

ENROLLED ORIGINAL

AN ACT

D.C. ACT 15-236

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

NOVEMBER 25, 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 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 Emergency 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.

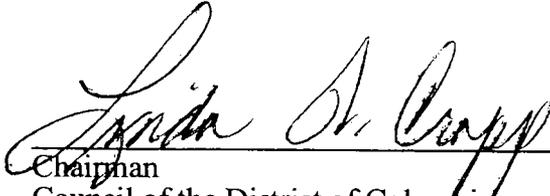
The Council adopts the attached fiscal impact statement as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code §1-206.2(c)(3)).

Sec. 4. Effective date.

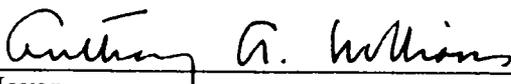
This act shall take effect upon its approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

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412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
November 25, 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
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Subject/Short Title: "Procurement Practices Vendor Payment Revised Approval Authorization Emergency Amendment Act of 2003"
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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.		
Explanation:		
3. The bill will have NO or minimal fiscal impact. (If "Yes," explain below).	()	(x)

Part II. Other Impact of the Bill		
	YES	NO
If you check "Yes" for each question, please explain on separate sheet, if necessary.		
1. It will affect an agency and/or agencies in the District. 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)	()

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D.C. ACT 15-237

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

NOVEMBER 25, 2003

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To amend, on an emergency 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 Emergency 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.

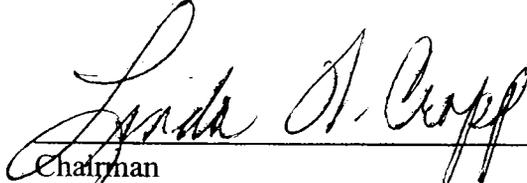
Sec. 4. This act shall apply as of November 5, 2003.

Sec. 5. Effective date.

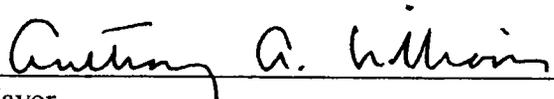
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than

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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
November 25, 2003

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

Bill Number:	Type: Emergency (<input checked="" type="checkbox"/>) Temporary () Permanent ()	Date Reported: November 3, 2003
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Subject/Short Title: "Board of Education Campaign Contribution Clarification Emergency Act of 2003"

Part I. Summary of the Fiscal Estimates of the Bill		
	YES	NO
1. It will impact spending. (If "Yes," complete Section 1 in the Fiscal Estimate Worksheet).	()	(x)
a) It will affect local expenditures.	()	()
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).	(x)	()
Explanation: This bill no fiscal impact because it does not cause the District to expend any funds. It only raises the campaign contribution limit for members of the Board of Education from \$200 to \$300.		

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

Sources of information	Councilmember: Kevin P. Chavous
	Staff Person & Tel: Kevin K. Otuome
	Council Budget Director's Signature: <i>[Signature]</i>

11/2/03

AN ACT
D.C. ACT 15-238

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
NOVEMBER 25, 2003

*Codification
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2001 Edition

2004 Winter
Supp.

West Group
Publisher

To establish a Comprehensive Housing Strategy Task Force that will assess the quality and availability of housing for households at all income levels in the District of Columbia and develop a set of public policy recommendations to address the housing needs of both current residents and the 100,000 new residents that are expected to move into the District over the next 10 years.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Comprehensive Housing Strategy Act of 2003".

Sec. 2. Establishment of Comprehensive Housing Strategy Task Force; composition.

(a) There is hereby established a Comprehensive Housing Strategy Task Force ("Task Force").

(b) The Task Force shall be comprised of not fewer than 23 members and not more than 30 members, including the following:

- (1) At least one representative from banking or financial services institutions;
- (2) At least 2 representatives from the for-profit housing production community;
- (3) At least 2 representatives from the nonprofit housing production community, at least one of whom has experience developing special needs housing;
- (4) At least one expert in housing policy from the academic or nonprofit community;
- (5) At least one representative from the philanthropic community;
- (6) At least one representative from an employer-assisted housing provider;
- (7) At least 2 representatives from the multifamily property owner community;
- (8) At least one representative from the residential real estate profession;
- (9) At least one representative from an organization that advocates for the production, preservation, and rehabilitation of affordable housing for lower-income households;
- (10) At least one representative of low-income tenants;
- (11) At least 2 citizen representatives;

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(12) At least one representative from an organization that provides supportive housing services including housing counseling, financial management, in-kind assistance, or legal representation; and

(13) No more than 6 representatives from government agencies, including independent housing agencies.

(c) The members of the Task Force shall be appointed by the Mayor with the advice and consent of the Council. The Mayor shall transmit to the Council by September 30, 2003, proposed resolutions to approve the appointment of each member of the Task Force for a 45-day period of review, excluding days of Council recess. If the Council does not approve or disapprove a resolution within the 45-day period, the resolution shall be deemed approved.

(d) The Mayor shall designate a chair or co-chairs from among the non-governmental members of the Task Force.

Sec. 3. Development of the comprehensive housing strategy.

(a) The Task Force shall consider the following goals and policy objectives when developing the Comprehensive Housing Strategy:

(1) Preserving and creating mixed-income neighborhoods;

(2) Assessing and improving the quality, availability, and affordability of rental housing for households at all income levels, including the impact of regulatory and other factors on the provision of quality rental housing;

(3) Assessing and increasing homeownership opportunities for households at all income levels;

(4) Preventing the involuntary displacement of long-term residents;

(5) Assessing the quality and availability of housing options for special populations, such as seniors, individuals with physical or mental disabilities, and individuals who were formerly homeless;

(6) Assessing and improving the quality and availability of workforce housing;

and

(7) Increasing the District of Columbia's population by 100,000 residents by the year 2013.

(b) For the purposes of subsection (a) of this section "affordability" means housing for which monthly costs, including utilities, consume no more than 30% of the household's monthly income.

(c) The Comprehensive Housing Strategy shall include:

(1) The Task Force's findings;

(2) Housing production goals for each of the 10 succeeding years;

(3) A 10-year implementation timetable;

(4) Public policy recommendations designed to help meet the housing production and preservation goals; and

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(5) An estimate of the public and private funding required to achieve the identified housing production and preservation goals.

Sec. 4. Presentation of Comprehensive Housing Strategy; public meetings.

(a) Within 12 months after the Council's confirmation of the Mayor's nominations to the Task Force, the Task Force shall present the Comprehensive Housing Strategy to the Council and the Mayor.

(b) The Task Force shall hold at least 2 public meetings, which shall be convened at the following times:

(1) Within 60 days after the Council's confirmation of the Task Force members;
and

(2) After a draft of the Comprehensive Housing Strategy has been developed but prior to presenting the final Comprehensive Housing Strategy to the Council and the Mayor under section (a) of this section.

(c) At least 30 days before a public meeting, the Task Force shall provide the general public the following information regarding the meeting, the:

- (1) Time;
- (2) Date; and
- (3) Location.

(d) The Task Force shall provide all interested persons a reasonable opportunity to be heard at the public meetings.

Sec. 5. Reporting and updating requirements; annual report.

(a) The Mayor shall report to the Council regarding the implementation of the Comprehensive Housing Strategy on an annual basis.

(b) The Mayor shall appoint a task force to update the Comprehensive Housing Strategy no later than 5 years after the Task Force presents a Comprehensive Housing Strategy to the Council and the Mayor under section 4(a).

Sec. 6. 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. 7. Effective date.

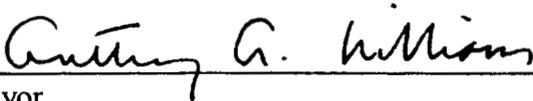
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
November 25, 2003

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

Bill Number: 15-41	Type: Emergency (X) Temporary (X) Permanent ()	Date Reported: July 7, 2003
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Subject/Short Title:
"Comprehensive Housing Strategy Act of 2003"

	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).	(X)	()
Explanation: This bill establishes a task force which is under the Special Committee on a Comprehensive Housing Strategy for the District of Columbia.		

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

Sources of information:	Councilmember: Adrian Fenty
	Staff Person & Tel: Stephanie Scott-Melnyk / 724-8153
	Council Budget Director's Signature: <i>Adrian Fenty</i>

7/10/03

ENROLLED ORIGINAL

AN ACT

D.C. ACT 15-239

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

NOVEMBER 25, 2003

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To require nurse staffing agencies to be licensed by the Department of Health, to provide for procedures and standards for licensing nurse staffing agencies, to require nurse staffing agencies to submit pertinent information to the Department of Health, to require nurse staffing agencies to adopt operational procedures, verify the credentials of nursing personnel they provide or refer, and report to the Board of Nursing or the Department of Health conditions of unfitness to practice of personnel they provide or refer, to authorize the Department of Health to conduct inspections of nurse staffing agencies, to authorize the Mayor to issue regulations to implement the provisions of this act, and to provide penalties for violations of this act or regulations promulgated pursuant to this act.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Nurse Staffing Agency Act of 2003".

Sec. 2. Definitions.

For the purposes of this act, the term:

(1) "Board" means the Board of Nursing established by section 204 of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1202.04).

(2) "Change of ownership" means:

(A) In the case of an unincorporated sole proprietorship, transfer of title and property to another party;

(B) In the case of a partnership, the removal, addition, or substitution of a partner, unless the partners expressly agree otherwise, as permitted by applicable state law; and

(C) In the case of a corporation, the merger of the existing corporation into another corporation, or the consolidation of 2 or more corporations resulting in the creation of a new corporation, but not the merger of another corporation into the existing corporation nor the mere transfer of corporate stock.

(3) "Client" means a health care facility or agency, or an individual, that enters

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into an agreement or a contract with a nurse staffing agency for the provision or referral of nursing personnel, Home Health Aides, or Personal Care Aides.

(4) "Department" means the Department of Health.

(5) "Health care facility" or "health care agency" means any entity providing health care services that is defined or designated as a "facility" or "agency" pursuant to section 2(c) of the Health-Care and Community Residence Facility, Hospice and Home Care Licensure Act of 1983, effective February 24, 1984 (D.C. Law 5-48; D.C. Official Code § 44-501(c)). The term "health care facility" or "health care agency" includes hospitals, nursing homes, hospices, community residence facilities, maternity centers, ambulatory surgical facilities, renal dialysis facilities, and home care agencies.

(6) "Home Health Aide" means any individual who is qualified and authorized to perform home health aide services in accordance with Chapter 51 of Title 29 of the District of Columbia Municipal Regulations.

(7) "Nurse staffing agency" means any person, firm, corporation, partnership, or other business entity engaged in the business of providing or referring nursing personnel, to a health care facility or agency, or to an individual, for the purpose of rendering temporary nursing services within the District of Columbia. The term "nurse staffing agency" does not include:

(A) A nurse staffing program operated by a health care facility solely for the purpose of procuring or furnishing temporary or permanent nursing personnel for employment at that health care facility;

(B) An entity operating solely as a home care agency, as defined by section 2(a)(7) of the Health-Care and Community Residence Facility, Hospice and Home Care Licensure Act, effective February 24, 1984 (D.C. Law 5-48; D.C. Official Code § 44-501(a)(7)); or

(C) Any nursing personnel providing or referring their own services to a health care facility or agency, or to an individual, without the direct or indirect assistance of a nurse staffing agency.

(8) "Nursing personnel" means any individual who is licensed by the District of Columbia Board of Nursing as a Licensed Practical Nurse or as a Registered Nurse, or any individual who is certified as a Certified Nurse Aide in accordance with Chapter 32 of Title 29 of the District of Columbia Municipal Regulations.

(9) "Personal Care Aide" means any individual who is qualified and authorized to perform personal care services in accordance with Chapter 50 of Title 29 of the District of Columbia Municipal Regulations.

(10) "Responsible party" means the employee or other affiliate of a nurse staffing agency who directs the nurse staffing agency's day-to-day nurse staffing operation.

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Sec. 3. License required.

A nurse staffing agency shall be licensed by the Department before providing or referring any nursing personnel, Home Health Aides, or Personal Care Aides to a health care facility or agency, or to an individual, for the purpose of rendering temporary nursing services or related aide services within the District of Columbia.

Sec. 4. Application for initial license.

A nurse staffing agency shall submit to the Department, as part of the agency's initial application for licensure:

- (1) The business name of the agency;
- (2) The addresses of the agency's registered business office, operations headquarters, and District of Columbia operations headquarters;
- (3) The telephone numbers of all offices listed in paragraph (2) of this subsection;
- (4) If the agency is a corporate entity, the entity's Certificate of Good Standing as a corporation;
- (5) The name of the agency's responsible party;
- (6) Any other information necessary to ensure compliance with the provisions of this act, as established by regulation; and
- (7) The initial licensure fee as established by regulation.

Sec. 5. Expiration of license.

A license issued by the Department pursuant to this act shall expire one year from the date of initial issuance or most recent renewal, unless it is sooner terminated or renewed.

Sec. 6. License renewal; failure to renew.

(a) A nurse staffing agency may obtain renewal of its license from the Department if the nurse staffing agency:

- (1) Meets all licensing requirements as established by this act and by regulations promulgated pursuant to this act; and
- (2) Submits to the Department the renewal licensure fee as established by regulation.

(b) If a nurse staffing agency fails to obtain renewal of its license, the nurse staffing agency shall, on or before the license expiration date, immediately stop providing and referring nursing personnel, Home Health Aides, and Personal Care Aides to health care facilities, health care agencies, and individuals.

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Sec. 7. Denial, suspension, or revocation of license.

The Department may deny, suspend, revoke, or refuse to renew a license for violation of any provision of this act or of the regulations promulgated pursuant to this act.

Sec. 8. Provisional and restricted licenses.

(a) As an alternative to denial, suspension, revocation, or non-renewal of a license, the Department may:

(1) Issue a provisional license if the nurse staffing agency is taking appropriate ameliorative action in accordance with a mutually-agreed-upon timetable; or

(2) Issue a restricted license that prohibits the nurse staffing agency from accepting new clients or delivering certain specified services.

(b) The Department may issue a provisional license to a new nurse staffing agency to afford the Department time to compile and evaluate evidence pertaining to whether the new agency is capable of complying with the provisions of this act, regulations promulgated pursuant to this act, and other applicable law.

(c) A provisional license may be issued for a period not exceeding 90 days, and may be renewed not more than once.

Sec. 9. Publication of license status.

The Department may make available to the public a roster of all nurse staffing agencies that are or have been licensed by it. The information published may include the name, address, and telephone number of the agency, as well as the agency's current licensure status.

Sec. 10. Change in ownership or operation.

A nurse staffing agency shall notify the Department of any change in ownership, or in business name, address, telephone number, or responsible party, as required by section 4, no later than 30 days after the change.

Sec. 11. Verification of credentials of nursing personnel.

(a) Before initially providing or referring any nursing personnel to a health care facility or agency, or to an individual, for the purpose of rendering temporary nursing services within the District of Columbia, a nurse staffing agency shall:

(1) If the nursing personnel is a Licensed Practical Nurse or a Registered Nurse, obtain verification from the Board of Nursing that the nursing personnel is currently licensed;

(2) If the nursing personnel is a Certified Nurse Aide, obtain verification from the Department that the nursing personnel is currently certified and is not listed on the Nurse Aide Abuse Registry; and

(3) Compare the information obtained pursuant to paragraphs (1) or (2) of this subsection with a government-issued photographic identification document furnished by the

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nursing personnel, and ascertain that the information refers to that nursing personnel.

(b) On or before the date on which nursing personnel provided or referred by a nurse staffing agency must obtain renewal of his or her license or certification to remain licensed or certified, the nurse staffing agency shall verify that the nursing personnel provided or referred has obtained such renewal by obtaining verification of that fact from the Board of Nursing for a Licensed Practical Nurse and Registered Nurse, and from the Department for a Certified Nurse Aide.

(c) A nurse staffing agency shall create and retain written documentation of the verification processes performed pursuant to subsections (a) and (b) of this section.

Sec. 12. Verification of credentials of aides.

Before initially providing or referring a Home Health Aide or a Personal Care Aide to a health care facility or agency, or to an individual, for the purpose of rendering temporary home health or personal care services within the District of Columbia, a nurse staffing agency shall verify and document that the individual Home Health Aide or Personal Care Aide provided or referred has received the necessary education and training for that position, as required by law.

Sec. 13. Services by unauthorized personnel prohibited.

A nurse staffing agency shall not knowingly provide or refer nursing personnel to a health care facility or agency, or to an individual, for the purpose of rendering temporary nursing services within the District of Columbia, if the nursing personnel being provided or referred is not authorized to provide services as a Licensed Practical Nurse or as a Registered Nurse in accordance with the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1201.01 *et seq.*), or is not authorized to provide services as a Certified Nurse Aide in accordance with Chapter 32 of Title 29 of the District of Columbia Municipal Regulations.

Sec. 14. Disciplinary reporting requirements.

(a) If a nurse staffing agency knows of an action taken by, or of a condition affecting the fitness to practice of, a Licensed Practical Nurse or a Registered Nurse provided or referred by that agency that might be grounds for enforcement or disciplinary action under the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1201.01 *et seq.*), the agency shall report the action or condition to the Board, with the exception that an agency is not required under this section to make a report that would be in violation of any federal or District of Columbia law concerning the confidentiality of alcohol and drug abuse treatment records.

(b) If a nurse staffing agency knows of an action taken by a Certified Nurse Aide provided or referred by that agency that might be grounds for listing that individual on the Nurse Aide Abuse Registry pursuant to Chapter 32 of Title 29 of the District of Columbia Municipal

ENROLLED ORIGINAL

Regulations, the agency shall report the action to the Department.

Sec. 15. Operational procedures.

A nurse staffing agency shall develop, document, and implement procedures for:

- (1) Selecting nursing personnel to be provided or referred by the agency;
- (2) Verifying and documenting the credentials of nursing personnel to be provided or referred by the agency;
- (3) Verifying employment references furnished to the agency by nursing personnel;
- (4) Assessing, verifying, and documenting the clinical experience and competency of nursing personnel before providing or referring them;
- (5) Selecting persons to be provided or referred as Home Health Aides or Personal Care Aides, if the agency engages in providing or referring those kinds of personnel;
- (6) Verifying and documenting the education and training of Home Health Aides or Personal Care Aides, if the agency engages in providing or referring those kinds of personnel;
- (7) Tracking, responding to, and acting on complaints;
- (8) Reporting to the Board an action taken by, or a condition affecting the fitness to practice of, a Licensed Practical Nurse or Registered Nurse provided or referred by the agency that might be grounds for enforcement or disciplinary action under the District of Columbia Health Occupations Revision Act, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1201.01 *et seq.*), and reporting to the Department an action taken by a Certified Nurse Aide provided or referred by the agency that might be grounds for listing the individual on the Nurse Aide Abuse Registry;
- (9) Verifying and documenting that nursing personnel, Home Health Aides, and Personal Care Aides provided or referred by the agency are in satisfactory health, and have received all health testing and immunizations recommended by the Centers for Disease Control and Prevention, or otherwise required by law or requested by the client, before being provided or referred to a health care facility or agency, or to an individual; and
- (10) Verifying and documenting that nursing personnel, Home Health Aides, and Personal Care Aides provided or referred by the agency have satisfactorily completed all drug screening and all background checks required by law, including the Health-Care Facility Unlicensed Personnel Criminal Background Check Act of 1998, effective April 20, 1999 (D.C. Law 12-238; D.C. Official Code § 44-551 *et seq.*), and Chapter 47 of Title 22 of the District of Columbia Municipal Regulations, or requested by the client, before being referred to a health care facility or agency, or to an individual.

ENROLLED ORIGINAL

Sec. 16. Inspections and enforcement.

(a) To verify compliance with this act or with regulations promulgated pursuant to this act, the Department is authorized to conduct inspections of a nurse staffing agency's offices and operations, and to obtain records and other documentation from a nurse staffing agency.

(b) In the course of conducting an inspection of a nurse staffing agency, the Department shall investigate:

(1) Whether all of the nursing personnel provided or referred by the agency to health care facilities or agencies, or to individuals, for the purpose of rendering temporary nursing services within the District of Columbia are currently licensed by the Board or certified by the Department, as required; and

(2) Whether the nurse staffing agency has developed, documented, and implemented the procedures required by section 15.

(c) If the Department ascertains that any of the nursing personnel provided or referred by a nurse staffing agency are not licensed or certified, as required, or that the agency has not developed, documented, and implemented the procedures required by section 15, the Department shall take such corrective or enforcement action authorized by this act or by regulations promulgated pursuant to this act as it deems appropriate.

Sec. 17. Rules.

The Mayor shall issue rules to implement the provisions of this act, including the establishment of:

- (1) Fees;
- (2) Procedures for license application, issuance, and renewal;
- (3) Procedures for regulation of nurse staffing agencies located outside the District of Columbia;
- (4) Requirements for maintenance of documentation and for submission of documentation to the Department;
- (5) Minimum standards for operation and continued licensure of nurse staffing agencies; and
- (6) Enforcement and hearing procedures.

Sec. 18. Sanctions.

Civil fines, penalties, and related costs may be imposed against a nurse staffing agency for the violation of any provision of this act, of any regulation promulgated pursuant to this act, or of any other applicable District of Columbia or federal law. Procedures for adjudication and enforcement, and applicable fines, penalties, and costs, shall be those established by or pursuant to Titles I through III of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code §§ 2-1801.01 through 2-1803.03).

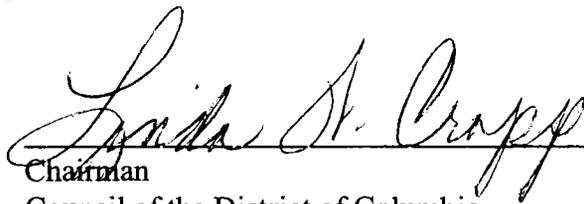
ENROLLED ORIGINAL

Sec. 19. Fiscal impact statement.

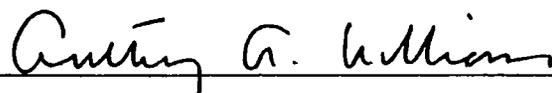
The Council adopts the fiscal impact statement of the Chief Financial Officer dated October 24, 2003 as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 20. 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
November 25, 2003

ENROLLED ORIGINAL

AN ACT
D.C. ACT 15-240

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
NOVEMBER 25, 2003

*Codification
District of
Columbia
Official Code*

2001 Edition

2004 Winter
Supp.

West Group
Publisher

To enable, on an temporary basis, the Mayor, or his designee, to administer grants from the Commercial Trust Fund once the Council has designated the funds to be spent for a particular project.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Authorization of the Spending of the Commercial Trust Fund Temporary Act of 2003".

Sec. 2. The Mayor, or his designee may make grants from the Commercial Trust Fund, which is located in the Deputy Mayor for Economic Development's budget, so long as the Council previously authorized and designated the use of those funds through the passage of the Deputy Mayor for Economic Development's budget process or other similar authorization.

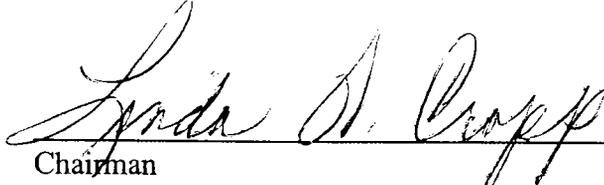
Sec. 3. The Council adopts the attached fiscal impact statement as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code §1-206.02(c)(3)).

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

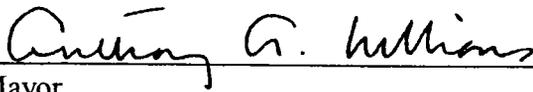
ENROLLED ORIGINAL

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
November 25, 2003

COUNCIL OF THE DISTRICT OF COLUMBIA

OFFICE OF THE BUDGET DIRECTOR

FISCAL IMPACT STATEMENT

Bill Number:	Type: Emergency (x) Temporary () Permanent ()	Date Reported: October 7, 2003
--------------	---	--------------------------------

Subject/Short Title: "Authorization of the Spending of the Commercial Trust Fund Emergency Act of 2003"

Part I. Summary of the Fiscal Estimates of the Bill

	YES	NO
1. It will impact spending. (If "Yes," complete Section 1 in the Fiscal Estimate Worksheet).		
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).		
a) It will impact local revenue.	()	(x)
b) It will impact federal revenue.	()	(x)
c) It will impact private/other revenue. See below	()	(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 proposed legislation does not have any fiscal impact on the District's General Fund. The proposed legislation will not require additional staff or resources.		

Part II. Other Impact of the Bill

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

	YES	NO
1. It will affect an agency and/or agencies in the District.	()	(x)
2. Are there performance measures/output for this bill?	()	(x)
3. Will it have results/outcome, i.e., what would happen if this bill is not enacted?	()	(x)
4. Are funds appropriated for this bill in the Budget and Financial Plan for the current year?	()	(x)

Sources of information: Council staff	Councilmember: Sharon Ambrose, Chair, Committee on Consumer and Regulatory Affairs
	Staff Person & Tel: David Grosso 724-8072
	Council Budget Director's Signature: <i>DAVID GROSSO</i>

10/1/03

ENROLLED ORIGINAL

AN ACT

D.C. ACT 15-241

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

NOVEMBER 25, 2003

*Codification
District of
Columbia
Official Code*

2001 Edition

2004 Winter
Supp.

West Group
Publisher

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

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Freedom Forum Newseum Real Property Tax Exemption and Equitable Real Property Tax Relief Temporary Act of 2003".

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

(a) The table of contents is amended by adding the section designation "47-1053. Payments in lieu of taxes; lots 826 and 831, square 491." at the end.

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

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

“(a) Subject to subsection (b) of this section, the real properties located in the District of Columbia described as lots 826 and 831 in square 491, together with improvements thereon, owned by The Freedom Forum, Inc., a nonprofit corporation exempt from federal income taxation, or a wholly owned entity thereof disregarded for purposes of federal income taxation ("properties"), are hereby exempt from real property taxation as of December 21, 2000. Recordation taxes assessed against The Freedom Forum, Inc., or its disregarded entity, as a result of the transfer of the properties, shall be forgiven and any amounts paid therefor shall be refunded to the payor. The Freedom Forum, Inc., and its disregarded entity, shall be exempt from transfer and recordation taxes arising from the transfer of any portion of the properties.

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

ENROLLED ORIGINAL

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

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

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

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

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

Sec. 3. Fiscal impact statement.

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

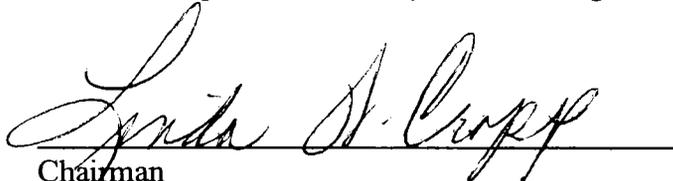
Sec. 4. Effective date.

(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

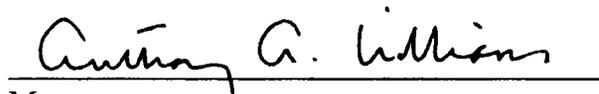
ENROLLED ORIGINAL

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
November 25, 2003

DEC 26 2003

ENROLLED ORIGINAL

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



Natwar M. Gandhi
Chief Financial Officer

RECEIVED
7:07 JUL -1 PM 4:00
CHAIRMAN CROPP

MEMORANDUM

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

FROM: Natwar M. Gandhi
Chief Financial Officer

DATE: JUL -1 2002

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

REFERENCE: Resolution as Introduced - No Number Available

Conclusion

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

Background

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

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

10928

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

Financial Plan Impact

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

ENROLLED ORIGINAL

AN ACT
D.C. ACT 15-242

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

NOVEMBER 25, 2003

*Codification
District of
Columbia
Official Code*

2001 Edition

2004 Winter
Supp.

West Group
Publisher

To amend, on a temporary basis, the Tax Increment Financing Authorization Act of 1998 to amend the sunset date for the issuance of tax increment financing bonds.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Tax Increment Financing Reauthorization Date Temporary Act of 2003".

Sec. 2. Section 3(b) of the Tax Increment Financing Authorization Act of 1998, effective April 27, 1999 (D.C. Law 12-143; D.C. Official Code § 2-1217.02(b)), is amended by striking the phrase "January 1, 2003" and inserting the phrase "July 1, 2004" in its place.

Note,
§ 2-1217.02

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)).

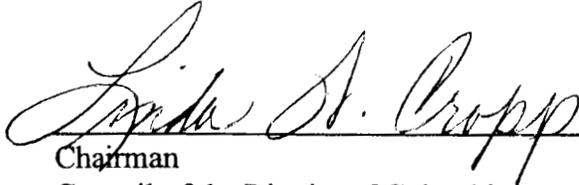
Sec. 4. Effective date.

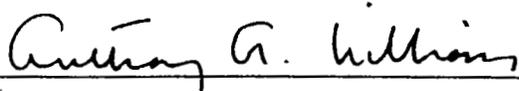
(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved

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
November 25, 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:

SUBJECT: Fiscal Impact Statement: "Tax Increment Financing Reauthorization Act of 2002"

REFERENCE: Bill 14-913

Conclusion

Funds are sufficient in the FY 2003 through FY 2006 budget and financial plan to approve the Tax Increment Financing Reauthorization Act of 2002.

Background

The Tax Increment Financing Reauthorization Act of 2002 would change the sunset date for the issuance of tax increment financing (TIF) bonds by amending the Tax Increment Financing Authorization Act of 1998. The current sunset date for the TIF program is January 1, 2003; this bill would extend the program to January 1, 2004. This bill does not impact the current \$300 million limit on outstanding TIF bonds.

Financial Plan Impact

Funds are sufficient in the FY 2003 through FY 2006 budget and financial plan to approve the Tax Increment Financing Reauthorization Act of 2002. This Act would extend the duration of the District's TIF program, and would not impact any existing debt capacity limits.

10932

ENROLLED ORIGINAL

AN ACT
D.C. ACT 15-243

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
NOVEMBER 25, 2003

*Codification
District of
Columbia
Official Code*

2001 Edition

2004 Winter
Supp.

West Group
Publisher

To amend, on a temporary basis, Chapter 10 of Title 47 of the District of Columbia Official Code to exempt from taxation certain property leased to, and occupied by, Emmaus Services for the Aging, Inc., a District of Columbia nonprofit organization, and used in its tax-exempt function.

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

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

(a) The table of contents is amended by adding a new section designation "47-1057. Emmaus Rehabilitation Project, lot 74 in square 366."

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

"§ 47-1057. Emmaus Rehabilitation Project, lot 74 in square 366.

"(a) The real property described as lot 74 in square 366 in the District of Columbia, is hereby exempt from real property and transfer and deed recordation taxation so long as, and to the extent that, the same is occupied by Emmaus Services for the Aging, Inc., an organization qualifying under section 501(c)(3) of the Internal Revenue Code of 1986, approved October 22, 1986 (100 Stat. 2085; 26 U.S.C. § 501(c)(3)), and is used to further the tax-exempt purposes of Emmaus Services for the Aging, Inc. Any real property and transfer and deed recordation taxes paid shall be refunded to the payer under the same conditions and subject to the same provisions as if the exemption were granted administratively.

"(b) This section shall apply as of April 9, 2003."

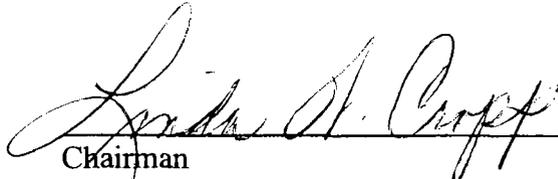
Sec. 3. Fiscal impact statement.

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)).

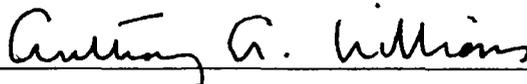
ENROLLED ORIGINAL

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
November 25, 2003

DEC 26 2003

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

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

FROM: Natwar M. Gandhi
Chief Financial Officer

DATE: July 7, 2003

SUBJECT: Fiscal Impact Statement: "Emmaus Rehabilitation Project Real Property Exemption Act of 2003"

REFERENCE: Bill 15-308 as Introduced [Ed.s Note: Emmaus = (ee-may-us)]

Conclusion

Funds are sufficient in the FY 2003 Budget and the FY 2004 through FY 2007 budget and financial plan as agreed to by the Mayor and the Council of the District of Columbia. The proposed legislation will not impact real property tax revenue.

Background

The proposed legislation approves the continuation of tax exempt status for real property described as Lot 74 in Square 366 located at 1426 9th Street, N.W. and owned by Emmaus Services for the Aging. The proposed legislation requires that the property remain exempt from real property tax. In addition, the proposed legislation exempts the property from deed transfer and deed recordation taxes.

Emmaus Services for the Aging is a 501(c)(3) organization¹ with real property tax exemptions approved² by the Office of Tax and Revenue. They were in force until April 9, 2003 when the property legally transferred to a subsidiary limited liability corporation established to improve the property under a federal historic preservation tax credit initiative participating with The

¹ Approved October 22, 1986.

² Effective February 1, 1999 and September 1, 2000 [James R. Vinson, Dir. RPAD to Rev. Charles Parker, E.D.; August 14, 2000] for properties now legally conjoined into the subject property.

Historic Tax Credit Preservation Fund³. When the property changed hands to the Emmaus' subsidiary (the LLC) the exemptions were nullified. The proposed legislation will become effective April 9, 2003, thus continuing the real property tax exemption without interruption.

Financial Plan Impact

Funds are sufficient to implement the provisions of the proposed resolution. The proposed resolution will not affect local General Fund revenue.

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>.

³ A required participating entity that is a wholly-owned subsidiary of Bank of America.

ENROLLED ORIGINAL

AN ACT

D.C. ACT 15-244

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

NOVEMBER 25, 2003

*Codification
District of
Columbia
Official Code*

2001 Edition

2004 Winter
Supp.

West Group
Publisher

To prohibit, on an temporary basis, the Metropolitan Police Department's Police Service Areas restructuring plan from being implemented prior to Council review.

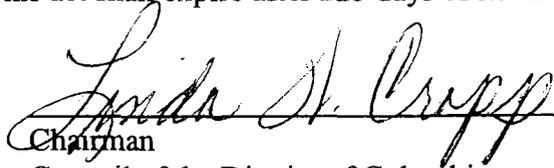
BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "PSA Restructuring Council Review Temporary Act of 2003".

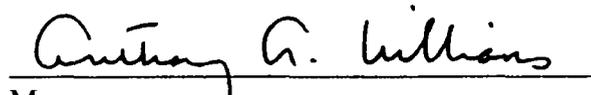
Sec. 2. When the police service areas restructuring plan is completed, it shall be transmitted, by the Metropolitan Police Department, to the Council for a 60-day period of review.

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
November 25, 2003

Codification District of Columbia Official Code, 2001 Edition

West Group Publisher, 1-800-228-2180.

COUNCIL OF THE DISTRICT OF COLUMBIA
OFFICE OF THE BUDGET DIRECTOR

FISCAL IMPACT STATEMENT

Bill Number:	Type: Emergency () Temporary () Permanent (x)	Date Reported: October 7, 2003
--------------	---	--------------------------------

Subject/Short Title: "PSA Restructuring Council Review and Approval 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).		
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).		
a) It will impact local revenue.	()	(x)
b) It will impact federal revenue.	()	(x)
c) It will impact private/other revenue. See below	()	(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 proposed legislation does not have any fiscal impact on the District's General Fund. The proposed legislation will not require additional staff or resources.		

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. It will affect MPD.	(x)	()
2. Are there performance measures/output for this bill?	()	(x)
3. Will it have results/outcome, i.e., what would happen if this bill is not enacted?	()	(x)
4. Are funds appropriated for this bill in the Budget and Financial Plan for the current year?	()	(x)

Sources of information:	Councilmember: Sharon Ambrose, Chair, Committee on Consumer and Regulatory Affairs
Council staff	Staff Person & Tel: David Grosso 724-8072
	Council Budget Director's Signature: <i>[Signature]</i>

10/3/03

ENROLLED ORIGINAL

AN ACT
D.C. ACT 15-245

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

NOVEMBER 25, 2003

*Codification
 District of
 Columbia
 Official Code*

2001 Edition

2004 Winter
 Supp.

West Group
 Publisher

To amend, on a temporary basis, section 5(b)(2) of the District of Columbia Election Code of 1955 to waive all filing requirements for generally recognized United States presidential candidates.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Presidential Primary Petition and Filing Waiver Temporary Act of 2003".

Sec. 2. Section 5(b)(2) the District of Columbia Election Code of 1955, approved August 12, 1955 (69 Stat. 699; D.C. Official Code §1-1001.05(b)(2)), is amended to read as follows:

Note,
 § 1-1001.05

"(2)(A) The Board shall announce the name of individuals which it has determined to be generally advocated for or recognized throughout the United States or the District of Columbia as actively seeking the nomination of the parties eligible to conduct presidential primaries in the District of Columbia pursuant to section 8(d). Criteria for determining generally recognized candidates include:

"(i) Being generally recognized as seeking and advocated for the office;

"(ii) Qualifying for federal matching funds;

"(iii) Appearing in national public opinion polls, candidates' forums, debates, or similar venues;

"(iv) Being on the ballot in other states' primaries; and

"(v) Advice and input from the District's party chairs.

"(B) On or before November 7, 2003, the Board Officer shall publicly announce the list of candidates it intends to place on the presidential primary ballot and provide written notification to all candidates.

"(C) Following this announcement, the Board may, on or before November 14, 2003, add presidential candidates to the selection, but shall not delete any candidate unless the candidate withdraws by contacting the Board in writing or by public

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announcement of their intent to withdraw.

“(D) This paragraph shall not apply to any party who chooses to opt out of the January 13, 2004 primary.”.

Sec. 3. Fiscal impact statement.

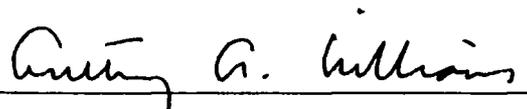
The Council adopts the attached fiscal impact statement as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D. C. Official Code § 1-206.02(c)(3)).

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
November 25, 2003

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

ENROLLED ORIGINAL

DISTRICT OF COLUMBIA REGISTER

DEC 26 2003

Bill Number:	Type: Emergency () Temporary (X) Permanent ()	Date Reported: October 7, 2003
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Subject/Short Title: "Presidential Primary Petition and Waiver 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.	()	(x)
2. It will impact revenue. (If "Yes," complete Section 2 in the Fiscal Estimate Worksheet).	()	()
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 little fiscal impact on spending or revenue. (If "Yes," explain below).	()	(x)

Explanation

Part II. Other Impact of the Bill

If you check "Yes" for each question, please explain on separate sheet.		
	YES	NO
1. It will affect an agency and/or agencies in the District.	()	(x)
2. Will there be performance measures/output for this amendment?	()	(x)
3. Will it have results/outcome, i.e., what would happen if this amendment is enacted or not enacted?	()	(x)
4. Will the Budget and Financial Plan be affected by this bill?	()	(x)

Sources of information: Staff	Councilmember: Jack Evans
	Staff Person & Tel: Schannette Grant, 724-8058
	Reviewed by Budget Director:
	Budget Office Tel: 202-724-8139 <i>ADH/RIA</i>

10/2/03

AN ACT
D.C. ACT 15-246

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

NOVEMBER 25, 2003

To authorize, on a temporary basis, the appropriation of \$7.6 million from the funds distributed to the District of Columbia pursuant to section 903(d) of the Social Security Act to improve the administration of the Unemployment Compensation Program.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Unemployment Compensation Funds Appropriation Authorization Temporary Act of 2003".

Sec. 2. From the funds distributed to the District of Columbia account in the Unemployment Compensation Trust Fund, pursuant to section 903(d) of the Social Security Act, approved August 5, 1954 (68 Stat. 670; 42 U.S.C. § 1103(d)), there is authorized to be appropriated \$7.6 million to be used for the following administrative purposes:

- (1) Parallel training of the staff of the Department of Employment Services to replace the expert contractor staff currently maintaining the unemployment compensation tax and benefit systems;
- (2) Funding for the maintenance of the information technology systems supporting the Unemployment Compensation Program and the Virtual One-Stop Career Center System and the development of a system for the direct deposit of unemployment compensation benefit payments;
- (3) Promotions for certain career ladder staff in the Offices of Unemployment Compensation and Employment Services of the Department of Employment Services; and
- (4) Funding to implement a system to improve the integrity of the unemployment compensation program and to reduce the level of overpayments, particularly those attributable to fraud or abuse of the program.

Sec. 3. Fiscal impact statement.

The Council adopts the attached 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)).

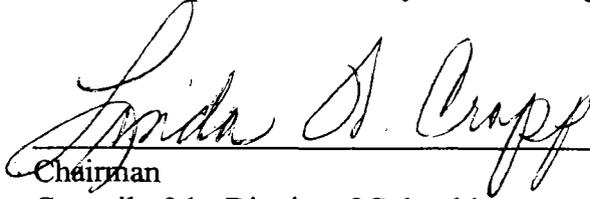
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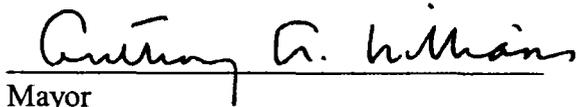
Sec. 4. Effective date.

(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. 788; 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
November 25, 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: SEP 13 2002

SUBJECT: Revised Fiscal Impact Statement: "Unemployment Compensation Funds Appropriation Authorization Emergency Act of 2002" (*formally Reed Act Funds Appropriation Authorization Act of 2002*)

REFERENCE: Emergency Legislation

Conclusion

Funds are sufficient in the FY 2002 budget and the FY 2003 through FY 2006 budget and financial plan as currently agreed to by the Mayor and the Council of the District of Columbia (Council). Implementation of the proposed legislation will not require any additional staff or resources.

Background

The proposed legislation authorizes the appropriation of \$7.6 million from the funds distributed to the District of Columbia by the Social Security Act § 903(d). This federal provision is referred to as the Reed Act. The Reed Act allocates \$26 million in surplus or "spill-over" funds to the District and is a one-time funding allocation. Under the provisions of the proposed legislation, the Department of Employment Services (DOES) will be required to use the funds to improve the administration of the Unemployment Compensation Program. DOES will be required to expend the funds for the following activities:

- Train and transition DOES staff on compensation and tax benefits systems for the purpose of retiring the current contractor;

10944

The Honorable Linda W. Cropp

FIS: "Unemployment Compensation Funds Appropriation Authorization Emergency Act of 2002" (*formally Reed Act Funds Appropriation Authorization Act of 2002*)

Page 2 of 2

- Develop and maintain IT systems, including direct deposit of unemployment compensation benefits, to support Unemployment Compensation Program and One-Stop Career Center System operations; and
- Fund promotions of certain staff in the Offices of Unemployment Compensation and Employment Services and DOES.

Financial Plan Impact

Funds are sufficient in the District's FY 2002 budget and the FY 2003 through FY 2006 budget and financial plan to implement the proposed resolution because additional staff and resources will not be required. The proposed legislation will approve the expenditure of \$7.6 million in federal Reed Act funding authorized in the Social Security Act.

AN ACT

D.C. ACT 15-247

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
NOVEMBER 25, 2003

To amend, on an temporary basis, Title 18 of the District of Columbia Municipal Regulations to prohibit the parking and loading of tour buses on Eastern Avenue, N.E., between Riggs Road, N.E., and Kennedy Street, N.E.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Eastern Avenue Tour Bus Parking Temporary Amendment Act of 2003".

Sec. 2. Section 4025 of Title 18 of the District of Columbia Municipal Regulations is amended by adding a new subsection 4025.4 to read as follows:

DCMR

"4025.4(a) There shall be no parking or loading of any sightseeing, charter, or tour bus or any other privately operated commercial vehicle with a seating capacity of more than twelve (12) persons on Eastern Avenue, N.E., between Riggs Road, N.E., and Kennedy Street, N.E.

"(b) Any person violating paragraph (a) of this subsection shall be subject to a five hundred dollar (\$500) fine for each offense."

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement for the Eastern Avenue Tour Bus Parking Temporary Amendment Act of 2002, effective April 2, 2003 (D.C. Law 14-276; 50 DCR 624), 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)).

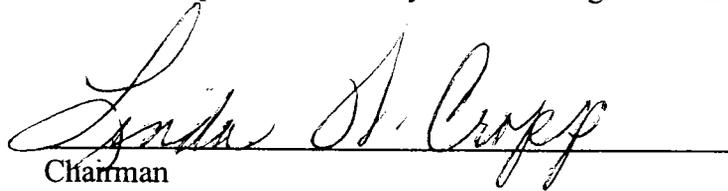
Sec. 4. Effective date.

(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

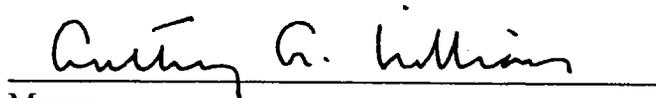
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December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206(c)(1)), and publication in the District of Columbia Register.

(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
November 25, 2003

ENROLLED ORIGINAL

AN ACT

D.C. ACT 15-248

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

NOVEMBER 25, 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 Administrative Procedure Act to bring the District's Freedom of Information Act into greater conformity with the federal Freedom of Information Act, to clarify that the Freedom of Information Act law enforcement or investigatory records exemption applies equally to the Council of the District of Columbia's investigatory proceedings, that the inter-agency memorandum exemption applies to Council records, to provide that records containing the identity of whistleblowers are exempt from disclosure, that the Council may assert exemptions on behalf of public bodies from which it receives information, and that final decisions of the Council may not be appealed to the Mayor.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Freedom of Information Legislative Records Clarification Temporary Amendment Act of 2003".

Sec. 2. Title II of the District of Columbia Administrative Procedure Act, effective March 25, 1977 (D.C. Law 1-96; D.C. Official Code § 2-531 *et seq.*), is amended as follows:

(a) Section 204 (D.C. Official Code § 2-534) is amended as follows:

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

(A) Paragraph (1) is amended by striking the phrase "outside the government, to the extent that disclosure would result in substantial harm to the competitive position of the person from whom the information was obtained" and inserting the phrase "a person and privileged or confidential" in its place.

(B) Paragraph (2) is amended by striking the phrase "Information of a personal nature where the public disclosure thereof" and inserting the phrase "Personnel and medical files and similar files the disclosure of which" in its place.

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

(i) The lead-in language is amended by striking the phrase "Investigatory records" and inserting the phrase "Records or information" in its place.

Note,
§ 2-534

ENROLLED ORIGINAL

(ii) Strike the word "would".

(iii) Subparagraph (A) is amended by striking the phrase "Interfere with enforcement" and inserting the phrase "Could reasonably be expected to interfere with enforcement, or Council investigatory" in its place.

(iv) Subparagraph (B) is amended by striking the word "Deprive" and inserting the phrase "Would deprive" in its place.

(v) Subparagraph (C) is amended by striking the word "Constitute" and inserting the phrase "Could reasonably be expected to constitute" in its place.

(vi) Subparagraph (D) is amended by striking the word "Disclose" and inserting the phrase "Could reasonably be expected to disclose" in its place.

(vii) Subparagraph (E) is amended by striking the word "Disclose" and inserting the phrase "would disclose" in its place.

(viii) Subparagraph (F) is amended as follows:

(I) Strike the word "Endanger" and insert the phrase "Could reasonably be expected to endanger" in its place.

(II) Strike the phrase "law-enforcement personnel" and insert the phrase "any individual" in its place.

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

"(3A) Records or information in the possession of the Council that are compiled for purposes of a Council investigation, including records or information compiled prior to the initiation of the investigation. The Council may assert an exemption on behalf of any public body from which the records or information were obtained."

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

"(4) Inter-agency or intra-agency memorandums or letters, including memorandums or letters generated or received by the staff or members of the Council that would not be available by law to a party other than a public body in litigation with the public body."

(F) A new paragraph (11) is added to read as follows:

"(11) Records or information, the disclosure of which could reasonably be expected to reveal the name of a person providing information under the provisions of the Whistleblower Reinforcement Act of 1998, effective October 7, 1998 (D.C. Law 12-160; D.C. Official Code §§ 1-615.51 *et seq.*, and 2-223.01 *et seq.*)"

(2) A new subsection (a-1) is added to read as follows:

"(a-1) The Council may assert, on behalf of any public body from which it obtains records or information, any exemption listed in subsection (a) of this section that could be asserted by the public body pertaining to the records or information."

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

"(e) All exemptions available under this section shall apply to the Council of the

ENROLLED ORIGINAL

District of Columbia as well as executive branch agencies of the District of Columbia government. The deliberative process privilege, the attorney work-product privilege, and the attorney-client privilege are incorporated under the inter-agency memoranda exemption listed in subsection (a)(4) of this section, and these privileges, among other privileges that may be found by the court, shall extend to any public body that is subject to this act. Memoranda created by or exchanged between staff and members of the Council of the District of Columbia shall be exempt from disclosure to the extent that such memoranda represent predecisional documents that were written in the process of developing legislation, drafting budget reports, or conducting oversight hearings."

(b) Section 207 (D.C. Official Code § 2-537) is amended as follows:

Note,
§ 2-537

(1) Subsection (a) is amended by striking the phrase "Any person" and inserting the phrase "Except as provided in subsection (a-1), any person" in its place.

(2) A new subsection (a-1) is added to read as follows:

"(a-1) Any person denied the right to inspect a public record in the possession of the Council may institute proceedings in the Superior Court for the District of Columbia for injunctive or declaratory relief, or for an order to enjoin the public body from withholding the record and to compel the production of the requested record as set forth in subsection (a)(1) or (2) of this section."

(3) Subsection (b) is amended by striking the phrase "subsection (a)" and inserting the phrase "subsection (a) or (a-1)" in its place.

Sec. 3. Applicability.

This act shall apply with respect to any requests for records pending on the effective date of this act, whether or not the request was made prior to that date, and shall apply to any civil action pending on that date.

Sec. 4. Fiscal impact statement.

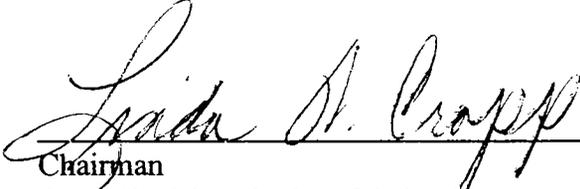
This legislation does not affect the District of Columbia budget or financial plan and, therefore, has no fiscal impact.

Sec. 5. Effective date.

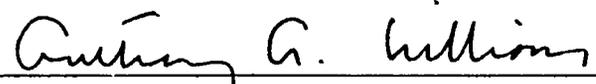
(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

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
November 25, 2003