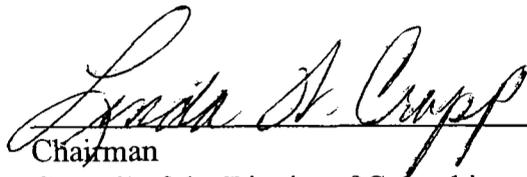
Sec. 3. Fiscal impact statement.
This act will have no fiscal impact.

Sec. 4. Effective date.

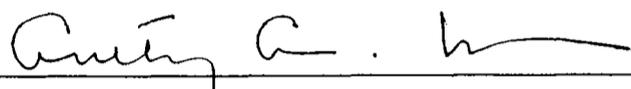
(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved

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

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
December 18, 2003

AN ACT

D.C. ACT 15-273

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 18, 2003

Codification
District of
Columbia
Official Code

2001 Edition

2004 Winter
Supp.

West Group
Publisher

To amend, on an emergency basis, due to Congressional review, the Draft Master Plan for Public Reservation 13 Approval Act of 2002 to provide that Reservation 13 Benefit Area funds may be used to fund infrastructure improvements related to proposed developments within the Reservation 13 Benefit Area and to provide health care to the uninsured residents of the District; and to amend the Tobacco Settlement Trust Fund Establishment Act of 1999.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Draft Master Plan for Public Reservation 13 Congressional Review Emergency Amendment Act of 2003".

Sec. 2. The Draft Master Plan for Public Reservation 13 Approval Act of 2002, effective April 11, 2003 (D.C. Law 14-300; D.C. Official Code § 10-1501 *et seq.*), is amended as follows:

(a) Section 4 (D.C. Official Code § 10-1503) is amended as follows:

Note,
§ 10-1503

(1) Strike the phrase "(a) There is established" and insert the phrase "There is established" in its place.

(2) Subsections (b) and (c) are repealed.

(b) Section 5 (D.C. Official Code § 10-1504) is amended as follows:

Note,
§ 10-1504

(1) Subsection (b) is amend to read as follows:

"(b) All sales tax revenues generated from commercial enterprises within the R13BA, all taxes on any real property, except for the real property special tax set aside to pay debt service on general obligation bonds issued by the District of Columbia, and all payments made in lieu of taxes on any real property, which is exempt or immune from real property taxation that is leased, loaned, or otherwise made available to any person in connection with a commercial enterprise or as a residence in an amount equivalent to the tax that would be lawfully assessed if the real property were not exempt or immune from real property taxation, that are collected within the R13BA shall be applied in the following order:

"(1) To fund infrastructure improvements related to a proposed development; or

ENROLLED ORIGINAL

"(2) To be deposited in the Tobacco Settlement Trust Fund, established by the Tobacco Settlement Trust Fund Establishment Act of 1999, effective October 20, 1999 (D.C. Law 13-38; D.C. Official Code § 7-1811.01 *et seq.*) ("Fund") into a dedicated R13BA Health Care account to be used for the purpose of providing health care to the uninsured residents of the District."

(2) Subsection (c) is repealed.

(c) Section 6 (D.C. Official Code § 10-1505) is amended to read follows:

Note,
§ 10-1505

"Sec. 6. Allocation of R13BA property sales and lease proceeds.

"The proceeds from the lease or sale of any property in the R13BA, which includes all structures of a permanent character erected on or affixed to, any natural resources located on or under, all riparian rights attached to, or any air space located above or below the property or any street or alley, owned, controlled, or administered by the District, shall be applied in the following order:

"(1) To fund infrastructure improvements related to a proposed development; or

"(2) To be deposited in the Fund into a dedicated R13BA Health Care account to be used for the purpose of providing health care to the uninsured residents of the District."

Sec. 3. The Tobacco Settlement Trust Fund Establishment Act of 1999, effective October 19, 2000 (D.C. Law 13-172; D.C. Official Code § 7-1811.01 *et seq.*), is amended as follows:

(a) Section 2302(a)(1)(C) (D.C. Official Code § 7-1811.01(a)(1)(C)) is amended as follows:

Note,
§ 7-1811.01

(1) Strike the phrase "Hospital account or R13BA Health Care account (collectively, "R13BA funds")" and insert the phrase "Health Care account ("R13BA fund)" in its place.

(2) Strike the phrase "passed on 2nd reading on December 3, 2002 (Engrossed version of Bill 15-648)." and insert the phrase "effective April 11, 2003 (D.C. Law 14-300; D.C. Official Code § 10-1501)." in its place.

(b) Section 2302b(c) (D.C. Official Code § 7-1811.03(c)) is amended to read as follows:

Note,
§ 7-1811.03

""(c) The R13BA fund, including all accrued interest, shall be used as follows:

" "(1) To fund infrastructure improvements related to a proposed development within the R13BA;

""(2) To provide health care to the uninsured residents of the District; and

""(3) For administrative support in the provision of health care to the uninsured."

ENROLLED ORIGINAL

Sec. 4. Fiscal impact statement.

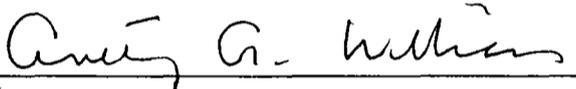
The Council adopts the fiscal impact statement in the committee report for Bill 14-648 as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

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 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
December 18, 2003

ENROLLED ORIGINAL

AN ACT

D.C. ACT 15-274

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 18, 2003

Codification
District of
Columbia
Official Code

2001 Edition

2004 Winter
Supp.

West Group
Publisher

To amend, on a temporary basis, 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 Temporary Amendment Act of 2003".

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.

"(b) Authorized expenditures from the Fund include, but are not limited to:

"(1) Vendor payments pursuant to an agreement reached under section 903 of this title;

"(2) Overtime incurred by members of the Metropolitan Police Department in the administration of the system;

"(3) Adjudication costs resulting from use of the system, supplies and equipment purchases related to use of the system; and

"(4) Any other expense determined by the Mayor or his designee to be required for the administration of the system.

"(c) 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

ENROLLED ORIGINAL

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.

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

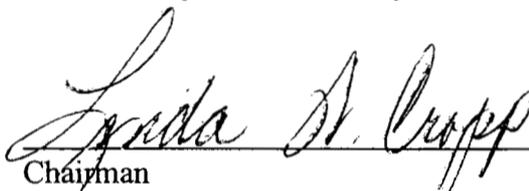
Sec. 3. Fiscal impact statement.

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)).

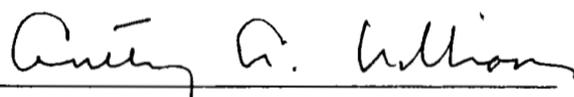
Sec. 4. Effective date.

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(2)), 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
December 18, 2003

ENROLLED ORIGINAL

AN ACT
D.C. ACT 15-275

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
DECEMBER 18, 2003

Codification
District of
Columbia
Official Code
2001 Edition
2004 Winter
Supp.
West Group
Publisher

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

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Office of Administrative Hearings Independence Preservation Emergency Amendment Act of 2003".

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

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

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

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

Note,
§ 2-1831.02
Note,
§ 2-1831.03

Sec. 3. Fiscal impact statement.

This legislation will not have a fiscal impact because the District of Columbia Public Schools' Fiscal Year 2004 budget includes \$1.8 million in funding for special education adjudications, from which the Chief Financial Officer was mandated to transfer a pro rata share to the Office of Administrative Hearings once that office assumed responsibility for special education adjudications. This legislation provides in section 2(b) that special education cases shall not be part of the Office of Administrative Hearings' mandatory jurisdiction and further provides in section 2(a) that all funding budgeted for special education cases shall remain in the District of Columbia Public Schools' Fiscal Year 2004 budget and shall not be transferred to the Office of Administrative Hearings.

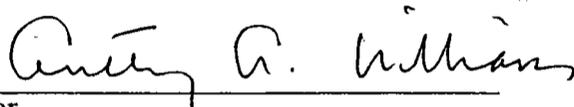
Sec. 4. Effective date.

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

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
December 18, 2003

ENROLLED ORIGINAL

AN ACT
D.C. ACT 15-276

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
DECEMBER 18, 2003

Codification
District of
Columbia
Official Code

2001 Edition

2004 Winter
Supp.

West Group
Publisher

To amend, on an emergency basis, the Retail Electric Competition and Consumer Protection Act of 1999 to allow the Public Service Commission the flexibility to facilitate wholesale competitive bidding, conduct retail competitive bidding, or both, for standard offer service, to permit standard offer service to be provided by the incumbent electric company, to change the date after which the standard offer service provider or providers will provide standard offer service to February 7, 2005, to clarify that the Commission's contingency plan for standard offer service shall apply in the event of either insufficient or inadequate competitive bids, and to require the Public Service Commission to determine the threshold financial viability of wholesale bidders.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Electric Standard Offer Service Emergency Amendment Act of 2003".

Sec. 2. The Retail Electric Competition and Consumer Protection Act of 1999, effective May 9, 2000 (D. C. Law 13-107; D.C. Official Code § 34-1501 *et seq.*), is amended as follows:

(a) Section 101 (D.C. Official Code § 34-1501) is amended by adding a new paragraph (29) to read as follows:

Note,
§ 34-1501

"(29) "Wholesale electricity supplier" shall mean the electric company, which pursuant to section 109, obtains bids from, and contracts for electric service with, third parties and provides standard offer service to retail customers."

(b) Section 109 (D.C. Official Code § 34-1509) is amended as follows:

Note,
§ 34-1509

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

(1) Paragraph (1) is amended by striking the phrase "January 1, 2005" and inserting the phrase "February 7, 2005" in its place.

(2) Paragraph (2)(A) is amended by striking the phrase "January 1, 2005" and inserting the phrase "February 7, 2005" in its place.

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

"(c) Before January 2, 2004, the Commission shall adopt regulations or issue orders establishing terms and conditions for standard offer service and for the selection of an electricity

ENROLLED ORIGINAL

supplier or suppliers (retail, wholesale, or both) to provide standard offer service after February 7, 2005. The terms and conditions applicable to the selection of an electricity supplier or suppliers shall include:

“(1) Protection against a standard offer service provider's failure to provide service;

“(2) An appropriate rate design, subject to the restrictions in subsection (d) of this section;

“(3) The appropriate length of a standard offer service contract awarded under subsection (d) of this section; and

“(4) A contingency plan in the event of insufficient or inadequate bids; provided, that a contingency plan may award the standard offer service to the electric company or an affiliate of the electric company if it is in the public interest.”.

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

“(1) After the regulations or orders mandated by subsection (c) of this section are issued, the Commission shall conduct competitive bid procedures for the selection of a retail electricity supplier or suppliers to provide standard offer service for the District of Columbia after February 7, 2005; authorize the electric company, as a wholesale electricity supplier, to conduct competitive bid procedures to obtain third-party contracts to provide standard offer service for the District of Columbia after February 7, 2005; or both. If competitive bid procedures for the selection of a retail electricity supplier or suppliers to provide standard offer service are conducted by the Commission, the competitive selection of retail electricity supplier or suppliers to provide standard offer service shall occur before July 2, 2004. In conducting the retail bid procedures or facilitating the wholesale bid process under this subsection, the Commission:

“(A) Shall ensure that the price for standard offer service will not hinder the development of a competitive electricity supply market in the District of Columbia; and

“(B) May, in its discretion, solicit the payment, by the retail electricity supplier or suppliers chosen to provide standard offer service, of a bid premium.”.

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

“(e) The Commission shall determine the threshold financial viability of wholesale bidders.”.

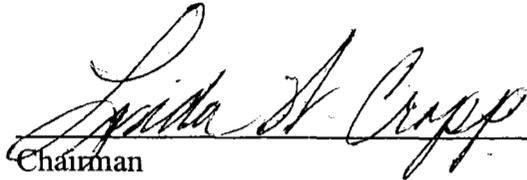
Sec. 3. Fiscal impact statement.

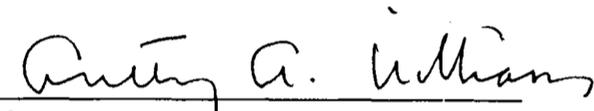
The Council adopts the fiscal impact statement in the committee report for the Electric Standard Offer Service Amendment Act of 2003, passed on 1st reading on December 2, 2002 (Engrossed version of Bill 14-439), as the fiscal impact statement required by section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

ENROLLED ORIGINAL

Sec. 4. Effective date.

This act shall take effect following the 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
December 18, 2003

ENROLLED ORIGINAL

AN ACT

D.C. ACT 15-277

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 18, 2003

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 "December Budget Modifications for FY 2004 Grant Funds Approval Emergency Act of 2003".

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 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	Number	Year	Fund	Grant Name	Reason for Approval	Amount
University of District of Columbia	6F2200	03	Federal	Federal College Work Study	Reduced Unnecessary Budget Authority	\$ (23,000)
University of District of Columbia	6F3800	03	Federal	David Clarke Law School College Work-Study	Reduced Unnecessary Budget Authority	\$ (14,000)
University of District of Columbia	6P7300	03	Federal	Convergence: An Online Magazine in the History of Mathematics and it's use in Teaching	Established Budget Authority	\$ 36,012

ENROLLED ORIGINAL

	Grant Number	Fiscal Year	Funding Source	Grant Name	Assessment	Amount
University of District of Columbia	6F2300	03	Federal	Federal Supplemental Educational Opportunity Program	Reduced Unnecessary Budget Authority	\$ (392)
University of District of Columbia	6P3100	04	Federal	Family Ties Project	Increase Budget to meet Projected Expenditures	\$ 4,450
University of District of Columbia	6F9B00	04	Federal	Effects of aluminum-laden discharge on benthic organisms of the Potomac River	Established Budget Authority	\$ 40,000
University of District of Columbia	6P6100	03	Federal	Small Business Development Center	Carryover from FY03 Budget	\$ 15,003
University of District of Columbia	6F8900	03	Federal	UDC & LCC Partners in Cancer Research Training Education and Outreach	Increase Budget to meet Projected Expenditures	\$ 117,195
Office of the City Administrator	RST901	03	Federal	Residential Substance Abuse	Established Budget Authority	\$ 247,960
Office of the City Administrator	LL9001	03	Federal	Local Law Enforcement	Established Budget Authority	\$ 1,501,791
Office of the City Administrator	BF9002	03	Federal	Byrne Formula Grant	Established Budget Authority	\$ 2,085,951
District of Columbia Board of Elections and Ethics	GEAID0	04	Federal	Grants for Election Assistance for Individuals with Disabilities	Established Budget Authority	\$ 100,000
Department of Human Services	33RSET	04	Federal	Employment & Training Administration Grant	Established Budget Authority	\$ 380,333
Department of Health	41EHBG	04	Federal	Brownfield General Program	Established Budget Authority	\$ 999,045
Department of Health	41EHPP	04	Federal	Performance Partnership (Pesticides)	Increase Budget to meet Projected Expenditures	\$ 5,510
Department of Health	42EHCP	04	Federal	Core Program Cooperative	Reduced Unnecessary Budget Authority	\$ (519,064)
Department of Parks and Recreation	02WATT	04	Federal	UPAR Watts Branch Park	Carryover from FY03 Budget	\$ 374,062

ENROLLED ORIGINAL

Agency	Grant Number	Phase	Type	Grant Name	Reason	Amount
Department of Parks and Recreation	01UPAR	04	Federal	UPAR Girard Park	Carryover from FY03 Budget	\$ 132,272
State Education Department	SFP001	01	Federal	Summer Food Service Program	Carryover from FY03 Budget	\$ 64,286
State Education Department	SFA001	01	Federal	Summer State Administration	Carryover from FY03 Budget	\$ 254
Department of Employment Services	QCCIG9	99	Federal	Quality Child Care	Carryover from FY03 Budget	\$ 47,398
Department of Employment Services	164ALC	03	Federal	Alien Labor Certification	Carryover from FY03 Budget	\$ 36,475
Department of Employment Services	WIANEG	04	Federal	WIA National Emergency	Established Budget Authority	\$ 1,061,823
Office of Planning	BDHP03	03	Federal	Historic Preservation	Carryover from FY03 Budget	\$ 121,177
Alcoholic Beverage Regulation Administration	UD2000	04	Federal	Underage Drinking	Carryover from FY03 Budget	\$ 334,563
Alcoholic Beverage Regulation Administration	UD2001	04	Federal	Underage Drinking	Carryover from FY03 Budget	\$ 358,976
Alcoholic Beverage Regulation Administration	UD2002	04	Federal	Underage Drinking	Carryover from FY03 Budget	\$ 325,821
Office of the Mayor	CITCOR	02	Federal	Citizen Corps.	Reduced Unnecessary Budget Authority	\$ (500,000)
Office of the Mayor	CITCOR	03	Federal	Citizen Corps.	Carryover from FY03 Budget	\$ 22,066
DC Public Schools	000NAE	04	Federal	NAEP-State Coordinator	Carryover from FY03 Budget	\$ 164,718
DC Public Schools	000MEP	04	Federal	Professional Development Music Education	Delete Funds Due to No Grant Established	\$ (113,385)
DC Public Schools	000AEP	04	Federal	Professional Development Music Education	Establish Budget Authority	\$ 113,385

ENROLLED ORIGINAL

Agency	Grant Number	Phase	Type	Grant Name	Reason for Request	Amount
DC Public Schools	000FLA	04	Federal	Foreign Languages Acquisition	Establish Budget Authority	\$ 165,317
Emergency Management Agency	GR3547	03	Federal	Pre-Disaster Mitigation	Establish Budget Authority	\$ 248,275
University of District of Columbia	6F5800	03	Federal	Job Locator Development Program	Reduced Unnecessary Budget Authority	\$ (4,199)
Metropolitan Police Department	MLI03F	03	Federal	Money Laundering	Carryover from FY03 Budget	\$ 3,741
Metropolitan Police Department	DRINTF	03	Federal	Drug Interdiction	Carryover from FY03 Budget	\$ 40,221
Metropolitan Police Department	MSC00F	03	Federal	Motor Carrier	Carryover from FY03 Budget	\$ 271,749
Metropolitan Police Department	PPMS2F	03	Federal	Personnel Perf. Monitor Svs.	Carryover from FY03 Budget	\$ 500,000
Metropolitan Police Department	BOATSF	03	Federal	Boating Safety	Carryover from FY03 Budget	\$ 32,510
Metropolitan Police Department	CVBIF3	03	Federal	COPS-Value Based	Carryover from FY03 Budget	\$ 171,935
DC Public Schools	000HLA	03	Federal	Title IV- Safe and Drug Free Schools	Carryover from FY03 Budget	\$ 879,397
DC Public Schools	000HLM	03	Federal	Title IV- Safe and Drug Free Schools	Carryover from FY03 Budget	\$ 73,852
Office of the City Administrator	JJD401	01	Federal	Title V	Increase Budget to meet Projected Expenditures	\$ 119,562
Office of the Chief Financial Officer	EBT901	03	Federal	Electronic Benefits Transfer	Increase Budget to meet Projected Expenditures	\$11,735
Office of the City Administrator	JA9001	03	Federal	Juvenile Accountability	Increase Budget to meet Projected Expenditures	\$17,160
DC Public Schools	000DAE	03	Federal	Title VI - Innovative Education Prog.	Increase Budget To Meet Expenditures	\$153,136
DC Public Schools	000DAM	03	Federal	Title VI Innovative Education Program	Increase Budget to meet Projected Expenditures	\$ 360
DC Public Schools	000DCA	03	Federal	Title VI Innovative Education Program	Increase Budget to meet Projected Expenditures	\$ 1

ENROLLED ORIGINAL

	Grant Number	Fiscal Year	Fund Name	Reason for Request/Budget Amount		
DC Public Schools	000DCC	03	Federal	Title VI Innovative Education Program	Reduced Unnecessary Budget Authority	\$ (153,136)
DC Public Schools	000EAH	03	Federal	Title I Grants to LEAS	Increase Budget to meet Projected Expenditures	\$ 424,347
DC Public Schools	000EAZ	03	Federal	Title I Grants to LEAS	Increase Budget to meet Projected Expenditures	\$ 413,961
DC Public Schools	000BAA	03	Federal	Comprehensive School Reform	Reduced Unnecessary Budget Authority	\$ (269,976)
DC Public Schools	000BAD	03	Federal	Comprehensive School Reform	Increase Budget to meet Projected Expenditures	\$ 41,054
DC Public Schools	000RCS	03	Federal	Technology Literacy	Establish Budget Authority	\$ 153,922
DC Public Schools	000RCZ	03	Federal	Technology Literacy	Reduced Unnecessary Budget Authority	\$ (154,664)
DC Public Schools	000RIT	02	Federal	Renovation, IDEA, & Technology	Increase Budget to meet Projected Expenditures	\$ 98,068

Sec. 3. The Council of the District of Columbia hereby makes the following technical corrections to grants previously approved by Council during fiscal year 2003:

Legislation	Language in Legislation and reference	Corrected Language
B15-294: Approved June 3, 2003 (Act 15-102, June 20, 2003)	DC Library, grant # ORALHP, type = Federal (page 5 of Act)	Type = Private
B15-248: Approved April 29, 2003 (Act 15-80, May 9, 2003)	Emergency Management Agency, grant # 2002TE, type = Private (page 7 of Act)	Type = Federal
	DC Office on Aging, grant # 3C1717 (page 7 of Act)	Grant # 3F1717

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Bill Number	Language in Legislation (and reference)	Corrected Language
B15-233: Approved April 1, 2003 (Act 15-75, April 16, 2003)	Dept. of Employment Services, grant # PSAOLF (page 3 of Act)	Metropolitan Police Department
	Dept. of Employment Services, grant # NCR800 (page 3 of Act)	Metropolitan Police Department
	Dept. of Employment Services, grant # DC0310 (page 3 of Act)	Office of the Inspector General
	Dept. of Employment Services, grant # 21MSSI (page 3 of Act)	State Education Office
	Dept. of Employment Services, grant # 22MSSI (page 3 of Act)	State Education Office
	Dept. of Employment Services, grant # LIEA03 (page 3 of Act)	DC Energy Office
B15-233: Approved April 1, 2003 (Act 15-75, April 16, 2003)	Dept. of Employment Services, grant # REACH3 (page 3 of Act)	DC Energy Office
	Dept. of Health, grant # 31PSOH (page 5 of Act)	Grant # 33PSOH
	Dept. of Health, grant # 32PSIS (page 5 of Act)	Grant # 31PSIS

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Enrollment	Language in Legislation and Reference	Council Language
Approved February 3, 2003 (passive approval)	Fire and EMS Dept., grant # BFFF00 (page 1)	Grant # and phase BFFF00*02
	Dept. of Mental Health, grant # FEMA03*02 (page 1)	Grant # FEMA02*02
	Office of the Mayor, grant # 12MSMS*01 (page 2)	State Education Office
	Office of the Mayor, grant # SSMSMS*02 (page 2)	State Education Office, grant # 22MSMS*02
	Office of the Mayor, grant # 403 (page 2)	Grant # YSA001*01
Approved November 25, 2002 (passive approval)	Dept. of Mental Health, grant # DART	Grant # DART03
	Dept. of Mental Health, grant # CING	Grant # CING03

Sec. 4. Fiscal impact statement.

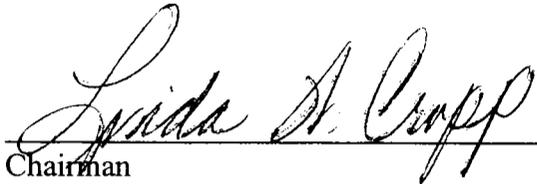
This legislation does not affect the District of Columbia's budget or financial plan and, therefore, has no fiscal impact.

Sec. 5. Effective date.

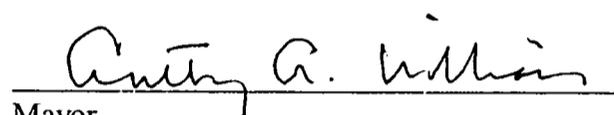
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a)

ENROLLED ORIGINAL

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
December 18, 2003

ENROLLED ORIGINAL

AN ACT

D.C. ACT 15-278

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
DECEMBER 18, 2003Codification
District of
Columbia
Official Code

2001 Edition

2004 Winter
Supp.West Group
Publisher

To amend, on an emergency basis, section 407 of the District of Columbia Public Assistance Act of 1982 to require that applications for Interim Disability Assistance be processed with reasonable promptness, to authorize the Mayor to establish rules for the application process, and to establish that the monthly grant amount shall be the same as that for a family size of one for an individual or 2 for a couple under the Temporary Assistance to Needy Families program.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Interim Disability Assistance Second Emergency Amendment Act of 2003".

Sec. 2. Section 407 of the District of Columbia Public Assistance Act of 1982, effective April 3, 2001 (D.C. Law 13-252; D.C. Official Code § 4-204.07), is amended as follows:

Note,
§ 4-204.07

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

"(b) Applications for IDA shall be approved or disapproved by the Mayor with reasonable promptness. Other aspects of the application process, including good-cause exceptions to the application-processing standard, shall be determined by rules established by the Mayor. The monthly grant amount shall be the same as that for a family size of one for an individual or 2 for a couple under the Temporary Assistance to Needy Families program, as determined under section 552."

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

(1) Paragraph (1)(C) is amended by striking the phrase "applicable to the TANF program" and inserting the phrase "established by the Mayor" in its place.

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

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

(B) Subparagraph (C) is amended by striking the phrase "number." and inserting the phrase "number; and" in its place.

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

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"(D) As a condition of eligibility, an applicant for or recipient of IDA shall cooperate with an entity designated by the Mayor to provide case management and legal advocacy in the SSI application and appeal process."

Sec. 3. Applicability.

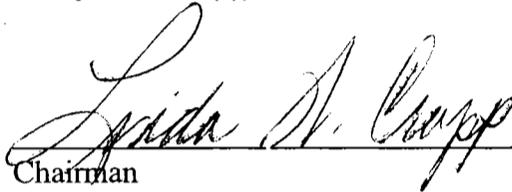
This act shall apply as of December 14, 2003.

Sec. 4. Fiscal impact statement.

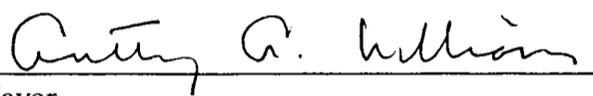
There is no fiscal impact.

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 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
December 18, 2003

ENROLLED ORIGINAL

AN ACT

D.C. ACT 15-279

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 18, 2003

*Codification
District of
Columbia
Official Code*

2001 Edition

2004 Winter
Supp.

West Group
Publisher

To amend, on an emergency basis, the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to establish a mandatory drug and alcohol testing program for certain District of Columbia government applicants and employees; to establish a criminal background check program for employees and volunteers of District of Columbia agencies that provide direct services to children and youth, and for employees of the Child Support Enforcement Division of the Office of the Corporation Counsel; to establish uniform health screening requirements and the use of uniform health forms for all District of Columbia children; to authorize the Director of the Department of Human Services to take a child into custody when a child committed to the legal custody of the Department absconds from a community-based placement or violates any of the terms of his or her placement; to establish an Early Intervention Program to provide early intervention services for infants and toddlers from birth to 2 years of age and their families; to amend the District of Columbia Public School Nurse Assignment Act of 1987 to require that nurses be assigned to public charter schools; to amend the District of Columbia Uniform Controlled Substances Act of 1981 to designate all areas within 1000 feet of public charter schools as drug free zones; and to establish a Postsecondary Education Assistance Trust Fund to assist needy children with the cost of postsecondary education, utilizing funds generated by an individual income tax check-off.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Child and Youth, Safety and Health Omnibus Second Emergency Amendment Act of 2003".

TITLE I. MANDATORY DRUG AND ALCOHOL TESTING PROGRAM.

Sec. 101. Short title.

This title may be cited as the "Mandatory Drug and Alcohol Testing for the Protection of Children Second Emergency Amendment Act of 2003".

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Sec. 102. The District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-601.01 *et seq.*), is amended by adding a new title XX-C to read as follows:

"TITLE XX-C

"MANDATORY DRUG AND ALCOHOL TESTING FOR
CERTAIN EMPLOYEES WHO SERVE CHILDREN."Sec. 2031. Definitions.

"For the purposes of this title, the term:

"(1) "Applicant" means any person who has filed any written employment application forms to work for the District of Columbia government, or has been tentatively selected for employment.

"(2) "Children" means individuals 12 years of age and under.

"(3) "District" means the District of Columbia.

"(4) "District employee" means an employee of the District of Columbia government.

"(5) "Drug" means an unlawful drug and does not include over-the-counter prescription medications.

"(6) "Employee" means any person employed in a position for which he or she is paid for services on any basis.

"(7) "Post-accident employee" means a District employee in a safety-sensitive position who, while on-duty, is involved in a vehicular or other type of accident resulting in personal injury or property damage, or both.

"(8) "Probable cause" or "reasonable suspicion" means a reasonable belief by a supervisor that an employee in a safety-sensitive position is under the influence of an illegal drug or alcohol to the extent that the employee's ability to perform his or her job is impaired.

"(9) "Random testing" means drug or alcohol testing conducted on a District employee at an unspecified time for purposes of determining whether any District employee subject to drug testing has used drugs or alcohol and, as a result, is unable to satisfactorily perform his or her employment duties.

"(10) "Reasonable suspicion referral" means referral of an employee in a safety-sensitive position for testing by the District for drug or alcohol use.

"(11) "Safety-sensitive position" means employment in which the employee has direct contact with children and youth, is entrusted with the direct care or custody of children and youth, and whose performance of his or her duties may affect the health, welfare, or safety of children and youth.

"(12) "Youth" means individuals between 13 and 17 years of age, inclusive.

"Sec. 2032. Employee testing.

"(a) The following individuals shall be tested by the District government for drug and alcohol use:

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- "(1) Applicants for employment in safety-sensitive positions;
- "(2) Applicants for employment in positions in the Child Support Enforcement Division of the Office of the Corporation Counsel, including temporary and contractual positions;
- "(3) Those employees who have had a reasonable suspicion referral;
- "(4) Post-accident employees, as soon as reasonably possible after the accident;
- and
- "(5) District government employees or contractual employees who work in safety-sensitive positions.

"(b) The District shall only subject employees in subsection (a)(3) and (a)(5) of this section to random testing.

"(c) Supervisors shall be trained in substance abuse recognition and shall receive a second opinion from another supervisor prior to making a reasonable suspicion referral.

"(d) Employees shall be given at least a 30-day (calendar) written notice from March 26, 2002 that the District is implementing a drug and alcohol testing program. Upon receipt of a written notice of the program, each employee shall be given one opportunity to seek treatment, if he or she has a drug or alcohol problem. Following March 26, 2002, the Department shall procure a testing vendor and testing shall be implemented as described in this title.

"Sec. 2033. Motor vehicle operators.

"Any District government employee who operates a motor vehicle in the performance of his or her employment within the District of Columbia shall be deemed to have given his or her consent, subject to the conditions in this title, to the testing of the employee's urine or breath for the purpose of determining drug or alcohol content whenever a supervisor has probable cause or a police officer arrests such person for a violation of the law and has reasonable grounds to believe such person to have been operating or in physical control of a motor vehicle within the District while that person's breath contains .08 percent or more, by weight, of alcohol, or while under the influence of an intoxicating liquor or any drug or combination thereof, or while that person's ability to operate a motor vehicle is impaired by the consumption of intoxicating liquor.

"Sec. 2034. Testing methodology.

"(a) Testing shall be performed by an outside contractor at a laboratory certified by the United States Department of Health and Human Services ("HHS") to perform job-related drug and alcohol forensic testing.

"(b) For random testing of employees, the contractor shall, at a location designated by the District to collect urine specimens on-site, split each sample and perform enzyme-multiplied-immunossay technique ("EMIT") testing on one sample and store the split of that sample. Any positive EMIT test shall be then confirmed by the contractor, using the gas chromatography/mass spectrometry ("GCMS") methodology.

"(c) Any District employee found to have a confirmed positive urinalysis shall be notified of the result. The employee may then authorize that the stored sample be sent to

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another HHS-certified laboratory of his or her choice, at his or her expense, for a confirmation, using the GCMS testing method.

"(d) Reasonable suspicion and post-accident employee testing shall follow the same procedures set forth in subsections (a) through (c) of this section. In such cases, the employee shall be escorted by a supervisor to the contractor's test site for specimen collection or a breathalyser.

"(e) A breathalyser shall be deemed positive by the District's testing contractor if the contractor determines that 1 milliliter of the employee's breath (consisting of substantially alveolar air) contains .38 micrograms or more of alcohol.

"Sec. 2035. Procedure and employee impact.

"A drug and alcohol testing policy shall be issued in advance of implementing the drug and alcohol program to inform employees of the requirements of the program and to allow each employee one opportunity to seek treatment, if he or she has a drug or alcohol program. Thereafter, any confirmed positive drug test results, positive breathalyser test, or a refusal to submit to a drug test or breathalyser shall be grounds for termination of employment in accordance with this act. This testing program shall be implemented as a single program. The results of a random test shall not be turned over to any law enforcement agency without the employee's written consent.

"Sec. 2036. Coverage of private providers.

"Each private provider that contracts with the District of Columbia to provide employees to work in safety-sensitive positions shall establish mandatory drug and alcohol testing policies and procedures that are consistent with the requirements of this title.

"Sec. 2037. 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 title."

TITLE II. CRIMINAL BACKGROUND CHECKS.

Sec. 201. Short title.

This title may be cited as the "Criminal Background Checks for the Protection of Children Second Emergency Act of 2003".

Sec. 202. Definitions.

For the purposes of this title, the term:

(1) "Agency that provides direct services to children and youth" means any public or private District agency that provides to children and youth, or for the benefit of children and youth, services that affect the health, safety, and welfare of children and youth, including individual and youth counseling, therapy, case management, supervision, or mentoring.

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(2) "Applicant" means an individual who has filed a written application for employment with any public or private District agency that provides direct services to children and youth or an individual who has made an affirmative effort through a written application or a verbal request to serve in a volunteer position with a public or private District agency that provides direct services to children and youth. Applicant shall also mean an individual who has filed a written application for employment with the Child Support Enforcement Division of the Office of the Corporation Counsel.

(3) "Children" means individuals 12 years of age and under.

(4) "Criminal background check" means the investigation of a person's criminal history through the record systems of the Federal Bureau of Investigation and the District of Columbia Metropolitan Police Department.

(5) "District" means the District of Columbia.

(6) "Employee" means an individual who is employed on a full-time, part-time, temporary, or contractual basis by a District agency that provides direct services to children and youth.

(7) "FBI" means Federal Bureau of Investigation.

(8) "MPD" means the District of Columbia Metropolitan Police Department.

(9) "Volunteer" means any individual who works without any monetary or any other financial compensation for any District agency that provides direct services to children and youth.

(10) "Youth" means individuals between 13 and 17 years of age, inclusive.

Sec. 203. Criminal background checks required for certain individuals.

The following individuals shall apply for criminal background checks in accordance with the requirements of section 205(a):

(1) Each applicant who is under consideration for employment, either compensated or voluntary, by any public or private District agency that provides direct services to children and youth, as defined by regulations promulgated pursuant to section 208.

(2) Each person who is employed by any public or private District agency that provides direct services to children and youth, as defined by regulations promulgated pursuant to section 208.

(3) Each applicant under consideration for employment by the Child Support Enforcement Division of the Office of Corporation Counsel, as defined by regulations promulgated pursuant to section 208.

(4) Each person employed by the Child Support Enforcement Division of the Office of the Corporation Counsel, as defined by regulations promulgated pursuant to section 208.

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Sec. 204. Authorization to obtain records.

(a) The Mayor is authorized to obtain criminal history records maintained by the Federal Bureau of Investigation and the Metropolitan Police Department and traffic records maintained by the Department of Motor Vehicles to investigate a person applying for employment, in either a compensated or a volunteer position, or current employees and volunteers of public and private agencies that provide direct services to children and youth.

(b) Before any applicant for employment, in either a compensated or a volunteer position, with an agency providing direct services to children and youth may be offered a position, the Mayor or the private agency shall inform the applicant that a criminal background check must be conducted on him or her, and in the case of an employee or volunteer who is required to drive a motor vehicle to transport children in the course of performing his or her duties, a traffic record check must also be conducted.

(c) The Mayor is authorized to obtain criminal history records maintained by the Federal Bureau of Investigation and the Metropolitan Police Department and traffic records maintained by the Department of Motor Vehicles to investigate a person employed by the Child Support Enforcement Division of the Office of Corporation Counsel.

(d) Before any applicant for employment with the Child Support Enforcement Division of the Office of the Corporation Counsel may be offered a position, the Mayor shall inform the applicant that a criminal background check must be conducted on him or her, and in the case of an employee who is required to drive a motor vehicle to transport children in the course of performing his or her duties, a traffic record check must also be conducted.

Sec. 205. Criminal background checks required before offer of employment

(a) An individual described in section 203 shall not be offered employment until a criminal background check has been conducted on that person and the person is determined to meet the requirements of this title. The individual shall submit to a criminal background check by means of fingerprint and National Criminal Information Center checks conducted by the Mayor and the FBI. The individual shall provide a complete set of legible fingerprints on a fingerprint card, in a form approved by the FBI. These fingerprints shall be available for use by the Mayor and the FBI to conduct a local and national criminal history record check of the individual.

(b) The Mayor shall conduct a criminal background check once the applicant has provided:

- (1) A set of qualified fingerprints;
- (2) Written approval authorizing the Mayor to conduct a criminal background check;
- (3) A confirmation that he or she has been informed by the Mayor or the District agency that the Mayor is authorized to conduct a criminal background check on the applicant;

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(4) Any additional identification that is required, such as name, social security number, birth date, and gender;

(5) An affirmation that he or she has not been convicted of a crime in the District of Columbia or in any other state or territory, for any of the following felony offenses or their equivalent in another state or territory:

- (A) Murder, attempted murder, manslaughter or arson;
- (B) Assault, battery, assault and battery, assault with a dangerous weapon, mayhem, or threats to do bodily harm;
- (C) Burglary;
- (D) Robbery;
- (E) Kidnapping;
- (F) Theft, fraud, forgery, extortion, or blackmail;
- (G) Illegal use or possession of a firearm;
- (H) Trespass or injury to property;
- (I) Rape, sexual assault, sexual battery, or sexual abuse;
- (J) Child abuse or cruelty to children; or
- (K) Unlawful distribution or possession of, or possession with intent to distribute, a controlled substance;

(6) An acknowledgment that the Mayor or the District agency has notified the applicant of the applicant's right to obtain a copy of the criminal background check report and to challenge the accuracy and completeness of the report; and

(7) An acknowledgment that the Mayor or the District agency may choose to deny the applicant employment or a volunteer position based on the outcome of the criminal background check.

(c) Each employee or volunteer shall be required to submit to periodic criminal background checks while employed by or volunteering at any District agency covered by this title.

Sec. 206. Establishment of office to conduct criminal background checks.

The Mayor shall establish a District government office to conduct the criminal background checks, including the fingerprinting of individuals required by section 205. The office shall be staffed, at minimum, by one FBI-approved person to fingerprint applicants for criminal background checks and one person to provide clerical services. The office shall conduct criminal background checks in accordance with FBI policies and procedures and shall be housed in an FBI-approved environment.

Sec. 207. Confidentiality of information to be maintained.

All criminal background records received by the Mayor shall be confidential and are for the exclusive use of making employment-related determinations under this title. The records

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shall not be released or otherwise disclosed to any person except when:

- (1) Required as one component of an application for employment with a District agency covered under this title;
- (2) Requested by the Mayor or his or her designee during an official inspection or investigation;
- (3) Ordered by a court;
- (4) Authorized by the written consent of the person being investigated; or
- (5) Utilized for a corrective or adverse action in a personnel proceeding.

Sec. 208. 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.*), shall issue rules to implement the provisions of this title. The rules shall include:

- (1) Standards for determining whether public or private agencies are required to comply with the requirements of this title;
- (2) Procedures for agencies to challenge the determination that they are required to comply with this title;
- (3) Procedures for an applicant or employee to challenge allegations that he or she committed a proscribed offense;
- (4) A sliding fee schedule for the payment of the cost of criminal background checks; and
- (5) A description of the corrective or adverse actions that may be taken against an agency or employee that violates the provisions of this title.

Sec. 209. Submission of names of public and private agencies that provide direct services to children and youth.

(a) Each District government agency shall submit to the Mayor the names of any public or private agency that provides direct services to children and youth with employees or volunteers that it believes should be subject to the criminal background check requirements of this title within 30 days of March 26, 2002.

(b) The Mayor shall publish a notice in the District of Columbia Register requesting that District residents and agencies submit the names of public and private agencies that provide direct services to children and youth and whose employees and volunteers should be subject to the criminal background check requirements of this title within 45 days from the date of publication of the notice.

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Sec. 210. Assessment of information on public and private agencies.

The Mayor shall review the information on public and private agencies submitted pursuant to section 209 and any other available information to make a decision on the agencies that will be required to comply with this title.

Sec. 211. Notice to agencies for employees and volunteers to obtain criminal background checks.

(a) The Mayor shall publish in the District of Columbia Register a notice that applicants for employment with and employees of clearly identified private agencies that provide direct services to children and youth are required to apply for criminal background checks within 45 days from the date of publication of the notice.

(b) The notice shall inform agencies subject to the requirements of this title of the location of the office in which applications for criminal background checks are to be made.

Sec. 212. Licensure requirements and reimbursement for cost of criminal background checks.

(a) Prior to the issuance or the renewal of any license for an agency that provides direct services to children and youth to operate, the agency shall provide evidence that criminal background checks have been conducted on its employees and volunteers who provide direct services to children and youth. A license shall not be issued or renewed for any private agency that has employees or volunteers who provide direct services to children and youth in the District of Columbia and who have not had criminal background checks.

(b) The Mayor shall establish, by regulation, a sliding fee schedule for the payment of the cost of criminal background checks by public and private agencies in the District of Columbia.

Sec. 213. Penalty for providing false information.

An applicant for employment or a volunteer position with any District agency that provides direct services to children and youth who provides false information in the course of applying for the position shall be subject to prosecution pursuant to section 404 of the District of Columbia Theft and White Collar Crimes Act of 1982, effective December 1, 1982 (D.C. Law 4-164; D.C. Official Code § 22-2405).

Sec. 214. Penalties for disclosing confidential information.

(a) An individual who discloses confidential information in violation of section 207 is guilty of a criminal offense and, upon conviction, shall be fined not more than \$1,000 or imprisoned for not more than 180 days, or both.

(b) Prosecutions for violations of this title shall be brought in the name of the District upon information by the Corporation Counsel.

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TITLE III. CHILD HEALTH REQUIREMENTS.

Sec. 301. Short title.

This title may be cited as the "Uniform Child Health Screening Requirements and Reporting Form Second Emergency Act of 2003".

Sec. 302. Purpose.

The purpose of this legislation is:

- (1) To establish uniform health screening requirements for all children, from birth to 21 years of age, in the District of Columbia, regardless of their insurance status, including children who are wards of the District and children with special needs who reside or are receiving services in another state;
- (2) To improve the overall health status of all children by ensuring consistency in health screening and early detection of health problems and enabling children to obtain the necessary prevention, treatment, and intervention services at the earliest opportunity;
- (3) To reduce parental stress and increase parental satisfaction and compliance with health screening requirements by using a uniform health form for participation or enrollment in all child-related health, human or social services, and educational programs; and
- (4) To provide the Mayor with the information necessary to effectively plan, establish, and evaluate a comprehensive system of appropriate preventive services for children for early detection of potential health problems.

Sec. 303. Definitions.

For the purposes of this title, the term:

- (1) "Child-related educational program" means public and private schools, including pre-kindergarten, kindergarten, and special education.
- (2) "Child-related health program" means Medicaid, Children Health Insurance Program ("CHIP"), Healthy Start, Healthy Families, Early Intervention, and private health insurance.
- (3) "Child-related human or social services program" means child-care programs, children in foster care, Head Start, and Women, Infants and Children.
- (4) "Uniform health form" means a standardized form developed by the Mayor for use during periodic physical examinations of children.

Sec. 304. Establishment of uniform health screening requirements and forms.

(a) The Mayor shall establish uniform health screening requirements consistent with the standards and schedules of the American Academy of Pediatrics for all children, from birth to 21 years of age, in the District of Columbia, regardless of insurance status, including children who are wards of the District and children with special needs who reside or who are receiving services in another state.

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(b) The Mayor shall develop a uniform health form for enrollment of children in child-related health, human or social services, and educational programs.

Sec. 305. Payment for health screenings.

(a) An insurer's health benefits plan shall include the uniform health screening requirements for children from birth to age 21 years in the District, including children with special needs who reside or who are receiving services in another state.

(b) The enrollments for Medicaid, Head Start, Healthy Families, and CHIP are expanded to include the requirement of uniform health screenings for all children.

Sec. 306. Rules.

The Mayor, pursuant to Title 1 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 title.

TITLE IV. AUTHORIZATION FOR THE DEPARTMENT OF HUMAN SERVICES TO TAKE CHILDREN INTO CUSTODY.

Sec. 401. Short title.

This title may be cited as the "Juvenile Protective Custody Second Emergency Act of 2003".

Sec. 402. Section 16-2309(a) of the District of Columbia Official Code is amended as follows:

Note,
§ 16-2309

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

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

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

"(9) by the Director of the Department of Human Services when a child committed to the legal custody of the Department of Human Services absconds from a community-based placement or violates any of the terms of his or her aftercare placement. For the purposes of this paragraph, the term "aftercare placement" means the placing of a child who has been committed to the legal custody of the Department of Human Services in the community under the supervision of a trained social worker."

TITLE V. ESTABLISHMENT OF THE D.C. EARLY INTERVENTION PROGRAM.

Sec. 501. Short title.

This title may be cited as the "D.C. Early Intervention Program Establishment Second Emergency Act of 2003".

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Sec. 502. Purpose.

The purpose of this legislation is:

- (1) To enhance the development of infants and toddlers with disabilities and to minimize their potential for developmental delay;
- (2) To reduce the educational costs to our society, including our schools, by minimizing the need for special education and related services after infants and toddlers with disabilities reach school age;
- (3) To minimize the likelihood for institutionalization of individuals with disabilities and maximize the potential for their independent living in society;
- (4) To enhance the capacity of families to meet the special needs of their infants and toddlers with disabilities;
- (5) To establish collaborative activities among agencies of the District of Columbia that administer programs relating to young children to maximize the quality of early intervention services; and
- (6) To enhance the capacity of city agencies and service providers to identify, evaluate, and meet the special needs of historically under-represented populations, particularly minorities, low-income, and inner-city populations.

Sec. 503. Establishment of Early Intervention Program and Interagency Coordinating Council.

(a) There is established in the District of Columbia an Early Intervention Program ("Program") to provide early intervention services to infants and toddlers, from birth through 2 years of age, and their families. The Program will be administered and supervised by a lead agency designated by the Mayor. The services shall be provided in accordance with the requirements of the Individuals with Disabilities Education Act, approved June 4, 1997 (111 Stat. 37; 20 U.S.C. §§ 1400 *et seq.*).

(b) There is established an Interagency Coordinating Council to advise and assist the Mayor with the implementation of the Program, including the establishment of interagency agreements.

Sec. 504. 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 title.

TITLE VI. ASSIGNMENT OF NURSES TO PUBLIC CHARTER SCHOOLS.

Sec. 601. Short title.

This title may be cited as the "Public Charter School Nurse Assignment Second Emergency Amendment Act of 2003".

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Sec. 602. Section (2)(a) of the District of Columbia Public School Nurse Assignment Act of 1987, effective December 10, 1987 (D.C. Law 7-45; D.C. Official Code § 38-621(a)), is amended by adding the phrase "and public charter" after the word "public".

Note,
§ 38-621

TITLE VII. DRUG FREE ZONES WITHIN 1000 FEET OF PUBLIC CHARTER SCHOOLS.

Sec. 701. Short title.

This title may be cited as the "Public Charter Schools Drug Free Second Emergency Amendment Act of 2003".

Sec. 702. Section 407a of the District of Columbia Uniform Controlled Substances Act of 1981, effective March 21, 1995 (D.C. Law 10-229; D.C. Official Code § 48-904.07a(a)), is amended by adding after the phrase "secondary school," the phrase "public charter school,".

Note,
§ 48-904.07a

TITLE VIII. POSTSECONDARY EDUCATION TAX CHECK-OFF FOR NEEDY INDIVIDUALS.

Sec. 801. Short title.

This title may be cited as the "Postsecondary Education Assistance Trust Fund Tax Check-Off Second Emergency Act of 2003".

PART A

Sec. 802. Definitions.

For the purposes of this title, the term:

- (1) "District" means the District of Columbia.
- (2) "Needy Families" means any family that qualifies for federal assistance as defined by the guidelines in the Federal Application for Student Financial Aid.
- (3) "Tax check-off" means the postsecondary education assistance tax check-off system established in D.C. Official Code § 47-1812.11c.
- (4) "Trust Fund" means the Postsecondary Education Assistance Trust Fund established in section 803.

Sec. 803. Establishment of the Postsecondary Education Assistance Trust Fund.

(a) There is established a Postsecondary Education Assistance Trust Fund into which shall be deposited the funds generated by the tax check-off established by D.C. Code § 47-1812.11c and any other funds generated by the Trust Fund's Board of Directors.

(b) The Trust Fund shall be used to assist needy residents of the District of Columbia in pursuing postsecondary education opportunities.

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Sec. 804. Establishment of Board of Directors.

(a) A self-perpetuating Board of Directors is established to manage the affairs of the Trust Fund. The Board of Directors shall consist of 11 members. The D.C. Treasurer, the Director of the Department of Human Services, and the Director of the Office of Postsecondary Education, Research and Assistance shall serve as ex-officio members of the Board of Directors. The remaining 8 members shall include parents of individuals who qualify to receive trust funds and representatives of organizations who have demonstrated a knowledge of postsecondary education and who reflect a diversity of gender and ethnicity.

(b) The D.C. Treasurer, the Director of the Department of Human Services, and the Director of the Office of Postsecondary Education, Research and Assistance shall serve terms as members of the Board of Directors for the same duration as the terms of their respective offices.

(c) The 8 initial nongovernmental members shall serve the following terms: 2 members shall serve 3 years; 3 members shall serve 2 years; and 3 members shall serve one year.

(d) The 8 initial nongovernmental members shall be appointed by the Mayor.

(e) If one of the 8 initial nongovernmental members is unable to serve or is removed, the remaining members shall select a replacement member according to the representational requirements of subsection (a) of this section.

(f) The Board of Directors shall appoint nongovernmental replacement members so that subsequent Board of Directors meet the representational requirements of subsection (a) of this section and the bylaws adopted by the Board of Directors. A succeeding member shall serve

the balance of the term of the member that he or she succeeds if the term has not expired. A succeeding member who succeeds a member whose term has expired shall serve a term of 3 years. No member shall serve more than 2 consecutive terms, whether partial or full.

(g) Members shall be compensated only for out-of-pocket expenses incurred in the performance of their responsibilities as members of the Board of Directors.

(h) The Board of Directors shall elect a chairperson from among its members. The Board of Directors may elect other officers and form committees as it considers appropriate.

(i) A member may be removed by a 2/3 vote of the remaining members.

Sec. 805. Powers and responsibilities of the Board of Directors.

The Board of Directors shall:

- (1) Administer the Trust Fund;
- (2) File such papers as may be required by the Recorder of Deeds of the District of Columbia;
- (3) Have the power to adopt, amend, or repeal bylaws for operation of the Trust Fund;
- (4) Meet not less than quarterly, at a time to be determined;

ENROLLED ORIGINAL

- (5) Assess the needs of postsecondary educational programs in the District;
- (6) Develop and implement program recommendations to assist residents with the cost of postsecondary education;
- (7) Develop and implement proposal solicitations and establish criteria for the awarding of grants to assist the postsecondary educational needs of District residents;
- (8) Review, approve, and monitor the expenditures of the Trust Fund and postsecondary education programs;
- (9) Provide information to the public about the purpose and work of the Trust Fund;
- (10) Hire and monitor an executive director for the Trust Fund; and
- (11) Invite comments and recommendations at least annually from interested postsecondary educational coalitions and community organizations on the Trust Fund's program plans.

Sec. 806. Administration of Trust Fund.

- (a) Administrative expenses shall not exceed 10% of the funds available in the Trust Fund.
- (b) One year after its original formation, the Board of Directors shall develop a District-wide plan for the distribution of funds from the Trust Fund. The Board of Directors shall develop subsequent plans before September 30th of each year. The purpose of the annual plan is to assure that the funds are awarded to needy District residents.
- (c) The Board of Directors shall distribute funds that are generated by the tax check-off system established in D.C. Official Code § 47-1812.11c on a regular schedule, as determined by the Board.
- (d) The Board of Directors shall publish guidelines pursuant to which students who are residents of the District of Columbia may apply for funds to pursue secondary educational opportunities.
- (e) By September 30th of each year, the Board of Directors shall publish an estimated projection of funds generated by the tax check-off based on the income tax returns filed by April 15th of each year.
- (f) The Board of Directors shall submit an annual financial report to the Mayor and the Council no later than March 1st of each year.
- (g) The Board of Directors shall publicize the availability of a tax check-off for students who need postsecondary education assistance. The Mayor shall assist the Board of Directors in educating the public regarding the tax check-off and taxpayer participation in the tax check-off.
- (h) The Board of Directors shall take any necessary steps to encourage the federal government to match the funds generated through the tax check-off.

ENROLLED ORIGINAL

(i) The Board of Directors may recommend other means to generate funds to assist needy families with postsecondary education opportunities.

(j) The Board of Directors shall encourage collaborative efforts and foster a public-private partnership in the development of postsecondary education programs.

(k) The Board of Directors shall advise the Mayor and the Council on the actions needed to insure effective funding for postsecondary education for needy families.

Sec. 807. Rules of procedure; contributions.

(a) The Board of Directors may develop rules of organization and procedure 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.*).

(b) The Board of Directors shall encourage and is authorized to accept in-kind contributions from public or private agencies.

(c) The Board of Directors shall publish a list of grant awards in an annual report. The Board of Directors shall request the assistance of the media in publicizing to the general public the grant awards.

Sec. 808. Rules.

(a) 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.*), shall issue rules to implement the provisions of this title.

(b) The rules shall include standards for:

(1) The transfer of funds to the Trust Fund; and

(2) The reimbursement of costs incurred by the Mayor in the collection, processing, accounting, or disbursement of the funds generated by the tax check-off.

Sec. 809. Applicability.

The provisions of this title shall apply to any tax year beginning after December 31, 2001.

Sec. 810. Dissolution.

Except as otherwise provided in a contract or legacy transferring or loaning property to the Trust Fund, upon dissolution of the Trust Fund, all remaining assets shall be transferred to the Mayor. The Mayor shall make every effort to use the assets to provide postsecondary education assistance to needy families.

PART B

Sec. 831. Chapter 18 of Title 47 of the District of Columbia Official Code is amended by adding a new section 47-1812.11c to read as follows:

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"§ 47-1812.11c. Postsecondary Education Assistance Tax Check-Off.

"(a) There shall be provided on the District of Columbia individual income tax return a voluntary check-off that indicates an individual may contribute a minimum of \$1 to the Postsecondary Education Assistance Trust Fund ("Trust Fund") established pursuant to section 803 of the Postsecondary Education Assistance Trust Fund Tax Check-Off Second Emergency Act of 2003. The contribution shall reduce any refund owed to the individual taxpayer or increase the taxes owed by the individual taxpayer on the taxpayer's income tax return. The funds generated from the tax check-off shall be earmarked for the Trust Fund except that any cost incurred by the Mayor in the collection, processing, accounting, or disbursement of the funds generated by the tax check-off shall be reimbursed to the Mayor from the funds generated by the tax check-off.

"(b) The funds generated by the tax check-off established by subsection (a) of this section shall be transferred to the Trust Fund pursuant to rules issued by the Mayor that establish

timetables and procedures for transfer. Check-off funds shall be transferred to the Trust Fund only after the costs of the Mayor described in subsection (a) of this section are reimbursed.

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

"(2) Any amount that remains after satisfaction of the unpaid tax liability shall be transferred to the Trust Fund.

"(d) The provisions of this section shall apply to any tax year beginning after December 31, 2001."

TITLE IX. APPROPRIATIONS.

Sec. 901. This act shall be subject to the availability of appropriations.

TITLE X. APPLICABILITY.

Sec. 1001. This act shall apply as of December 14, 2003.

TITLE XI. FISCAL IMPACT STATEMENT.

Sec. 1101. (a) The Council adopts the fiscal impact statement submitted 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)).

(b) With respect to Title V, the adoption of this act has no fiscal impact.

(c) With respect to Title VIII, the adoption of this act has no fiscal impact because:

(1) All monies generated by the tax check-off, and expended pursuant to the

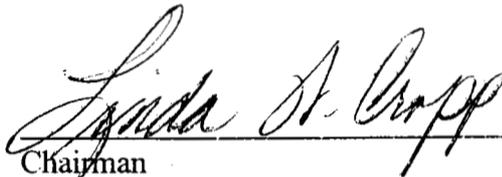
ENROLLED ORIGINAL

Postsecondary Education Assistance Trust Fund Tax Check-off Second Emergency Act of 2003, will come from donations by individual taxpayers; and

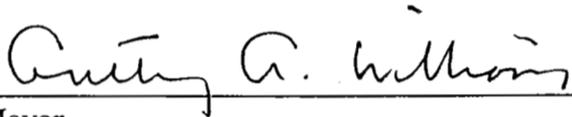
(2) All administrative cost incurred by the District in collecting, processing, accounting, or disbursing the funds generated by the tax check-off will be paid for by the monies generated by the tax check-off.

TITLE XII. EFFECTIVE DATE.

Sec. 1201. 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
December 18, 2003

AN ACT
D.C. ACT 15-280

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
DECEMBER 18, 2003

*Codification
District of
Columbia
Official Code*

2001 Edition

2004 Winter
Supp.

West Group
Publisher

To amend, on an emergency basis, section 47-1803.03 of the District of Columbia Official Code to de-couple District of Columbia law from the bonus depreciation provisions added to the Internal Revenue Code of 1986 by the Job and Growth Tax Relief Reconciliation Act of 2003.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Bonus Depreciation De-Coupling Emergency Act of 2003".

Sec. 2. Section 47-1803.03 of the District of Columbia Official Code is amended as follows:

Note,
§ 47-1803.03

(a) Subsection (a)(7) is amended by striking the phrase "September 11, 2004" and inserting the phrase "January 1, 2005" in its place.

(b) Subsection(b)(6) is amended by striking the phrase "September 11, 2004" and inserting the phrase "January 1, 2005" in its place.

Sec. 3. Fiscal impact statement.

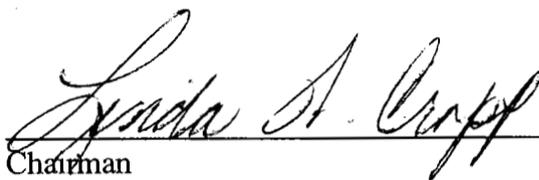
The Council adopts the attached fiscal impact statement as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

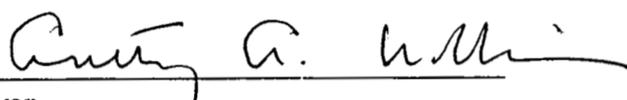
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

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
December 18, 2003

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF THE CHIEF FINANCIAL OFFICERNatwar M. Gandhi
Chief Financial OfficerRECEIVED - 12/15/03
CHIEF FINANCIAL OFFICERMEMORANDUM

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

FROM: Natwar M. Gandhi
Chief Financial Officer

DATE: DEC -1 2003

SUBJECT: Fiscal Impact Statement: "Bonus Depreciation De-Coupling
From the Internal Revenue Code Emergency Act of 2003"

REFERENCE: Draft Legislation as Introduced - No Bill Number Available

Conclusion

The proposed legislation will prevent a decrease of local General Fund revenue. Without the proposed legislation, the potential net loss of revenue would be \$3.2 million in FY 2004 through FY 2007. There would be no fiscal impact in FY 2004, but a potential loss of \$4 million in FY 2005.

Background

The federal Economic Stimulus Act of 2002 increased first year depreciation by an additional 30 percent for business assets acquired after September 10, 2001 and before September 11, 2004. Last year Council action prevented this change in the Federal tax law from reducing the revenue of the District.

The proposed legislation will amend D.C. Code Title 47 § 1803.03(a)(7) which has a temporary provision to disallow this increase in depreciation for District tax purposes. Recently the federal Jobs and Growth Tax Relief Reconciliation Act of 2003 extended the provisions of the 2002 Economic Stimulus Act from September 11, 2004 to January 1, 2005. The proposed legislation will continue to disallow this increase in depreciation in local law for the same period.

The Honorable Linda W. Cropp
 FIS: Draft Legislation, "Bonus Depreciation De-Coupling
 From the IRC Emergency Act of 2003"
 Page 2 of 2

Financial Plan Impact

The proposed legislation will prevent a decrease of local General Fund revenue. In the absence of the proposed legislation, there would be a potential loss of \$4 million in FY 2005 and a net loss of revenue would be \$3.2 million in FY 2004 through FY 2007. The table in Figure 1 presents the potential revenue impact over the life of the current financial plan.

Figure 1.

Impact to the Financial Plan				
(\$ in 000s)				
FY 2004	FY 2005	FY 2006	FY 2007	4 - Year Total
\$0	(\$4,000)	\$400	\$400	(\$3,200)

The positive effects on revenue arise from the fact that the depreciation deducted in 2005 reduces the basis for depreciation that the companies use on the declared property. Depreciation deductions taken in subsequent years are consequently reduced. These figures assume a 10-year average depreciation period and the use of the straight-line method.