ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-645

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 8, 2009

To require, on an emergency basis, the Mayor to submit to the Council for approval any proposal to contract out or privatize services that is subject to section 451 of the District of Columbia Home Rule Act, or that would result in the abolition of the whole or part of an agency wherein the agency, or part of the agency, does not have or will not have any functions, and to require the Mayor to include additional requirements with the submission.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "District Employee Protection Emergency Act of 2008".

Sec. 2. (a) In addition to the requirements imposed by the Privatization Procurement and Contract Procedures Amendment Act of 1993, effective March 19, 1994 (D.C. Law 10-79; D.C. Official Code § 2-301.05b), for any proposal to contract out or privatize services that is subject to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), or that would result in the abolition of the whole or part of an agency wherein the agency, or part of the agency, does not have or will not have any functions, the Mayor shall submit to the Council a report that includes the following:

(1) Report of residency for all employees proposed to be separated as a result of the action;

(2) Cost-benefit analysis; and

(3) Job retraining and placement service offered to employees who are proposed to be separated.

(b) The applicable period of review shall be determined by sections 422(12) and 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 790 and 803; D.C. Official Code §§ 1-204.22(12) and 1-204.51).

Sec. 3. Fiscal impact statement.

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

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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)).

Vincent C Gray

Chairman
Council of the District of Columbia

UNSIGNED

Mayor
District of Columbia
January 5, 2009

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-646

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 6, 2009

To provide, on an emergency basis, equitable real property tax relief to the Washington, D.C. Fort Chaplin Park South Congregation of Jehovah's Witnesses, Inc., a tax-exempt religious organization.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Washington, D.C. Fort Chaplin Park South Congregation of Jehovah's Witnesses, Inc. Real Property Tax Relief Emergency Act of 2008".

Sec. 2. The Council of the District of Columbia orders that all real property taxes, interest, penalties, fees, and other related charges assessed for the period of January 1, 2005 to June 30, 2007, on the real property described as Lot 0813, Square 5434, owned by the Washington, D.C. Fort Chaplin Park South Congregation of Jehovah's Witnesses, Inc., be forgiven, and any payments made for such period shall be refunded.

Sec. 3. Applicability.

This act shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan.

Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director, dated November 17, 2008, as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

ENROLLED ORIGINAL

Sec. 5. Effective date.

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

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
January 6, 2009

ENROLLED ORIGINAL

Codification District of Columbia Official Code

2001 Edition

2009 Summer Supp.

West Group Publisher

AN ACT

D.C. ACT 17-647

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 6, 2009

To amend, on an emergency basis, Chapter 46 of Title 47 of the District of Columbia Official Code to exempt from taxation certain property of, and to provide equitable real property tax relief to, the 14W and the YMCA Anthony Bowen Project.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "14W and the YMCA Anthony Bowen Project Real Property Tax Exemption and Real Property Tax Relief Emergency Act of 2008".

Sec. 2. Chapter 46 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 to read as follows:

"47-4621. 14W and the YMCA Anthony Bowen Project - Lot 164 in Square 234.".

(b) A new section 47-4621 is added to read as follows:

"§ 47-4621. 14W and the YMCA Anthony Bowen Project - Lot 164 in Square 234.

"(a) The properties located in the District of Columbia described as Square 234, Lot 164, owned by Perseus Realty, LLC, are hereby exempt from real property taxation under Chapter 8 for 20 consecutive years: 10 years capped at the fiscal year 2008 rate, and thereafter a 10% increase allowed per annum in years 11 through 20, until the annual real property taxation equals 100%.

"(b) The 14W and the YMCA Anthony Bowen Project shall be exempt from the tax imposed by Chapter 20 of this title on materials used directly for construction of the 14W and YMCA Anthony Bowen project, subject to the provisions of § 47-1002, providing for exemption of certain real properties.

"(c) The 14W and the YMCA Anthony Bowen Project is exempt from District taxes as described in this section so long as the project consists of 231 rental apartment units (18 of which are IZ units, to be permanently reserved for residents making 60% or less of current area median income) and a 170-space, below-grade garage, 12,200 square feet of ground-floor retail space, and the new YMCA Anthony Bowen, a 45,000-square-foot, state-of-the-art community and wellness facility dedicated to the growing needs of the District's residents.".

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Sec. 3. Fiscal impact statement.

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

Sec. 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)).

Vincent C Gray

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
January 6, 2009

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-648

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 6, 2009

Codification District of Columbia Official Code

2001 Edition

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To amend, on an emergency basis, Chapter 46 of Title 47 of the District of Columbia Official Code to provide a real property tax abatement for certain real property owned by The Urban Institute.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "The Urban Institute Real Property Tax Abatement Emergency Act of 2008".

Sec. 2. Chapter 46 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 to read as follows: "47-4620. The Urban Institute – 10-year real property tax abatement.".

(b) A new section 47-4620 is added to read as follows:

"§ 47-4620. The Urban Institute – 10-year real property tax abatement.

"(a) Subject to subsection (b) of this section, the tax imposed by Chapter 8 of this title on the portion of the real property described as Lot 840, Square 673, that is owned by The Urban Institute, shall be abated during the following tax years in the following amounts:

"(1) Tax year 2010: $200,000; provided, that such abatement shall be applied to the 2nd semiannual installment;

"(2) Tax year 2011: $625,000;

"(3) Tax year 2012: $925,000;

"(4) Tax year 2013: $1,500,000;

"(5) Tax year 2014: $1,600,000;

"(6) Tax year 2015: $1,700,000;

"(7) Tax year 2016: $1,800,000;

"(8) Tax year 2017: $1,900,000;

"(9) Tax year 2018: $2,000,000;

"(10) Tax year 2019: $2,100,000; and

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"(11) Tax year 2020: $650,000.

"(b) The abatement of real property taxes provided for by subsection (a) of this section shall apply so long as:

"(1) The real property continues to be owned and, except as set forth in paragraph (2) of this subsection, occupied by The Urban Institute;

"(2) At least 10,000 square feet of the real property is leased at a rate below the market rate to tenants that are exempt from federal taxation under section 501(c)(3) of the Internal Revenue Code of 1986, approved August 16, 1954 (68A Stat. 163; 26 U.S.C. § 501(c)(3)), and the leased real property is used for the tenants' exempt purposes; and

"(3) The Urban Institute files the report required by § 47-1007(a) and:

"(A) The name of each tenant of the real property that is exempt from federal taxation under section 501(c)(3) of the Internal Revenue Code of 1986, approved August 16, 1954 (68A Stat. 163; 26 U.S.C. § 501(c)(3));

"(B) The square footage leased by each such tenant;

"(C) A certification that each such tenant is being charged a lease rate that is below the market rate, a statement of the lease rate per square foot, and an explanation of the basis under which the determination was made that each such tenant's lease rate is below the market rate; and

"(D) Such other information as may be required by the Chief Financial Officer.

"(c) The Urban Institute shall be subject to § 47-1007(b) and (f).".

Sec. 3. Applicability.

This act shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan.

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.

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
January 6, 2009

ENROLLED ORIGINAL

Codification District of Columbia Official Code

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AN ACT

D.C. ACT 17-649

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 6, 2009

To require, on an emergency basis, the Mayor to develop and present to the Council a plan to establish evening and weekend career technical training for District residents at the Academy of Construction and Design at Cardozo Senior High School, the Hospitality High School at Roosevelt High School, and the Phelps Architecture, Construction, and Engineering High School.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as "Get DC Residents Training for Jobs Now Emergency Act of 2008".

Sec. 2. Plan to establish evening and weekend adult career technical education programs.

(a) The Mayor shall develop and present to the Council a plan to establish evening and weekend adult career technical training at the Academy of Construction and Design at Cardozo Senior High School, the Hospitality High School at Roosevelt High School, and the Phelps Architecture, Construction and Engineering High School.

(b) The plan shall establish a curriculum, framework, and an estimated cost to implement, beginning in the summer of 2009, evening and weekend adult career technical education classes for District residents at the Academy of Construction and Design at Cardozo Senior High School, the Hospitality High School at Roosevelt High School, and the Phelps Architecture, Construction and Engineering High School.

Sec. 3. Fiscal impact statement.

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

Sec. 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
January 6, 2009

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-650

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 6, 2009

Codification District of Columbia Official Code

2001 Edition

2009 Winter Supp.

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To prohibit, on an emergency basis, persons required to wear a detection device as a condition of supervision to remove, intentionally alter, or interfere with or mask the operation of the device, or to allow any unauthorized person to do so; and to amend section 23-581 of the District of Columbia Official Code to allow a law enforcement officer to make an arrest without a warrant for said violation.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "GPS Anti-Tampering Emergency Act of 2008".

Sec. 2. Tampering with detection device.

(a) It shall be unlawful for a person who is required to wear a device as a condition of supervision pursuant to a protection order, pretrial, presentence, or prediposition release, probation, supervised release, parole, or commitment to remove or intentionally alter the device, or to intentionally interfere with or mask, or attempt to interfere with or mask, the operation of the device, or to allow any unauthorized person to remove or intentionally alter the device, or to intentionally interfere with or mask, or attempt to interfere with or mask, the operation of the device. For the purposes of this section, the term "device" includes a bracelet, anklet, or other equipment equipped with electronic monitoring capability or global positioning system technology.

(b) Whoever violates this section shall be fined not more than $1,000, or imprisoned for not more than 180 days, or both.

Sec. 3. Section 23-581 of the District of Columbia Official Code is amended by adding a new subsection (a-4) to read as follows: **Note, § 23-581**

"(a-4) A law enforcement officer may arrest a person without a warrant if the officer has probable cause to believe the person has committed an offense as provided in the GPS Anti-Tampering Emergency Act of 2008, passed on emergency basis on December 16, 2008 (Enrolled version of Bill 17-1071).

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Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

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

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
January 6, 2009

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-651

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 6, 2009

To amend, on an emergency basis, the Office of Administrative Hearings Establishment Act of 2001 to provide jurisdiction to the Office of Administrative Hearings to hear cases pertaining to firearm registration procedures and requirements; to amend the Firearms Control Regulations Act of 1975 to revise the definitions of the terms firearm, machine gun, pistol, and sawed-off shotgun, to add definitions for the terms assault weapon, intrafamily offense, magazine, and place of business, to provide a self-defense exemption for temporary possession of a firearm registered to another person within the registrant's home, to provide for the registration of pistols for use in self-defense within the home, to prohibit the registration of assault weapons and certain designated unsafe firearms, to provide that a person who has been convicted of an intrafamily offense within 5 years of application shall be ineligible to register a firearm, to provide that a person with multiple alcohol-related offenses within 5 years of application shall be ineligible to register a firearm, to provide that a person who within 5 years of application has had a history of violence shall be ineligible to register a firearm, to clarify that the Chief of Police may require an applicant for registration to receive training and pass testing on the use, handling, and storage of firearms, to require an applicant for registration to complete one hour of firing training and 4 hours of classroom instruction, to provide that applicants who have had civil protection or foreign protection orders entered against them shall be ineligible to register a firearm for 5 years, to establish a registration limit of one pistol per registrant per 30 days, to require a ballistics identification procedure as part of the registration process and to authorize the Chief of Police to assess a reasonable fee for the procedure, to clarify the process of revocation of a registration certificate, to provide a process for the renewal of registration certificates, to prohibit large capacity ammunition feeding devices, to provide that firearms dealers must notify the Chief of the theft or loss of any firearms or ammunition from their inventory, to provide that a dealers license shall be revoked if the dealer falls out of compliance with any of the duties or requirements, to provide that semiautomatic pistols manufactured and sold in the District be microstamped, to prohibit the sale, transfer, ownership, or possession of designated

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unsafe handguns, to clarify the firearms storage policy, to establish penalties for the reckless storage of a firearm accessible by a minor, and to provide the Mayor with rulemaking authority to implement the provisions of this act; to amend the Assault Weapon Manufacturing Strict Liability Act of 1990 to change the definition of the term assault weapon to conform it with the definition used in the Firearms Control Regulations Act of 1975; to provide a savings clause for actions, proceedings, and prosecutions commenced before amendments made by this act; and to repeal the Second Firearms Control Congressional Review Emergency Amendment Act of 2008.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Firearms Registration Emergency Amendment Act of 2008".

Sec. 2. Section 6 of the Office of Administrative Hearings Establishment Act of 2001, effective March 6, 2002 (D.C. Law 14-76; D.C. Official Code § 2-1831.03), is amended by adding a new subsection (b-2) to read as follows:

"(b-2) In addition to those adjudicated cases listed in subsections (a), (b), and (b-1) of this section, as of January 1, 2009, this act shall apply to all adjudicated cases involving:

"(1) The imposition of a civil fine for violation of firearm registrant requirements pursuant to section 209(b) of the Firearms Control Regulations Act of 1975, effective September 24, 1976 (D.C. Law 1-85; D.C. Official § 7-2502.09(b))("Firearms Act");

"(2) The denial or revocation of a firearm registration certificate pursuant to section 210 of the Firearms Act; or

"(3) The denial or revocation of a dealer license pursuant to section 406 of the Firearms Act.".

Sec. 3. The Firearms Control Regulations Act of 1975, effective September 24, 1976 (D.C. Law 1-85; D.C. Official Code § 7-2501.01 *et seq.*), is amended as follows:

(a) Section 101 (D.C. Official Code § 7-2501.01) is amended as follows:

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

"(3A)(A) "Assault weapon" means:

"(i) The following semiautomatic firearms:

"(I) All of the following specified rifles:

"(aa) All AK series including, but not limited to, the models identified as follows:

"(1) Made in China AK, AKM, AKS, AK47, AK47S, 56, 56S, 84S, and 86S;

"(2) Norinco (all models);

"(3) Poly Technologies (all models);

"(4) MAADI AK47 and ARM; and

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"(5) Mitchell (all models).
"(bb) UZI and Galil;
"(cc) Beretta AR-70;
"(dd) CETME Sporter;
"(ee) Colt AR-15 series;
"(ff) Daewoo K-1, K-2, Max 1, Max 2, AR 100, and AR110 C;
"(gg) Fabrique Nationale FAL, LAR, FNC, 308 Match, and Sporter;
"(hh) MAS 223.
"(ii) HK-91, HK-93, HK-94, and HK-PSG-1;
"(jj) The following MAC types:
"(1) RPB Industries Inc. sM10 and sM11; and
"(2) SWD Incorporated M11;
"(kk) SKS with detachable magazine;
"(ll) SIG AMT, PE-57, SG 550, and SG 551;
"(mm) Springfield Armory BM59 and SAR-48;
"(nn) Sterling MK-6;
"(oo) Steyer AUG, Steyr AUG;
"(pp) Valmet M62S, M71S, and M78S;
"(qq) Armalite AR-180;
"(rr) Bushmaster Assault Rifle;
"(ss) Calico —900;
"(tt) J&R ENG —68; and
"(uu) Weaver Arms Nighthawk.
"(II) All of the following specified pistols:
"(aa) UZI;
"(bb) Encom MP-9 and MP-45;
"(cc) The following MAC types:
"(1) RPB Industries Inc. sM10 and sM11;
"(2) SWD Incorporated -11;
"(3) Advance Armament Inc. —11; and
"(4) Military Armament Corp. Ingram M-11;
"(dd) Intratec TEC-9 and TEC-DC9;
"(ee) Sites Spectre;
"(ff) Sterling MK-7;
"(gg) Calico M-950; and

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"(hh) Bushmaster Pistol.

"(III) All of the following specified shotguns:

"(aa) Franchi SPAS 12 and LAW 12; and

"(bb) Striker 12. The Streetsweeper type S/S Inc. SS/12;

"(IV) A semiautomatic, rifle that has the capacity to accept a detachable magazine and any one of the following:

"(aa) A pistol grip that protrudes conspicuously beneath the action of the weapon;

"(bb) A thumbhole stock;

"(cc) A folding or telescoping stock;

"(dd) A grenade launcher or flare launcher;

"(ee) A flash suppressor; or

"(ff) A forward pistol grip;

"(V) A semiautomatic pistol that has the capacity to accept a detachable magazine and any one of the following:

"(aa) A threaded barrel, capable of accepting a flash suppressor, forward handgrip, or silencer;

"(bb) A second handgrip;

"(cc) A shroud that is attached to, or partially or completely encircles, the barrel that allows the bearer to fire the weapon without burning his or her hand, except a slide that encloses the barrel; or

"(dd) The capacity to accept a detachable magazine at some location outside of the pistol grip;

"(VI) A semiautomatic shotgun that has one or more of the following:

"(aa) A folding or telescoping stock;

"(bb) A pistol grip that protrudes conspicuously beneath the action of the weapon;

"(cc) A thumbhole stock; or

"(dd) A vertical handgrip; and

"(VII) A semiautomatic shotgun that has the ability to accept a detachable magazine; and

"(VIII) All other models within a series that are variations, with minor differences, of those models listed in subparagraph (A) of this paragraph, regardless of the manufacturer;

"(ii) Any shotgun with a revolving cylinder; provided, that this sub-subparagraph shall not apply to a weapon with an attached tubular device designed to accept, and capable of operating only with, .22 caliber rimfire ammunition; and

ENROLLED ORIGINAL

"(iii) Any firearm that the Chief may designate as an assault weapon by rule, based on a determination that the firearm would reasonably pose the same or similar danger to the health, safety, and security of the residents of the District as those weapons enumerated in this paragraph.

"(B) The term "assault weapon" shall not include:

"(i) Any antique firearm; or

"(ii) Any of the following pistols, which are designed expressly for use in Olympic target shooting events, sanctioned by the International Olympic Committee and by USA Shooting, the national governing body for international shooting competition in the United States, and used for Olympic target shooting purposes:

MANUFACTURER	MODEL	CALIBER
BENELLI	MP90	.22LR
BENELLI	MP90	.32 S&W LONG
BENELLI	MP95	.22LR
BENELLI	MP95	.32 S&W LONG
HAMMERLI	280	.22LR
HAMMERLI	280	.32 S&W LONG
HAMMERLI	SP20	.22LR
HAMMERLI	SP20	.32 S&W LONG
PARDINI	GPO	.22 SHORT
PARDINI	GP-SCHUMANN	.22 SHORT
PARDINI	HP	.32 S&W LONG
PARDINI	MP	.32 S&W LONG
PARDINI	SP	.22LR
PARDINI	SPE	.22LR
WALTHER	GSP	.22LR
WALTHER	GSP	.32 S&W LONG
WALTHER	OSP	.22 SHORT
WALTHER	OSP-2000	.22 SHORT

"(C) The Chief may exempt, by rule, new models of competitive pistols that would otherwise fall within the definition of "assault weapon" pursuant to this section from being classified as an assault weapon. The exemption of competitive pistols shall be based either on recommendations by USA Shooting consistent with the regulations contained in the USA Shooting Official Rules or on the recommendation or rules of any other organization that the Chief considers relevant.".

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

"(8A) ".50 BMG rifle" means:

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"(A) A rifle capable of firing a center-fire cartridge in .50 BMG caliber, including a 12.7 mm equivalent of .50 BMG and any other metric equivalent; or

"(B) A copy or duplicate of any rifle described in subparagraph (A) of this paragraph, or any other rifle developed and manufactured after the effective date of the Firearms Registration Emergency Amendment Act of 2008, passed on emergency basis on December 16, 2008 (Enrolled version of Bill 17-1073), regardless of caliber, if such rifle is capable of firing a projectile that attains a muzzle energy of 12,000 foot-pounds or greater in any combination of bullet, propellant, case, or primer.".

(3) Paragraph (9) is amended by striking the phrase "any weapon which will, or is designed or redesigned, made or remade, readily converted or restored, and intended to," and inserting the phrase "any weapon, regardless of operability, which will, or is designed or redesigned, made or remade, readily converted, restored, or repaired, or is intended to," in its place.

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

"(9A) "Intrafamily offense" shall have the same meaning as provided in D.C. Official Code § 16-1001(8).".

(5) Paragraph (10) is amended to read as follows:

"(10) "Machine gun" means any firearm which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger. The term "machine gun" shall also include the frame or receiver of any such firearm, any part designed and intended solely and exclusively, or combination of parts designed and intended, for use in converting a firearm into a machine gun, and any combination of parts from which a machine gun can be assembled if such parts are in the possession or under the control of a person.".

(6) Paragraph (12) is amended by striking the word "hand" and inserting the phrase "hand or with a barrel less than 12 inches in length" in its place.

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

"(12A) "Place of business" means a business that is located in an immovable structure at a fixed location and that is operated and owned entirely, or in substantial part, by the firearm registrant.".

(8) Paragraph (15) is amended by striking the phrase "20 inches in length' both times it appears and inserting the phrase "18 inches in length" in its place.

(b) Section 201(b) (D.C. Official Code § 7-2502.01(b)) is amended as follows:

(1) Paragraph (3) is amended by striking the phrase "that such weapon shall be unloaded, securely wrapped, and carried in open view" and inserting the phrase "that such weapon shall be transported in accordance with section 4b of An Act To control the possession, sale, transfer and use of pistols and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of evidence, and for other purposes, passed on emergency basis on December 16, 2008 (Enrolled version of Bill 17-1074); or" in its place.

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

"(4) Any person who temporarily possesses a firearm registered to another person while in the home of the registrant; provided, that the person is not otherwise prohibited from possessing firearms and the person reasonably believes that possession of the firearm is necessary to prevent imminent death or great bodily harm to himself or herself.".

(c) Section 202 (D.C. Official Code § 7-2502.02) is amended as follows:

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

(A) Paragraph (3) is amended by striking the word "or" at the end.

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

"(4) Pistol not validly registered to the current registrant in the District prior to September 24, 1976, except that the prohibition on registering a pistol shall not apply to:

"(A) Any organization that employs at least one commissioned special police officer or other employee licensed to carry a firearm and that arms the employee with a firearm during the employee's duty hours;

"(B) A police officer who has retired from the Metropolitan Police Department; or

"(C) Any person who seeks to register a pistol for use in self-defense within that person's home;".

(C) New paragraphs (5), (6), and (7) are added to read as follows:

"(5) An unsafe firearm prohibited under section 504;

"(6) An assault weapon; or

"(7) A .50 BMG rifle.".

(2) Subsection (b) is repealed.

(d) Section 203 (D.C. Official Code § 7-2502.03) is amended as follows:

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

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

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

(ii) New subparagraphs (C) and (D) are added to read as follows:

"(C) Two or more violations of section 10(b) of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1124; D.C. Official Code § 50-2201.05(b)), or, in any other jurisdiction, any law restricting driving under the influence of alcohol or drugs; or

"(D) Intrafamily offense;"

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

"(6A) Within the 5 years immediately preceding the application, has not had a history of violent behavior.".

(C) Paragraph (10) is amended as follows:

(i) Strike the phrase "and the safe and responsible use of the same

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in accordance with tests and standards" and insert the phrase "and, in particular, the safe and responsible use, handling, and storage of the same in accordance with training, tests, and standards" in its place.

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

(D) Paragraph (11) is amended by striking the period at the end and inserting a semicolon in its place.

(E) New paragraphs (12), (13), and (14) are added to read as follows:

"(12)(A) Has not been the respondent in an intrafamily proceeding in which a civil protection order was issued against the applicant pursuant to D.C. Official Code § 16-1005; provided, that an applicant who has been the subject of such an order shall be eligible for registration if the applicant has submitted to the Chief a certified court record establishing that the order has expired or has been rescinded for a period of 5 years or more; or

"(B) Has not been the respondent in a proceeding in which a foreign protection order, as that term is defined in D.C. Official Code § 16-1041, was issued against the applicant; provided, that an applicant who has been the subject of such an order shall be eligible for registration if the applicant has submitted to the Chief a certified court record establishing that the order has expired or has been rescinded for a period of 5 years;

"(13)(A) Has completed a firearms training or safety course or class conducted by a state-certified firearms instructor or a certified military firearms instructor that provides, at a minimum, a total of at least one hour of firing training at a firing range and a total of at least 4 hours of classroom instruction.

"(B) An affidavit signed by the certified firearms instructor who conducted or taught the course, providing the name, address, and phone number of the instructor and attesting to the successful completion of the course by the applicant shall constitute evidence of certified successful completion under this paragraph.".

"(14) Has not been prohibited from possessing or registering a firearm pursuant to section 209(b).".

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

"(d) The Chief shall require any registered pistol to be submitted for a ballistics identification procedure and shall establish a reasonable fee for the procedure.

"(e) The Chief shall register no more than one pistol per registrant during any 30-day period; provided, that the Chief may permit a person first becoming a District resident to register more than one pistol if those pistols were lawfully owned in another jurisdiction for a period of 6 months prior to the date of the application.".

(e) Section 204 (D.C. Official Code § 7-2502.04) is amended as follows:

(1) Subsection (a) is amended by striking the phrase "5 years" and inserting the phrase "6 years" in its place.

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(2) Subsection (c) is amended by striking the phrase "shall be unloaded and securely wrapped, and carried in open view" and inserting the phrase "shall be transported in accordance with section 4b of An Act To control the possession, sale, transfer and use of pistols and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of evidence, and for other purposes, passed on emergency basis on December 16, 2008 (Enrolled version of Bill 17-1074)," in its place.

(f) Section 205(a) (D.C. Official Code § 7-2502.05(a)) is amended by striking the phrase "section 203" and inserting the phrase "sections 203 or 207a" in its place.

(g) A new section 207a is added to read as follows:

"Sec. 207a. Expiration and renewal of registration certificate.

"(a) Registration certificates shall expire 3 years after the date of issuance unless renewed in accordance with this section for subsequent 3-year periods.

"(b) A registrant shall be eligible for renewal of registration of a firearm if the registrant continues to meet all of the initial registration requirements set forth in section 203 and follows any procedures the Chief may establish by rule.

"(c) For each renewal, a registrant shall submit a statement to the Metropolitan Police Department attesting to:

"(1) Possession of the registered firearm;

"(2) The registrant's address; and

"(3) The registrant's continued compliance with all registration requirements set forth in section 203.

"(d) A registrant shall submit to a background check once every 6 years to confirm that the registrant continues to qualify for registration under section 203.

"(e)(1) The Metropolitan Police Department shall mail a renewal notice to each registrant at least 90 days prior to the expiration of the registration certificate.

"(2) A renewal application shall be received by the Metropolitan Police Department at least 60 days prior to the expiration of the current registration certificate to ensure timely renewal.

"(3) It is the duty of the registrant to timely renew a registration before its expiration date and a failure of the Metropolitan Police Department to mail or the registrant to receive the notice required under paragraph (1) of this subsection shall not prevent a registration from expiring as of that date.

"(f) An applicant for the renewal of a registration certificate may be charged a reasonable fee to cover the administrative costs incurred by the Metropolitan Police Department in connection with the renewal.

"(g) The Chief shall establish, by rule, a method for conducting the renewal of registrations for all firearms registered prior to the effective date of the Firearms Registration Amendment Act of 2008, passed on 2nd reading on December 16, 2008 (Enrolled version of Bill

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17-843) ("Firearms Act"). The renewals of all firearms registered prior to the effective date of the Firearms Act, shall be completed within 3 years of the effective date of the Firearms Act.".

(h) Section 209 (D.C. Official Code § 7-2502.09) is amended as follows:

(1) Designate the existing text as subsection (a).

(2) The newly designated subsection (a) is amended as follows:

(A) Paragraph (2) is amended by adding the word "or" at the end.

(B) Paragraph (3) is amended by striking the phrase "false; or" and inserting the phrase "false." in its place.

(C) Paragraph (4) is repealed.

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

"(b) In addition to any other criminal or civil sanctions that may be imposed, including section 706:

"(1) A registrant shall be subject to a civil fine of $100 for the 1st violation or omission of the duties, obligations, or requirements imposed by section 208.

"(2) A registrant shall be subject to a civil fine of $500 for the 2nd violation or omission of the duties, obligations, or requirements imposed by section 208, a registrant's registration shall be revoked, and the registrant shall be prohibited from possessing or registering any firearm for a period of 5 years.

"(3) A registrant shall be subject to a civil fine of $500 for the 3rd violation or omission of the duties, obligations, or requirements imposed by section 208, a registrant's registration shall be revoked, and the registrant shall be prohibited from possessing or registering any firearm.".

(i) Section 210 (D.C. Official Code § 7-2502.10) is amended as follows:

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

"(a) If it appears to the Chief that an application for a registration certificate should be denied or that a registration certificate should be revoked, the Chief shall notify the applicant or registrant of the proposed denial or revocation, briefly stating the reason or reasons therefor. Service may be made by delivering a copy of the notice to the applicant or registrant personally, or by leaving a copy thereof at the place of residence identified on the application or registration with some person of suitable age and discretion then residing therein, or by mailing a copy of the notice first class mail, postage prepaid, to the residence address identified on the application or certificate. In the case of an organization, service may be made upon the president, chief executive, or other officer, managing agent or person authorized by appointment or law to receive such notice as described in the preceding sentence at the business address of the organization identified in the application or registration certificate. The person serving the notice shall make proof thereof by preparing an affidavit identifying the person served and stating the time, place, and manner of service. The applicant or registrant shall have 15 days from the date the notice is served in which to submit further evidence in support of the application or qualifications to continue to hold a registration certificate, as the case may be; provided, that if

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the applicant does not make such a submission within 15 days from the date of service, the applicant or registrant shall be deemed to have conceded the validity of the reason or reasons stated in the notice, and the denial or revocation shall become final.".

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

"(d) If a firearm is in the possession of the Chief, the Chief may maintain possession of the firearm for which the registrant is temporarily or permanently prohibited from having lawful possession until final disposition of the matter.".

(j) Section 404 (D.C. Official Code § 7-2504.04) is amended as follows:

(1) Subsection (a)(2)(A) is amended by striking the semicolon and inserting the phrase "or of the loss, theft, or destruction of any firearms or ammunition in the dealer's inventory;" in its place.

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

"In addition, the records required by subsection (a) of this section shall be submitted upon demand with the dealer's application for license renewal.".

(k) Section 405 (D.C. Official Code § 7-2504.05) is amended as follows:

(1) Paragraphs (1) and (2) are amended by striking the word "or" at the end.

(2) Paragraph (3) is amended by striking the period and inserting the phrase "; or" in its place.

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

"(4) The license holder no longer meets any of the criteria required by this unit .".

(l) Section 408 (D.C. Official Code § 7-2504.08) is amended as follows:

(1) Designate the existing text as subsection (a).

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

"(b) Beginning on January 1, 2011, no licensee shall sell or offer for sale any semiautomatic pistol manufactured on or after January 1, 2011 that is not microstamp-ready as required by and in accordance with section 503.".

(m) New sections 503 and 504 are added to read as follows:

"Sec. 503. Microstamping.

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

"(1) "Firearms dealer" means a person or organization possessing a dealer's license under authority of Title IV.

"(2) "Manufacturer" means any person in business to manufacture or assemble a firearm, for sale or distribution.

"(3) "Microstamp-ready" means a semiautomatic pistol that is manufactured to produce a unique alpha-numeric or geometric code on at least 2 locations on each expended cartridge case that identifies the make, model, and serial number of the pistol.

"(4) "Semiautomatic pistol" means a pistol capable of utilizing a portion of the energy of a firing cartridge to extract the fired cartridge case and automatically chamber the next

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round, and that requires a separate pull of the trigger to fire each successive round.

"(b) Except as provided in subsection (c) of this section, beginning on January 1, 2011, a semiautomatic pistol shall be microstamp-ready if it is:

"(1) Manufactured in the District of Columbia;

"(2) Manufactured on or after January 1, 2011, and delivered or caused to be delivered by any manufacturer to a firearms dealer in the District of Columbia; or

"(3) Manufactured on or after January 1, 2011, and sold, offered for sale, loaned, given, or transferred by a firearms dealer in the District of Columbia.

"(c)(1) A semiautomatic pistol manufactured after January 1, 2011 that is not microstamp-ready and that was acquired outside of the District by a person who was not a District resident at the time of acquisition but who subsequently moved to the District shall be registered if the requirements of this unit are met, and may be sold, transferred, or given away; provided, that the pistol shall be sold, transferred, or given away only through a firearms dealer.

"(2) If a firearms dealer lawfully acquires a microstamp-ready semiautomatic pistol that was originally purchased by a non-dealer resident of the District of Columbia, the firearms dealer shall not sell, offer for sale, loan, give, or transfer that pistol if he or she knows or reasonably should have known that the unique alphanumeric or geometric code associated with that pistol has been changed, altered, removed, or obliterated, excepting for normal wear.

"(d)(1) Except as provided in paragraph (2) of this subsection, and except for normal wear, no person shall change, alter, remove, or obliterate the unique alpha-numeric or geometric code associated with that pistol.

"(2) Replacing a firing pin that has been damaged or worn and is in need of replacement for the safe use of the semiautomatic pistol or for a legitimate sporting purpose shall not alone be evidence that someone has violated this subsection.

"(e) Beginning January 1, 2011, a manufacturer that delivers a semiautomatic pistol, or causes a semiautomatic pistol to be delivered, to a firearms dealer for sale in the District of Columbia shall certify whether the pistol was manufactured on or after January 1, 2011 and, if it was, that:

"(1) The semiautomatic pistol will produce a unique alpha-numeric code or a geometric code on each cartridge case that identifies the make, model, and serial number of the semiautomatic pistol that expended the cartridge casing; and

"(2) The manufacturer will supply the Chief with the make, model, and serial number of the semiautomatic pistol that expended the cartridge case, when presented with an alpha-numeric or geometric code from a cartridge case; provided, that the cartridge case was recovered as part of a legitimate law enforcement investigation.

"(f) The Chief, 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 section.

"Sec. 504. Prohibition on sale, transfer, ownership, or possession of designated unsafe

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pistol.

"(a) Except as provided in subsections (c), (d), or (e) of this section, beginning January 1, 2009, a pistol that is not on the California Roster of Handguns Certified for Sale, (also known as the California Roster of Handguns Determined Not to be Unsafe), pursuant to California Penal Code § 12131, as of January 1, 2009, may not be manufactured, sold, given, loaned, exposed for sale, transferred, or imported into the District of Columbia.

"(b) Except as provided in subsection (e) of this section, beginning January 1, 2009, a pistol that is not on the California Roster of Handguns Certified for Sale as of January 1, 2009, may not be owned or possessed within the District of Columbia unless that pistol was lawfully owned and registered prior to January 1, 2009.

"(c) Except as provided in subsection (e) of this section, a District of Columbia resident who is the owner of a pistol lawfully registered prior to January 1, 2009, that is not on the California Roster of Handguns Certified for Sale as of January 1, 2009, and who wishes to sell or transfer that pistol after January 1, 2009, may do so only by selling or transferring ownership of the handgun to a licensed firearm dealer.

"(d) Except as provided in subsection (e) of this section, beginning January 1, 2009, a licensed firearm dealer who retains in the dealer's inventory, or who otherwise lawfully acquires, any pistol not on the California Roster of Handguns Certified for Sale as of January 1, 2009, may sell, loan, give, trade, or otherwise transfer the firearm only to another licensed firearm dealer.

"(e) This section shall not apply to:

"(1) Firearms defined as curios or relics, as defined in 27 C.F.R. § 478.11;

"(2) The purchase of any firearm by any law enforcement officer or agent of the District or the United States.

"(3) Pistols that are designed expressly for use in Olympic target shooting events, as defined by rule;

"(4) Certain single-action revolvers, as defined by rule;

"(5) The sale, loan, or transfer of any firearm that is to be used solely as a prop during the course of a motion picture, television, or video production by an authorized participant in the course of making that production or event or by an authorized employee or agent of the entity producing that production or event;

"(6) The temporary transfer of a lawfully owned and registered firearm for the purposes of cleaning, repair, or servicing of the firearm by a licensed firearm dealer; or

"(7) The possession of a firearm by a non-resident of the District of Columbia while temporarily traveling through the District; provided, that the firearm shall be transported in accordance with section 4b of An Act To control the possession, sale, transfer and use of pistols and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of evidence, and for other purposes, passed on emergency basis on December 16, 2008 (Enrolled version of Bill 17-1074).

"(f) The Chief shall review any additions or deletions to the California Roster of

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Handguns Certified for Sale at least annually. For purposes of District law, the Chief is authorized to revise, by rule, the roster of handguns determined not to be unsafe prescribed by subsection (a) of this section and to prescribe by rule the firearms permissible pursuant to subsection (e) of this section.

"(g) The Chief shall provide to the licensed firearm dealers within the District information about how to obtain a copy of the California Roster of Handguns Certified for Sale and any revisions to it made the Chief.

(n) Section 601 (D.C. Official Code § 7-2506.01) is amended as follows:

(1) Designate the existing text as subsection (a).

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

"(b) No person in the District shall possess, sell, or transfer any large capacity ammunition feeding device regardless of whether the device is attached to a firearm. For the purposes of this subsection, the term "large capacity ammunition feeding device" means a magazine, belt, drum, feed strip, or similar device that has a capacity of, or that can be readily restored or converted to accept, more than 10 rounds of ammunition. The term "large capacity ammunition feeding device" shall not include an attached tubular device designed to accept, and capable of operating only with, .22 caliber rimfire ammunition.".

(o) Section 702 (D.C. Official Code § 7-2507.02) is amended to read as follows:

"Sec. 702. Responsibilities regarding storage of firearms.

"(a) It shall be the policy of the District of Columbia that each registrant should keep any firearm in his or her possession unloaded and either disassembled or secured by a trigger lock, gun safe, locked box, or other secure device.

"(b) No person shall store or keep any firearm on any premises under his control if he knows or reasonably should know that a minor is likely to gain access to the firearm without the permission of the parent or guardian of the minor unless such person:

"(1) Keeps the firearm in a securely locked box, secured container, or in a location which a reasonable person would believe to be secure; or

"(2) Carries the firearm on his person or within such close proximity that he can readily retrieve and use it as if he carried it on his person.

"(c)(1) A person who violates subsection (b) of this section is guilty of criminally negligent storage of a firearm and, except as provided in paragraph (2) of this subsection, shall be fined not more than $1,000, imprisoned not more than 180 days, or both.

"(2) A person who violates subsection (b) of this section and the minor causes injury or death to himself or another shall be fined not more than $5,000, imprisoned not more than 5 years, or both.

"(3) The provisions of paragraphs (1) and (2) of this subsection shall not apply if the minor obtains the firearm as a result of an unlawful entry or burglary to any premises by any person.

"(d) For the purposes of this section, the term "minor" shall mean a person under

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the age of 18 years.".

(p) Section 705(a) (D.C. Official Code § 7-2507.05(a)) is amended by striking the phrase "shall be unloaded and securely wrapped in a package" and inserting the phrase "shall be transported in accordance with section 4b of An Act To control the possession, sale, transfer and use of pistols and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of evidence, and for other purposes, passed on emergency basis on December 16, 2008 (Enrolled version of Bill 17-1074)," in its place.

(q) A new section 712 is added to read as follows:

"Sec. 712. Rules.

"The Chief, 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 unit.".

Sec. 4. Section 3(1) of the Assault Weapon Manufacturing Strict Liability Act of 1990, effective March 6, 1991 (D.C. Law 8-263; D.C. Official Code § 7-2551.01(1)), is amended to read as follows:

"(1) "Assault weapon" shall have the same meaning as provided in section 101(3A) of the Firearms Control Regulations Act of 1975, effective September 24, 1976 (D.C. Law 1-85; D.C. Official Code § 7-2501.01(3A)).".

Sec. 5. Savings clause.

Nothing in section 2 shall affect any action, proceeding, or prosecution commenced before September 16, 2008. Any such action, proceeding, or prosecution shall continue, or may be enforced, in the same manner and to the same extent as if the amendments made by that section had not been made.

Sec. 6. Repealer.

The Second Firearms Control Congressional Review Emergency Amendment Act of 2008, effective December 12, 2008 (D.C. Act 127-601; 55 DCR ____), is repealed.

Sec. 7. Fiscal impact statement.

The Council adopts the December 16, 2008 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, 1974 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 8. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), 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
January 6, 2009

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AN ACT

D.C. ACT 17-652

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 6, 2009

To amend, on an emergency basis, An Act To control the possession, sale, transfer and use of pistols and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of evidence, and for other purposes to change the definitions for the terms firearm, machine gun, pistol, and sawed-off shotgun, to provide definitions for the terms shotgun and place of business, to make discharging a weapon without a permit from the Chief of Police a misdemeanor offense, to provide that the District and private persons may prohibit or restrict the possession of firearms on their property, to prohibit carrying rifles and shotguns in the District except in limited circumstances and to provide penalties for violations of the prohibition that are equivalent to those for unlawfully carrying a pistol, to allow for the transportation of firearms in limited circumstances and in a prescribed manner, to repeal the authority of the Chief of Police to issue licenses for the carrying of pistols, and to change the waiting period for delivery of a purchased pistol from 2 to 10 days; and to provide a savings clause for actions, proceedings, and prosecutions commenced before amendments made by this act.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Inoperable Pistol Emergency Amendment Act of 2008".

Sec. 2. An Act To control the possession, sale, transfer and use of pistols and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of evidence, and for other purposes, approved July 8, 1932 (47 Stat. 650; D.C. Official Code § 22-4501.01 *et seq.*), is amended as follows:

(a) Section 1 (D.C. Official Code § 22-4501) is amended as follows:

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

"(2A) "Firearm" means any weapon, regardless of operability, which will, or is designed or redesigned, made or remade, readily converted, restored, or repaired, or is intended to, expel a projectile or projectiles by the action of an explosive. The term "firearm" shall not include:

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"(1) A destructive device as that term is defined in section 101(7) of the Firearms Control Regulations Act of 1975, effective September 24, 1976 (D.C. Law 1-85; D.C. Official Code § 7-2501.01(7));

"(2) A device used exclusively for line throwing, signaling, or safety, and required or recommended by the Coast Guard or Interstate Commerce Commission; or

"(3) A device used exclusively for firing explosive rivets, stud cartridges, or similar industrial ammunition and incapable for use as a weapon.".

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

"(4) "Machine gun" shall have the same meaning as provided in section 101(10) of the Firearms Control Regulations Act of 1975, effective September 24, 1976 (D.C. Law 1-85; D.C. Official Code § 7-2501.01(10)).".

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

"(6) "Pistol" shall have the same meaning as provided in section 101(12) of the Firearms Control Regulations Act of 1975, effective September 24, 1976 (D.C. Law 1-85; D.C. Official Code § 7-2501.01(12)).".

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

"(6A) "Place of business" shall have the same meaning as provided in section 101(12A) of the Firearms Control Regulations Act of 1975, effective September 24, 1976 (D.C. Law 1-85; D.C. Official Code § 7-2501.01(12A)).".

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

"(7A) "Registrant" means a person who has registered a firearm pursuant to the Firearms Control Regulations Act of 1975, effective September 24, 1976 (D.C. Law 1-85; D.C. Official Code § 7-2501.01 *et seq.*).".

(6) Paragraph (8) is amended to read as follows:

"(8) "Sawed-off shotgun" shall have the same meaning as provided in section 101(15) of the Firearms Control Regulations Act of 1975, effective September 24, 1976 (D.C. Law 1-85; D.C. Official Code § 7-2501.01(15)).".

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

"(9A) "Shotgun" shall have the same meaning as provided in section 101(16) of the Firearms Control Regulations Act of 1975, effective September 24, 1976 (D.C. Law 1-85; D.C. Official Code § 7-2501.01(16)).".

(b) New sections 3a and 3b are added to read as follows:

" Sec. 3a. Unlawful discharge of a firearm.

"Except as otherwise permitted by law, including legitimate self-defense, no firearm shall be discharged or set off in the District of Columbia without a special written permit from the Chief of Police issued pursuant to Section 1 of Article 9 of the Police Regulations of the District of Columbia, effective September 29, 1964 (C.O. 64-1397F; 24 DCMR § 2300.1).

"Sec. 3b. Prohibition of firearms from public or private property.

"(a) The District of Columbia may prohibit or restrict the possession of firearms on its

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property and any property under its control.

"(b) Private persons or entities owning property in the District of Columbia may prohibit or restrict the possession of firearms on their property; provided, that this subsection shall not apply to law enforcement personnel when lawfully authorized to enter onto private property.".

(c) Section 4 (D.C. Official Code § 22-4504) is amended by adding a new subsection (a-1) to read as follows:

"(a-1) Except as otherwise permitted by law, no person shall carry within the District of Columbia a rifle or shotgun. A person who violates this subsection shall be subject to the criminal penalties set forth in subsection (a)(1) and (2) of this section.".

(d) New sections 4a and 4b are added to read as follows:

"Sec. 4a. Authority to carry firearm in certain places and for certain purposes.

"Notwithstanding any other law, a person holding a valid registration for a firearm may carry the firearm:

"(1) Within the registrant's home;

"(2) While it is being used for lawful recreational purposes;

"(3) While it is kept at the registrant's place of business; or

"(4) While it is being transported for a lawful purpose as expressly authorized by District or federal statute and in accordance with the requirements of that statute.

"Sec. 4b. Lawful transportation of firearms.

"(a) Any person who is not otherwise prohibited by the law from transporting, shipping, or receiving a firearm shall be permitted to transport a firearm for any lawful purpose from any place where he may lawfully possess and carry the firearm to any other place where he may lawfully possess and carry the firearm if, during transportation, the firearm is unloaded, and neither the firearm nor any ammunition being transported is readily accessible or is directly accessible from the passenger compartment of the transporting vehicle.

"(b) If the transporting vehicle does not have a compartment separate from the driver's compartment, the firearm or ammunition shall be contained in a locked container other than the glove compartment or console, and the firearm shall be unloaded.

"(c) If the transportation is in a manner other than in a vehicle, the firearm shall be:

"(1) Unloaded;

"(2) Inside a locked container; and

"(3) Separate from any ammunition.".

(e) Section 5(a) (D.C. Official Code § 22-4505(a)) is amended by striking the phrase "pistol unloaded and in a secure wrapper from" and inserting the phrase "pistol, transported in accordance with section 4b, from" in its place.

(f) Section 6 (D.C. Official Code § 22-4506) is repealed.

(g) Section 8 (D.C. Official Code § 22-4508) is amended as follows;

(1) Strike the word "pistol" wherever it appears and insert the word "firearm" in its place.

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(2) Strike the phrase "48 hours" and insert the phrase "10 days" in its place.

(3) Strike the phrase "shall be securely wrapped and shall be unloaded" and insert the phrase "shall be transported in accordance with section 4b" in its place.

(h) Section 13 (D.C. Official Code § 22-4513) is amended by strike the phrase "section 2 and section 14(b)" and inserting the phrase "sections 2, 4(b), and 14(b)" in its place.

Sec. 3. Savings clause.

Nothing in section 2 shall affect any action, proceeding, or prosecution commenced before September 16, 2008. Any such action, proceeding, or prosecution shall continue, or may be enforced, in the same manner and to the same extent as if the amendment made by that section had not been made.

Sec. 4. Fiscal impact statement.

The Council adopts the December 8, 2008 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.

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)).

Vincent C Gray

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
January 6, 2009

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-653

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 6, 2009

To order, on an emergency basis, the closing of a public alley in Square 617, bounded by North Capitol Street, N.W., N Street, N.W., O Street, N.W. and 1st Street, N.W., in Ward 5.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Closing of a Public Alley in Square 617, S.O. 07-9709, Emergency Act of 2008".

Sec. 2. Pursuant to section 201 of the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code § 9-202.01), the Council finds that the portion of the public alley in Square 617, as shown on the Surveyor's plat filed under S.O. 07-9709, 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 set forth in the official file of S.O. 07-9709.

Sec. 3. Transmittal.

The Secretary to the Council shall transmit a copy of this act, upon its effective date, to the Office of the Surveyor and the Officer of the Recorder of Deeds.

Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

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

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

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
January 6, 2009

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-654

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 6, 2009

Codification District of Columbia Official Code

2001 Edition

2009 Winter Supp.

West Group Publisher

To amend, on an emergency basis, Chapter 18 of Title 47 of the District of Columbia Official Code to provide a tax credit, subject to certain limitations, equal to 10% of the wages paid by an employer to a qualified veteran during the first 24 calendar months in which the employer employs the qualified veteran.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Employment of Returning Veteran's Tax Credit Emergency Act of 2008".

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

(a) The table of contents for Chapter 18 is amended as follows:

(1) Add the phrase "47-1806.12. Tax credit for hiring qualified veterans." after the phrase "47-1806.11. Tax on residents and nonresidents - Credits - energy conservation credit. Repealed.".

(2) Add the phrase "47-1807.09. Tax credit for hiring qualified veterans." after the phrase "47-1807.08. Tax credit for unincorporated businesses that provide an employee paid leave to serve as an organ or bone marrow donor.".

(3) Add the phrase "47-1808.09. Tax credit for hiring qualified veterans." after the phrase "47-1808.08. Tax credit for corporations that provide an employee paid leave to serve as an organ or bone marrow donor.".

(b) A new section 47-1806.12 is added to read as follows:

"§ 47-1806.12. Tax credit for hiring qualified veterans.

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

"(1) "Armed Forces" shall include any branch of the United States Military, including the Army, Navy, Marines, Air Force, Coast Guard, or any National Guard or reserve deployment lasting 6 continuous months or longer.

"(2) "Qualified veteran" means an individual subject to the District's personal income tax who:

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"(A) Has previously served in a branch of the Armed Forces and who was honorably or generally discharged;

"(B) Is not currently employed in a facility owned or operated by the District business with an exemption under § 47-4605;

"(C) Is hired to fill a position of indefinite duration consisting of a minimum of 35 hours per week for not less than 48 weeks per year;

"(D) Is hired within 5 years after being discharged from the Armed Forces or within 2 years of a continuous 6-month National Guard deployment;

"(E) Is a District resident at the time of hiring and maintains District residency for the duration of the 2-year tax credit period; and

"(F) Is not currently employed in a facility owned or operated by the District business seeking the tax credit under this section.

"(b) For taxable years beginning on or after January 1, 2009, an employer shall be allowed a credit against the tax imposed by § 47-1806.03 in an amount equal to 10% of the wages paid by the employer to a qualified veteran during the first 24 calendar months in which the employer employs the qualified veteran. The credit under this section shall not exceed $5,000 in the aggregate for each qualified veteran who is employed.

"(c) The maximum annual credit allowed under this section shall not exceed the lesser of:

"(1) Ten percent of the wages paid to a qualified veteran during the tax year in which the credit is claimed;

"(2) The total income taxes imposed on the business during the tax year in which the credit is sought; or

"(3) A total of $2,500 for each qualified veteran.

"(d) The credit under subsection (b) of this section shall not be valid:

"(1) For any wages paid in a calendar month in which the employer has not employed the qualified veteran for at least 90 hours;

"(2) If the employer pays the qualified veteran less than the greater of the legal minimum wage or the wage the employer pays other employees in similar jobs;

"(3) If the employer accords the qualified veteran lesser benefits or rights than the employer accords other employees in similar jobs;

"(4) If the qualified veteran was employed as the result of the displacement, other than for cause, of another employee, or as the result of a strike or lockout, a layoff in which other employees are awaiting recall, or a reduction of the regular wages, benefits, or rights of other employees in similar jobs;

"(5) If the employer does not meet, with respect to the employment of the qualified veteran, all federal and District laws and regulations, including those concerning health, safety, child labor, work/hour, and equal employment opportunity;

"(6) If the qualified veteran is a member of the board of directors of the business, directly or indirectly owns a majority of its stock, or is related to a member of the board of

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directors or a majority stockholder as a spouse or as any relative listed in the definition of dependent in section 152 of the Internal Revenue Code of 1986 without regard to source of income; or

"(7) If the qualified veteran moves his or her residence outside the District of Columbia during the 24-month period.".

(c) A new section 47-1807.09 is added to read as follows:

"§ 47-1807.09. Tax credit for hiring qualified veterans.

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

"(1) "Armed Forces" shall include any branch of the United States Military, including the Army, Navy, Marines, Air Force, Coast Guard, or any National Guard or reserve deployment lasting 6 continuous months or longer.

"(2) "Qualified veteran" means an individual subject to the District's personal income tax who:

"(A) Has previously served in a branch of the Armed Forces and who was honorably or generally discharged;

"(B) Is not currently employed in a facility owned or operated by the District business with an exemption under § 47-4605;

"(C) Is hired to fill a position of indefinite duration consisting of a minimum of 35 hours per week for not less than 48 weeks per year;

"(D) Is hired within 5 years after being discharged from the Armed Forces or within 2 years of a continuous 6-month National Guard deployment;

"(E) Is a District resident at the time of hiring and maintains District residency for the duration of the 2-year tax credit period; and

"(F) Is not currently employed in a facility owned or operated by the District business seeking the tax credit under this section.

"(b) For taxable years beginning on or after January 1, 2009, an employer shall be allowed a credit against the tax imposed by § 47-1807.02 in an amount equal to 10% of the wages paid by the employer to a qualified veteran during the first 24 calendar months in which the employer employs the qualified veteran. The credit under this section shall not exceed $5,000 in the aggregate for each qualified veteran who is employed.

"(c) The maximum annual credit allowed under this section shall not exceed the lesser of:

"(1) Ten percent of the wages paid to a qualified veteran during the tax year in which the credit is claimed;

"(2) The total income taxes imposed on the business during the tax year in which the credit is sought; or

"(3) A total of $2,500 for each eligible veteran.

"(d) The credit under subsection (b) of this section shall not be valid:

"(1) For any wages paid in a calendar month in which the employer has not employed the qualified veteran for at least 90 hours;

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"(2) If the employer pays the qualified veteran less than the greater of the legal minimum wage or the wage the employer pays other employees in similar jobs;

"(3) If the employer accords the qualified veteran lesser benefits or rights than the enployer accords other employees in similar jobs;

"(4) If the qualified veteran was employed as the result of the displacement, other than for cause, of another employee, or as the result of a strike or lockout, a layoff in which other employees are awaiting recall, or a reduction of the regular wages, benefits, or rights of other employees in similar jobs;

"(5) If the employer does not meet, with respect to the employment of the qualified veteran, all federal and District laws and regulations, including those concerning health, safety, child labor, work/hour, and equal employment opportunity;

"(6) If the qualified veteran is a member of the board of directors of the business, directly or indirectly owns a majority of its stock, or is related to a member of the board of directors or a majority stockholder as a spouse or as any relative listed in the definition of dependent in section 152 of the Internal Revenue Code of 1986 without regard to source of income; or

"(7) If the qualified veteran moves his or her residence outside the District of Columbia during the 24-month period.".

(d) A new section 47-1808.09 is added to read as follows:

"§ 47-1808.09. Tax credit for hiring qualified veterans.

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

"(1) "Armed Forces" shall include any branch of the United States Military, including the Army, Navy, Marines, Air Force, Coast Guard, or any National Guard or reserve deployment lasting 6 continuous months or longer.

"(2) "Qualified veteran" means an individual subject to the District's personal income tax who:

"(A) Has previously served in a branch of the Armed Forces and who was honorably or generally discharged;

"(B) Is not currently employed in a facility owned or operated by the District business with an exemption under § 47-4605;

"(C) Is hired to fill a position of indefinite duration consisting of a minimum of 35 hours per week for not less than 48 weeks per year;

"(D) Is hired within 5 years after being discharged from the Armed Forces or within 2 years of a continuous 6-month National Guard deployment;

"(E) Is a District resident at the time of hiring and maintains District residency for the duration of the 2-year tax credit period; and

"(F) Is not currently employed in a facility owned or operated by the District business seeking the tax credit under this section.

"(b) For taxable years beginning on or after January 1, 2009, an employer shall be allowed a credit against the tax imposed by § 47-1808.03 in an amount equal to 10% of the

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wages paid by the employer to a qualified veteran during the first 24 calendar months in which the employer employs the qualified veteran. The credit under this section shall not exceed $5,000 in the aggregate for each qualified veteran who is employed.

"(c) The maximum annual credit allowed under this section shall not exceed the lesser of:

"(1) Ten percent of the wages paid to a qualified veteran during the tax year in which the credit is claimed;

"(2) The total income taxes imposed on the business during the tax year in which the credit is sought; or

"(3) A total of $2,500 for each eligible veteran.

"(d) The credit under subsection (b) of this section shall not be valid:

"(1) For any wages paid in a calendar month in which the employer has not employed the qualified veteran for at least 90 hours;

"(2) If the employer pays the qualified veteran less than the greater of the legal minimum wage or the wage the employer pays other employees in similar jobs;

"(3) If the employer accords the qualified veteran lesser benefits or rights than the employer accords other employees in similar jobs;

"(4) If the qualified veteran was employed as the result of the displacement, other than for cause, of another employee, or as the result of a strike or lockout, a layoff in which other employees are awaiting recall, or a reduction of the regular wages, benefits, or rights of other employees in similar jobs;

"(5) If the employer does not meet, with respect to the employment of the qualified veteran, all federal and District laws and regulations, including those concerning health, safety, child labor, work/hour, and equal employment opportunity;

"(6) If the qualified veteran is a member of the board of directors of the business, directly or indirectly owns a majority of its stock, or is related to a member of the board of directors or a majority stockholder as a spouse or as any relative listed in the definition of dependent in section 152 of the Internal Revenue Code of 1986 without regard to source of income; or

"(7) If the qualified veteran moves his or her residence outside the District of Columbia during the 24 month period.".

Sec. 3. Applicability.

This act shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan.

Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Chief Financial Officer, dated December 16, 2008, 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 §

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1-206.02(c)(3)).

Sec. 5. Effective date.

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

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
January 6, 2009

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-655

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 6, 2009

Codification District of Columbia Official Code

2001 Edition

2009 Summer Supp.

West Group Publisher

To require the divestment, and prohibit the investment, of public funds in the stocks, securities, or other obligations of certain companies which do business with the government of Iran and to provide for the identification of companies doing business with the Government of Iran; and to amend the Prohibition on the Investment of Public Funds in Certain Companies Doing Business with the Government of Sudan Act of 2007 to make conforming amendments.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Prohibition of the Investment of Public Funds in Certain Companies Doing Business with the Government of Iran and Sudan Divestment Conformity Act of 2008".

TITLE I. PROHIBITION OF THE INVESTMENT OF PUBLIC FUNDS IN CERTAIN COMPANIES DOING BUSINESS WITH THE GOVERNMENT OF IRAN ACT OF 2008.

Sec. 101. Definitions.

For the purposes of this title, the term:

(1) "Company" means any sole proprietorship, organization, association, corporation, partnership, joint venture, limited partnership, limited liability partnership, limited liability company, or other entity or business association that exists for the purpose of making profit.

(2) "Direct holdings" in a company means all securities of the company that are held directly by the public fund or in an account or fund in which the public fund owns all shares or interests.

(3) "Government of Iran" means the government of Iran, its instrumentalities, and companies owned or controlled by the government of Iran.

(4) "Inactive business activities" means the mere continued holding or renewal of rights to property previously operated for the purpose of generating revenues but not presently deployed for such purpose.

(5) "Indirect holdings" in a company means all securities of the company that are held in an account or fund, such as a mutual fund, managed by one or more persons not

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employed by the public fund, in which the public fund owns shares or interests together with other investors not subject to the provisions of this title.

(6) "Iran" means the Islamic Republic of Iran.

(7) "Petroleum resources" means petroleum or natural gas.

(8) "Public fund" means the assets of the District of Columbia Retirement Board.

(9) "Scrutinized business activities" means business activities that have resulted in a company becoming a scrutinized company.

(10) "Scrutinized company" means any company that, with actual knowledge, on or after August 5, 1996, has made an investment of $20 million or more in Iran's petroleum sector which directly or significantly contributes to the enhancement of Iran's ability to develop the petroleum resources of Iran.

(11) "Substantial action specific to Iran" means adopting, publicizing, and implementing a formal plan to cease scrutinized business activities within one year and to refrain from any such new business activities.

Sec. 102. Identification of companies.

(a) Within 90 days after the effective date of this act, the public fund shall make its best efforts to identify all scrutinized companies in which the public fund has direct or indirect holdings. Such efforts shall include reviewing and relying, as appropriate in the public fund's judgment, on publicly available information regarding companies that have invested more than $20 million in any given year since August 5, 1996 in Iran's petroleum energy sector, including information provided by nonprofit organizations, research firms, international organizations, and government entities.

(b) On or before the 1st meeting of the public fund held 90 days after the effective date of this act, the public fund shall compile a list of all scrutinized companies entitled "Scrutinized Companies With Activities in the Iran Petroleum Energy Sector List."

(c) The public fund shall update and make publicly available annually the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List.

Sec. 103. Required actions.

(a) For each scrutinized company on the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List:

(1)(A)(i) For each company in which the public fund has direct holdings newly identified under section 102, the public fund shall send a written notice informing the company of its scrutinized company status and that it may become subject to divestment by the public fund.

(ii) The notice shall inform the company of the opportunity to clarify its Iran-related activities and encourage the company, within 90 days, to cease its scrutinized business activities or convert such activities to inactive business activities to avoid

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qualifying for divestment by the public fund. The notice shall be sent no later than 135 days after the company is placed on the list.

(B) If, within 90 days after the public fund's notice to a company pursuant to this paragraph, the company announces by public disclosure substantial action specific to Iran, the public fund may maintain its direct holdings, but the company shall remain on the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List pending completion of its cessation of scrutinized business activities.

(2)(A) If, after 90 days following the public fund's 1st notice to a company pursuant to paragraph (1) of this subsection, the company has not announced by public disclosure substantial action specific to Iran, or the public fund determines or becomes aware that the company continues to have scrutinized business activities, the public fund, within 8 months after the expiration of such 90-day period, shall sell, redeem, divest, or withdraw all publicly-traded securities of the company from the public fund's direct holdings.

(B) If the public fund determines or becomes aware that a company that ceased scrutinized business activities following engagement pursuant to paragraph (1) of this subsection has resumed such activities, the public fund shall:

(i) Send a written notice to the company as required under paragraph (1)(A)(ii) of this subsection;

(ii) Add the company to the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List; and

(iii) Sell, redeem, divest, or withdraw as may be required by subparagraph (A) of this paragraph.

(C) The public fund shall monitor the scrutinized company that has announced by public disclosure substantial action specific to Iran. If, after one year, the public fund determines or becomes aware that the company has not implemented such substantial action, within 3 months after the expiration of such one-year period, the public fund shall sell, redeem, divest, or withdraw all publicly-traded securities of the company from the public fund's direct holdings, and the company also shall be immediately reintroduced onto the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List.

(b) The public fund shall not acquire securities of companies on the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List.

(c) Notwithstanding the provisions of this title, subsection (a)(2) of this section shall not apply to the public fund's indirect holdings; provided, that the public fund shall submit letters to the managers of any managed investment funds containing companies on the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List that they consider removing such companies from the fund or create a similar actively-managed fund having indirect holdings devoid of such companies. If the manager creates a similar fund without such securities or if such funds are created elsewhere, the District of Columbia Retirement Board shall determine within 6 months whether to replace all applicable investments with investments in the similar fund in an expedited time period consistent with prudent investing standards. For

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the purposes of this section, a private equity fund shall be deemed to be an actively-managed investment fund.

(d) The District of Columbia Retirement Board shall comply with the requirements of this title only to the extent consistent with:

(1) Its fiduciary duties under the District of Columbia Retirement Reform Act of 1979, approved November 17, 1979 (93 Stat. 866; D.C. Official Code § 1-701 *et seq.)*, and the Police Officers, Fire Fighters, and Teachers Retirement Benefit Replacement Plan Act of 1998, effective September 18, 1998 (D.C. Law 12-152; D.C. Official Code § 1-901.01 *et seq.)*; and

(2) Section 5 of the Sudan Accountability and Divestment Act of 2007, approved December 31, 2007 (121 Stat. 2516; 50 U.S.C. § 1701, note).

Sec. 104. Reporting.

(a) The public fund shall send a report to each member of the District of Columbia Retirement Board, the Council, and the Mayor that includes the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List within 30 days after the list is created. The report shall be made available to the public.

(b) Annually thereafter, the public fund shall send a publicly available report to the Council and the Mayor that includes:

(1) All investments sold, redeemed, divested, or withdrawn in compliance with section 103(a);

(2) All prohibited investments under section 103(b);

(3) Any progress made under section 103(e);

(4) A list of all publicly-traded securities held directly by the public fund; and

(5) A list of any investments held by the public fund that would have been divested under section 103(a), but for section 103(d), including a statement of the reasons why a sale or transfer of the investments is inconsistent with the fiduciary responsibilities of the District of Columbia Retirement Board, and the circumstances under which the District of Columbia Retirement Board anticipates that it will sell, transfer, or reduce the investments.

Sec. 105. Liability.

Present, future, and former District of Columbia Retirement Board members and employees shall be indemnified by the District of Columbia from all claims and liability, including court costs and attorney's fees, because of any action taken pursuant to this title.

Sec. 106. Sunset.

This title shall expire upon the occurrence of any of the following:

(1) The Congress or President of the United States unambiguously states, by means including legislation, executive order, or written certification from the President to Congress, that the government of Iran has ceased to pursue the capabilities to develop nuclear weapons and support international terrorism;

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(2) The United States revokes all sanctions imposed against the government of Iran; or

(3) The Congress or President of the United States affirmatively and unambiguously declares, by means including legislation, executive order, or written certification from the President to Congress, that mandatory divestment of the type provided for in this act interferes with the conduct of United States foreign policy.

TITLE II. PROHIBITION OF THE INVESTMENT OF PUBLIC FUNDS IN CERTAIN COMPANIES DOING BUSINESS WITH THE GOVERNMENT OF SUDAN CONFORMING AMENDMENTS ACT OF 2008.

Sec. 201. The Prohibition on the Investment of Public Funds in Certain Companies Doing Business with the Government of Sudan Act of 2007, effective February 2, 2008 (D.C. Law 17-106; D.C. Official Code § 1-335.01 *et seq.),* is amended as follows:

(a) Section 4 (D.C. Official Code § 1-335.03) is amended as follows: **Amend § 1-335.03**

(1) Subsection (a) is amended by striking the phrase "(c) and (d)" and inserting the phrase "(c), (d), and (e)" in its place.

(2) Subsection (b) is amended by striking the phrase "(c) and (d)" and inserting the phrase "(c), (d), and (e)" in its place.

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

"(e) Notwithstanding the foregoing, the District of Columbia Retirement Board shall comply with the requirements of this act only to the extent consistent with:

"(1) Its fiduciary duties under the District of Columbia Retirement Reform Act of 1979, approved November 17, 1979 (93 Stat. 866; D.C. Official Code § 1-701 *et seq.*), and the Police Officers, Fire Fighters, and Teachers Retirement Benefit Replacement Plan Act of 1998, effective September 18, 1998 (D.C. Law 12-152; D.C. Official Code § 1-901.01 *et seq.*); and

"(2) Section 5 of the Sudan Accountability and Divestment Act of 2007, approved December 31, 2007 (121 Stat. 2516; 50 U.S.C. § 1701, note).".

(b) Section 5(b) (D.C. Official Code § 1-335.04(b) is amended as follows: **Amend § 1-335.04**

(1) Paragraph (2) is amended by striking the word "and".

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

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

"(4) A list of any investments held by the Public Fund that would have been divested under section 4 but for section 4(e), including a statement of the reasons why a sale or transfer of the investments is inconsistent with the fiduciary responsibilities of the District of Columbia Retirement Board and the circumstances under which the District of Columbia Retirement Board anticipates that it will sell, transfer, or reduce the investment.".

(c) Section 6 (D.C. Official Code § 1-335.05) is amended to read as follows: **Amend § 1-335.05**

"Sec. 6. Indemnification.

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"Present, future, and former District of Columbia Retirement Board members and employees shall be indemnified by the District of Columbia from all claims and liability, including court costs and attorney's fees, because of any action taken pursuant to this act.".

TITLE III. APPLICABILITY.

Sec. 301. Applicability.

This act shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan.

TITLE IV. FISCAL IMPACT STATEMENT.

Sec. 401. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Chief Financial Officer, dated December 16, 2008, as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

TITLE V. EFFECTIVE DATE.

Sec. 501. 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.

Vincent C. Orange

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
January 6, 2009

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-656

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 6, 2009

Codification District of Columbia Official Code

2001 Edition

2009 Summer Supp.

West Group Publisher

To amend Chapter 10 of Title 47 of the District of Columbia Official Code to exempt from taxation certain real property located on federal property in the District of Columbia and used by the United States Department of the Air Force; and to provide equitable real property tax relief for the real property.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Bolling Air Force Base Military Housing Real Property Tax Exemption and Equitable Tax Relief Act of 2008".

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 to read as follows:

"47-1080. Bolling Air Force Base housing.".

New Section § 47-1080

(b) A new section 47-1080 is added to read as follows:

"§ 47-1080. Bolling Air Force Base housing.

"(a) The real property, located in Square 6072, or otherwise at the Bolling Air Force Base, together with the improvements thereon, and any future improvements constructed thereon, shall be exempt from all taxation, including ordinary and special taxes and use or possessory interest taxes, on real property or the use thereof, so long as the property is used for the purposes of housing military personnel or their families, as contemplated by 10 U.S.C. §§ 2871 through 2885, subject to the provisions of §§ 47-1005, 47-1007, and 47-1009.

"(b) The following shall be exempt from all transfer and recordation taxes of, or imposed by, the District:

"(1) The transfer of a leasehold or fee interest in the property, or the improvements thereon, from the United States of America, or any branch of the United States military;

"(2) The recordation of any lease, deed, deed of trust, other security instrument,

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or financing used for the improvement or construction of military housing and related facilities; and

"(3) The transfer from any entity to the United States government, or any branch of the United States military.".

Sec. 3. Equitable real property tax relief.

Real property taxes, recordation or transfer taxes, interest, penalties, fees, and other related charges assessed against said real property in Square 6072, located on Bolling Air Force Base, for the period of October 1, 2007, through March 31, 2009, shall be forgiven, and any payments made for this period shall be refunded.

Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

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

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
January 6, 2009

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-657

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANAURY 6, 2009

Codification District of Columbia Official Code

2001 Edition

2009 Summer Supp.

West Group Publisher

To amend the Washington Convention Center Authority Act of 1994 to reinsert lease provisions for the new convention center hotel, to authorize the grant of easements to and the use by the new convention center hotel of the new convention center vault space and real property titled in the name of the District in Squares 400, 402, and 424, and to authorize an underground airspace lease in addition to vault permits; to amend section 47-4609 of the District of Columbia Official Code to insert a phrase related to a tax exemption; and to approve the Hotel Development and Funding Agreement and the Pedestrian Connector Agreement.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "New Convention Center Hotel Technical Amendments Act of 2008".

Sec. 2. The Washington Convention Center Authority Act of 1994, effective September 28, 1994 (D.C. Law 10-188; D.C. Official Code § 10-1201.01 *et seq.*), is amended as follows:

Amend § 10-1202.22

(a) Section 702 (D.C. Official Code § 10-1202.22) is amended by adding a new paragraph (6) to read as follows:

"(6) The lease may be subordinated to a leasehold mortgage securing development financing for the developer and may permit the issuance of a new lease upon foreclosure on the same terms and conditions as the prior lease.".

Amend § 10-1202.23

(b) Section 703 (D.C. Official Code § 10-1202.23) is amended by adding new paragraphs (5) and (6) to read as follows:

"(5) Lease payments shall be payable from cash available after payment of the developer's debt service on a loan for the new convention center hotel.

"(6) The lease may be subordinated to a leasehold mortgage securing development financing for the developer and may permit the issuance of a new lease upon foreclosure on the same terms and conditions as the prior lease.".

(c) New sections 703a and 703b are added to read as follows:

"Sec. 703a. Use of new convention center vault space.

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"(a) Notwithstanding any other provision of law, with respect to the airspace located below the portion of N Street, N.W., between 7th and 9th Streets, N.W., the portion of 9th Street, N.W., between and including N Street, N.W., and Massachusetts Avenue, N.W., and the adjoining sidewalks abutting the new convention center in which the Authority was permitted to construct, and has constructed, a portion of the new convention center, including loading docks, access ramps, and associated driveways, the Authority may enter into one or more agreements with Marriott International, Inc., or its designee, to permit Marriott International, Inc., or its designee to:

"(1) Use the new convention center's access ramp and associated driveways and entrances thereto for such purposes as may be authorized by the Authority;

"(2) Construct, operate, and maintain within the airspace an access way from the new convention center's access ramp and associated driveways for the purpose of entering and exiting from the proposed loading docks of the new convention center hotel and such other purposes as may be authorized by the Authority; and

"(3) Construct, operate, and maintain within such airspace a pedestrian connector between the new convention center hotel and the new convention center and for such other purposes as may be authorized by the Authority.

"(b) The agreement regarding the pedestrian connector authorized under subsection (a) of this section may provide that Marriott International, Inc., or its designee, shall be responsible for the operation and maintenance of the pedestrian connector and, if so provided, that the Authority shall pay 50% of the costs to operate and maintain the pedestrian connector.

"Sec. 703b. Grant of easements over District property.

"(a) Notwithstanding any other provision of law, with respect to the lots in Squares 400, 402, and 424 titled in the name of the District in which the Authority was permitted to construct, and has constructed, a portion of the new convention center, including loading docks, access ramps, and associated driveways and entrances thereto, the Authority may enter into one or more agreements with Marriott International, Inc., or its designee, to grant, as an appurtenance to the new convention center hotel site (including any public or private alleys closed or to be closed in connection with the development of the new convention center hotel), the following easements and uses:

"(1) An ingress and egress easement over and across the new convention center's access ramp and associated driveways and entrances thereto for such purposes as may be authorized by the Authority; and

"(2) A temporary construction easement over the new convention center's access ramp and associated driveways and entrances thereto for the construction of a pedestrian connector between the new convention center hotel and the new convention center, together with an easement for ingress and egress over and through the pedestrian connector to and from the new convention center hotel and the new convention center and for such other purposes as may be authorized by the Authority.".

(d) Section 704 (D.C. Official Code § 10-1202.24) is amended to read as follows:

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"Sec. 704. Authority for vault space permit or airspace lease.

Amend § 10-1202.24

"Notwithstanding any other provision of law, the Mayor may issue a permit or airspace lease to Marriott International, Inc., or its designee, for vault space or airspace adjacent to the real property subject to the leases authorized by sections 702 and 703, having a term not to exceed 99 years, or such longer period as may be otherwise determined by the Mayor, and at no additional rent or fee, except as may be otherwise determined by the Mayor, but otherwise in accordance with the District of Columbia Public Space Rental Act, approved October 17, 1968 (82 Stat. 1156; D.C. Official Code § 10-1101.01 *et seq.*), and the District of Columbia Public Space Utilization Act, approved October 17, 1968 (82 Stat. 1166; D.C. Official Code § 10-1121.01 *et seq.*), as applicable.".

Sec. 3. Section 47-4609(b) of the District of Columbia Official Code is amended by striking the period at the end and inserting the phrase "shall be exempt from the taxes imposed by §§ 42-1103 and 47-903" in its place.

Amend § 47-4609

Sec. 4. Contract approval.

Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding section 105a of the District of Columbia Procurement Practices Act of 1985, effective March 8, 1991 (D.C. Law 8-257; D.C. Official Code § 2-301.05a), the Council approves the Hotel Development and Funding Agreement by and among the District of Columbia, Washington Convention Center Authority, and HQ Hotel, LLC, in an amount not to exceed $187 million, the amount previously approved by the Council pursuant to the New Convention Center Hotel Omnibus Financing and Development Act of 2006, effective September 19, 2006 (D.C. Law 16-163; 53 DCR 5430), and the Pedestrian Connector Agreement by and between the Washington Convention Center Authority and HQ Hotel, LLC, as both a multiyear contract and a contract involving expenditures in excess of $1 million during a 12-month period.

Sec. 5. 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. 6. Effective date.

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

ENROLLED ORIGINAL

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

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
January 6, 2009

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-658

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 6, 2009

To provide equitable real property tax relief to Asbury United Methodist Church, a tax-exempt religious organization.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Asbury United Methodist Church Equitable Real Property Tax Relief Act of 2008".

Sec. 2. The Council of the District of Columbia orders that all real property taxes, interest, penalties, fees, and other related charges assessed for the period of December 1, 2004 to April 1, 2006 on the real property described as Lot 837, Square 317, owned by the Asbury United Methodist Church, be forgiven, and any payments made for such period shall be refunded.

Sec. 3. Applicability.

This act shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan.

Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

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

ENROLLED ORIGINAL

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

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
January 6, 2009

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-659

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 6, 2009

To order the closing of a portion of the public alley in Square 617, bounded by O Street, N.W., N Street, N.W., 1st Street, N.W., and North Capitol Street, N.W., in Ward 5.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Closing of a Public Alley in Square 617, S.O. 07-9709, Act of 2008".

Sec. 2. Pursuant to section 201 of the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code § 9-202.01), the Council finds that the portion of the public alley in Square 617, as shown on the Surveyor's plat filed under S.O. 07-9709, 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 set forth in the official file of S.O. 07-9709.

Sec. 3. Transmittal.

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

Sec. 4. Fiscal impact statement.

The Council adopts the December 1, 2008 fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 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

ENROLLED ORIGINAL

24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(2)), and publication in the District of Columbia Register.

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
January 6, 2009

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-660

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 6, 2009

Codification District of Columbia Official Code

2001 Edition

2009 Summer Supp.

West Group Publisher

To amend the Rhode Island Avenue Metro Plaza Revenue Bonds Approval Act of 2008 to modify the definition of the terms "owner" and "project", to clarify the purposes for which the bond proceeds may be used, and to require the creation of separate accounts within the Rhode Island Avenue Metro Plaza PILOT Fund; and to amend section 47-4613 of the District of Columbia Official Code to modify the definition of the terms "owner" and "project", to clarify that the payment in lieu of taxes includes both real property taxes and possessory interest taxes, and to reduce the amount of the construction sales tax abatement.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Rhode Island Avenue Metro Plaza Revenue Bonds Approval Amendment Act of 2008".

Sec. 2. The Rhode Island Avenue Metro Plaza Revenue Bonds Approval Act of 2008, effective April 2, 2008 (D.C. Law 17-140; 55 DCR 1870), is amended as follows:

(a) Section 201 is amended as follows:

(1) Paragraph (9) is amended to read as follows:

"(9) "Owner" means the Washington Metropolitan Area Transit Authority or any person to which an interest in any portion of the Rhode Island Metro Plaza PILOT Area is transferred.".

(2) Paragraph (10) is amended to read as follows:

"(10) "Project" means the financing, refinancing, or reimbursing of costs incurred for the acquisition, construction, installing, and equipping of a parking garage for the Washington Metropolitan Area Transit Authority as part of a mixed-use development project to be constructed at the Rhode Island Avenue Metro station in the District of Columbia.".

(b) Section 202(a) is amended to read as follows:

"(a) Pursuant to section 490 of the Home Rule Act, the Mayor is authorized to issue the bonds in an aggregate amount not to exceed $7.2 million to pay Development Costs of the Project and Issuance Costs of the bonds and to fund capitalized interest and required reserves.".

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(c) Section 204(a) is amended by striking the word "note" and inserting the phrase "note or notes" in its place.

(d) Section 211(a) is amended by adding a new 2nd sentence to read as follows:

"The Chief Financial Officer shall create accounts within the Rhode Island Avenue Metro Plaza PILOT Fund for the payments in lieu of taxes with respect to separate parcels of real property within the Rhode Island Avenue Metro Plaza PILOT Area that are subject to agreements for payments in lieu of taxes and the funds in those accounts may be pledged to the payment of one or more of the bonds.".

(e) Section 211(d) is repealed.

Sec. 3. Section 47-4613 of the District of Columbia Official Code is amended as follows: **Amend § 47-4613**

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

(1) Paragraph (2) is amended to read as follows:

"(2) "Owner" shall have the same meaning as provided in § 47-802(5) and shall include the holder of a possessory interest as described in § 47-1005.01.".

(2) Paragraph (5) is amended by striking the phrase "means the real property" and inserting the phrase "means the real property, or any possessory interest therein," in its place.

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

(1) Strike the phrase "taxes imposed under Chapter 8 of this title" and insert the phrase "taxes imposed under Chapter 8 of this title or any possessory interest tax imposed under § 47-1005.01" in its place.

(2) Strike the phrase "equal to the real property taxes" and insert the phrase "equal to the real property taxes or any possessory interest taxes" in its place.

(c) Subsection (c) is amended by striking the period and inserting the phrase "or any unpaid possessory interest taxes under § 47-1005.01(f)(3)." in its place.

(d) Subsection (f) is amended by adding a new 3rd sentence to read as follows:

"If a possessory interest tax would be imposed with respect to a lease or right to use a lot within the Rhode Island Metro Plaza PILOT Area but for this section, the failure to make payments in lieu of taxes with respect to the possessory interest shall be enforced against the owner of the possessory interest in the manner specified in § 47-1005.01(f)(3).".

(e) Subsection (h) is amended as follows:

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

"(1) For the purposes of this subsection, the term "Rhode Island Metro Plaza Project" means the residential and retail buildings and parking facilities, comprising a mixed-use development, to be developed and constructed at the Rhode Avenue Metro station in the District of Columbia by Rhode Island Avenue Metro, LLC.".

(2) Paragraph (3) is amended by striking the phrase "$2 million" and inserting the phrase "$1 million" in its place.

ENROLLED ORIGINAL

Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

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

Vincent C. Gray

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
January 6, 2009

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-661

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 6, 2009

To symbolically designate the 700 block of 10th Street, N.W., in Ward 2, as Bud Doggett Way.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Bud Doggett Way Designation Act of 2008".

Sec. 2. Pursuant to sections 401 and 403a of the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code §§ 9-204.01 and 9-204.03a) ("Act"), and notwithstanding sections 405 and 407 of the Act (D.C. Official Code §§ 9-204.05 and 9-204.07), the Council symbolically designates the 700 block of 10th Street, N.W., in Ward 2, as "Bud Doggett Way".

Sec. 3. Transmittal.

The Secretary to the Council shall transmit a copy of this act, after it becomes effective, to the District Department of Transportation.

Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

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

ENROLLED ORIGINAL

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

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
January 6, 2009

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-662

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 6, 2009

To order the closing of a public alley and the extinguishment of a public-alley easement in Square 749, bounded by K Street, N.E., L Street, N.E., 2nd Street, N.E., and 3rd Street, N.E., in Ward 6.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Closing of a Public Alley and Extinguishment of a Public-Alley Easement in Square 749, S.O. 07-8916, Act of 2008".

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 and adjacent public-alley easement in Square 749, as shown on the Surveyor's plat filed under S.O. 07-8916, are unnecessary for alley purposes and orders the alley closed, with title to the land to vest as shown on the Surveyor's plat, and the easement extinguished. The approval of the Council of this closing and the extinguishment of the public-alley easement is contingent upon the satisfaction of all conditions set forth in the official file of S.O. 07-8916.

Sec. 3. Transmittal.

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

Sec. 4. Fiscal impact statement.

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

ENROLLED ORIGINAL

Sec. 5. Effective date.

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

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
January 6, 2009

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-663

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 12, 2009

Codification District of Columbia Official Code

2001 Edition

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To amend Chapter 8 of Title 47 of the District of Columbia Official Code to provide that the owner of a property that is receiving erroneously the homestead deduction and senior/disabled real property tax relief has a duty to inform the Chief Financial Officer that the benefits and those available to low-income property owners shall be rescinded prospectively on the sale of real property to a non-qualifying purchaser, and that a former owner that received the benefits shall be personally liable for the amount of benefits improperly received.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Real Property Tax Benefits Revision Act of 2008".

Sec. 2. Chapter 8 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) Section 47-845.02(m) is amended by adding 2 new sentences at the end to read as follows: Amend § 47-845.02

"Any tax certificate shall indicate whether the real property is receiving the deferral under this section and the amount of deferred real property tax, interest thereon, and penalties. If a tax certificate does not contain the foregoing information, the eligible owner, and not the real property, shall be personally liable for the amount of deferred real property tax, interest thereon, and penalties.".

(b) Section 47-845.03(o) is amended by adding 2 new sentences at the end to read as follows: Amend § 47-845.03

"Any tax certificate shall indicate whether the real property is receiving the deferral under this section and the amount of deferred real property tax, interest thereon, and penalties. If a tax certificate does not contain the foregoing information, the eligible owner, and not the real property, shall be personally liable for the amount of deferred real property tax, interest thereon, and penalties.".

(c) Section 47-850.02 is amended as follows: Amend § 47-8450.02

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

ENROLLED ORIGINAL

(A) Paragraph (1) is amended by striking the word "applicant" wherever it appears and inserting the phrase "applicant (or current owner if there is no applicant)" in its place.

(B) Paragraphs (4) and (5) are amended by striking the phrase "(for which notification is required under this subsection)".

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

"(6)(A) Notwithstanding the rescission of the deduction pursuant to paragraphs (4) and (5) of this subsection, if all of the applicant's ownership interest in the real property is transferred to a new owner, shareholder, or member who does not apply or qualify for the deduction, the real property shall be entitled to the apportioned amount of the deduction applicable to the installment payable during the half tax year during which the ownership interest was transferred. At the end of such half tax year, the deduction shall cease.

"(B) If the applicant purchases another real property or interest in a housing cooperative for which he or she shall make application for the deduction, and the application and purchase occurs during the same half tax year when the transfer occurred, §§ 47-850(d), 47-850.01(b), and 47-850.04 shall not apply to the extent that both real properties may benefit from the deduction during that half tax year and, thereafter, only the newly purchased real property or housing cooperative in which the applicant acquired newly an interest shall benefit from the applicant's deduction.

"(C) Notwithstanding the foregoing, a real property shall not benefit from more than one deduction in any half tax year; provided, that in the case of a housing cooperative, the real property shall not benefit from more than one deduction related to a dwelling unit in any half tax year.".

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

(A) Strike the word "applicant" the first time it appears and insert the phrase "applicant or former owner, and not the real property" in its place.

(B) Strike the word "applicant" the second time it appears and insert the phrase "applicant or former owner" in its place.

(d) Section 47-850.03 is amended by striking the phrase "47-850.01" and inserting the phrase "47-850.01 and for the credit provided in § 47-864.01" in its place. **Amend § 47-850.03**

(e) Section 47-863 is amended as follows: **Amend § 47-863**

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

(A) Paragraph (1) is amended by striking the word "applicant" wherever it appears and inserting the phrase "applicant (or former owner if there is no applicant)" in its place.

(B) Paragraphs (4) and (5) are amended by striking the phrase "(for which notification is required under this subsection)".

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

"(6)(A) Notwithstanding the rescissions of the deduction pursuant to paragraphs (4) and (5) of this subsection, if the applicant's required ownership interest in the real property is transferred to a new owner, shareholder, or member who does not apply or qualify for the

ENROLLED ORIGINAL

deduction, the real property shall nevertheless be entitled to the apportioned amount of the deduction applicable to the installment payable during the half tax year during which such ownership interest was transferred. At the end of the half tax year, the deduction shall cease.

"(B) If the applicant purchases another real property or interest in a housing cooperative for which he or she shall make application for the deduction, and the application and purchase occurs during the same half tax year when the transfer occurred, subsections (i) and (j) of this section shall not apply to the extent that both real properties may benefit from the deduction during that half tax year and, thereafter, only the newly purchased real property or housing cooperative in which the applicant acquired newly an interest shall benefit from the applicant's deduction.

"(C) Notwithstanding the foregoing, a real property shall not benefit from more than one deduction in any half tax year; provided, that in the case of a housing cooperative, the real property shall not benefit from more than one deduction related to an eligible household in any half tax year.".

(2) Subsection (g)(1) is amended as follows:

(A) Strike the word "applicant" the first time it appears and insert the phrase "applicant or former owner, and not the real property" in its place.

(B) Strike the word "applicant" the second time it appears and insert the phrase "applicant or former owner" in its place.

(3) Subsection (l) is amended by striking the word "decrease" and inserting the word "deduction" in its place.

(f) Section 47-864.01 is amended as follows: **Amend § 47-864.01**

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

"(c-1) Notwithstanding any other provision of this section, if the entire interest in the real property is transferred to a new owner and the real property no longer qualifies as a homestead pursuant to § 47-850 or § 47-851, the real property shall be entitled to the credit applicable to the installment payable during the half tax year during which the ownership interest was transferred. At the end of the half tax year, the credit shall cease.".

(2) Subsection (d)(3) is amended striking the word "back" and inserting the phrase "back, except as set forth in subsection (c-1) of this section" in its place.

Sec. 3. Applicability. **Note, §§ 47-850.02, 47-863**

(a) Section 2(c)(1)(A) and (B), (c)(2), (e)(1)(A) and (B), and (e)(2) shall apply for tax years beginning after September 30, 2001.

(b) Section 2(c)(1)(C) and (e)(1)(C) shall apply as of January 2, 2007.

Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Chief Financial Officer, dated December 8, 2008, as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

ENROLLED ORIGINAL

Sec. 5. Effective date.

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

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
January 12, 2009

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-664

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 12, 2009

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West Group Publisher

To require the Department of Health, in collaboration with the Board of Medicine and Board of Pharmacy, to develop medically and factually accurate written information regarding prophylactic antibiotics for the treatment of sexually transmitted diseases and emergency contraception for the prevention of pregnancy due to sexual assault, to require the Department of Health to disseminate the information to all hospitals, to require that hospitals provide victims of sexual assault with medically and factually accurate information regarding treatment and provide prophylactic antibiotics and emergency contraception upon request, to require that hospitals have written policies regarding the delivery of care to victims of sexual assault, and to require the Department of Health to determine compliance with the act.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Emergency Care for Sexual Assault Victims Act of 2008".

Sec. 2. Definitions.

For the purposes of this act, the term:

(1) "Emergency contraception" means a drug or drug regimen approved by the U.S. Food and Drug Administration to prevent pregnancy when administered after sexual contact, including oral contraceptive pills.

(2) "Hospital" means a facility that provides 24-hour inpatient care, including diagnostic, therapeutic, and other health-related services, for a variety of physical or mental conditions, and may, in addition, provide outpatient services, particularly emergency care.

Sec. 3. Information about emergency care.

(a) The Department of Health, in collaboration with the Board of Medicine and the Board of Pharmacy, shall develop medically and factually accurate written information regarding prophylactic antibiotics for the treatment of sexually transmitted diseases and emergency contraception for the prevention of pregnancy due to sexual assault.

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(b) The Department of Health shall disseminate the written information produced pursuant to subsection (a) of this section to all hospitals in the District.

Sec. 4. Access to emergency care for victims of sexual assault.

All hospitals that provide emergency care to victims of sexual assault shall:

(1) Provide each victim of sexual assault written information developed pursuant to section 3;

(2) Provide each victim of sexual assault an oral explanation of the written information distributed pursuant to paragraph (1) of this section;

(3) Orally inform each victim of sexual assault in a language he or she understands of the option to be provided by the hospital prophylactic antibiotics for the treatment of sexually transmitted diseases and emergency contraception for the prevention of pregnancy; and

(4) Consistent with accepted medical practice and protocols, immediately provide prophylactic antibiotics for the treatment of sexually transmitted diseases and emergency contraception for the prevention of pregnancy to each victim of sexual assault, if the victim requests it and if the requested treatment is not medically contraindicated.

Sec. 5. Personnel training.

Hospitals shall have written policies and procedures to ensure that all personnel who provide care or information to a victim of sexual assault:

(1) Are trained to provide medically and factually accurate and objective information about prophylactic antibiotics for the treatment of sexually transmitted diseases and emergency contraception for the prevention of pregnancy to a victim of sexual assault;

(2) Actually provide that information to a victim of sexual assault; and

(3) Ensure immediate access to prophylactic antibiotics for the treatment of sexually transmitted diseases and emergency contraception for the prevention of pregnancy to each victim of sexual assault, if requested and such treatment is not medically contraindicated.

Sec. 6. Compliance.

The Department of Health shall determine compliance with the requirements of this act. The failure to comply with the requirements of this act may result in a civil fine to be determined by the Mayor.

Sec. 7. Fiscal impact statement.

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

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Sec. 8. Effective date.

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

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
January 12, 2009

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-665

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 12, 2009

To amend section 301 of Title 24 of the District of Columbia Municipal Regulations to permit a grocery store to operate a non-alcohol sidewalk café adjacent to the property.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Grocery Store Sidewalk Café in the Public Space Amendment Act of 2008".

Sec. 2. Section 301 of Title 24 of the District of Columbia Municipal Regulations (24 DCMR § 30) is amended as follows: DCMR

(a) Subsection 301.3 is amended by striking the word "restaurant" both times it appears and inserting the phrase "restaurant or grocery store" in its place.

(b) A new subsection 301.5 is added to read as follows:

"301.5 No person permitted to operate a sidewalk cafe adjacent to a grocery store shall be permitted to obtain an alcoholic beverage license for that sidewalk café.".

Sec. 3. Fiscal impact statement.

The Council adopts the December 3, 2008 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. 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)(l) 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
January 12, 2009

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-666

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 12, 2009

Codification District of Columbia Official Code

2001 Edition

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To amend Chapter 46 of Title 47 of the District of Columbia Official Code to provide for tax exemptions for the Eckington One Residential Project located in Lots 816, 817, 818, 819, and 820, Square 3576, in Ward 5.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Eckington One Residential Project Economic Development Act of 2008".

Sec. 2. Chapter 46 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 to read as follows:

"47-4616. Eckington One Residential Project tax exemptions.".

(b) A new section 47-4616 is added to read as follows:

New § 47-4616

"§ 47-4616. Eckington One Residential Project tax exemptions.

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

"(1) "Developer" means NoMa West Residential I, LLC, its successors, affiliates, and assigns.

"(2) "Eckington One Residential Project" means the acquisition, development, construction, installation, and equipping, including the financing, refinancing, or reimbursing of costs incurred, of the mixed-use, multi-family residential and ground-floor retail project located on the Eckington One Residential Property, consisting of:

"(A) Approximately 600 units of residential condominium/apartment house use totaling approximately 560,000 square feet of floor area and housed in 3 buildings, including approximately 48 units of affordable housing;

"(B) Approximately 1,000 square feet of ground-floor retail space;

"(C) Below-grade parking garages; and

"(D) Other ancillary improvements, including extension of Q Street,

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N.E., from Eckington Place to Harry Thomas Way.

"(3) "Eckington One Residential Property" means the real property, including any improvements constructed thereon, located in Lots 816, 817, 818, 819, and 820, Square 3576 (or as the land for such lots may be subdivided into a record lot or lots or assessment and taxation lots, condominium lots, air rights lots, or any combination in the future).

"(b)(1) The tax imposed by Chapter 8 of this title on the Eckington One Residential Property shall be abated as follows:

"(A) In tax year 2010, taxes in excess of 107% of the taxes paid for tax year 2009;

"(B) In tax year 2011, taxes in excess of 113.96% of the taxes paid for tax year 2009; and

"(C) In tax year 2012 and each year thereafter, taxes in excess of 121.25% of the taxes paid for tax year 2009.

"(2) The real property tax abatement granted by paragraph (1) of this subsection shall only apply for the 10 consecutive real property tax years beginning in the tax year in which the developer begins development on the Eckington One Residential Property. The developer shall notify the Director of the Real Property Tax Administration of the Office of Tax and Revenue by certified mail that development has started within 30 days of the commencement of development.

"(3) The real property tax abatements granted by paragraphs (1) and (2) of this subsection shall not exceed, in the aggregate, $5 million, plus 6% per year of the unused amount of the real property tax abatement from the commencement of development.

"(c) The abatement pursuant to subsection (b) of this section shall be in addition to, and not in lieu of, any other tax relief or assistance from any other source applicable to the Eckington One Residential Project or the Eckington One Residential Property.

"(d) This section shall not:

"(1) Prevent or restrict the developer from utilizing any other tax, development, or other economic incentives available to the Eckington One Residential Project or the Eckington One Residential Property; or

"(2) Limit the owner of the Eckington One Residential Property from appealing or contesting its real estate tax assessment.".

Sec. 3. Applicability.

This act shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan.

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Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Chief Financial Officer, dated December 15, 2008, as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

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

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
January 12, 2009

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Codification District of Columbia Official Code

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AN ACT

D.C. ACT 17-667

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 12, 2009

To grant a cable television franchise to Verizon Washington, DC Inc., subject to certain exemptions from law, and approve a cable television system franchise agreement between the District of Columbia and Verizon Washington, DC Inc.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Approval of the Verizon Washington, DC Inc. Cable Television System Franchise Act of 2008".

Sec. 2. Definitions.

For the purposes of this act, the term:

(1) "Cable Act" means the Cable Television Reform Act of 2002, effective October 9, 2002 (D.C. Law 14-193; D.C. Official Code § 34-1251.01 *et seq.*).

(2) "Existing Requirements" means:

(A) Section 103 of the Urban Forest Preservation Act of 2002, effective June 12, 2003 (D.C. Law 14-309; D.C. Official Code § 8-651.03);

(B) Acts which are codified in Chapter 19 of Title 34 of the District of Columbia Official Code;

(C) The Telecommunications Act of 1996, effective September 19, 1996 (D.C. Law 11-154; D.C. Official Code § 34-2001 *et seq.*);

(D) Chapter 34 of Title 24 of the District of Columbia Municipal Regulations; and

(E) Subsection 3705.1 of Title 24 of the District of Columbia Municipal Regulations (24 DCMR § 3705.1).

(3) "Franchise" means a 15-year, non-exclusive cable television system franchise granted to Verizon under section 3.

(4) "Franchise agreement" means the franchise agreement between the District and Verizon approved under section 3.

(5) "FTTP Network" means the fiber-to-the-premises network of Verizon.

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(6) "Verizon" means Verizon Washington, DC Inc., and its lawful and permitted successors, assigns, and transferees.

Sec. 3. Grant of franchise.

(a) Pursuant to the Cable Act, the application of Verizon for a cable television system franchise is approved and Verizon is granted a franchise. Except as provided in sections 4 through 6, the franchise shall be subject to the provisions of the Cable Act and the terms and conditions of the franchise agreement approved by subsection (b) of this section.

(b) The Council approves the proposed franchise agreement between the District and Verizon included as an attachment to the committee report for this act.

Sec. 4. Exemptions from the Cable Act.

(a) The following provisions of the Cable Act shall not apply to the franchise:

(1) Section 103(19), (22), and (26);

(2) Section 401(d)(4);

(3) Section 405(a)(1) through (3), (5) through (7), and (10) through (11), (b), and (c);

(4) Section 407(e)(1);

(5) Section 408(g);

(6) Section 501;

(7) Section 502;

(8) Section 503;

(9) Section 504;

(10) Section 505;

(11) Section 506;

(12) Section 507;

(13) Section 601(c), (d), (f), and (g);

(14) Section 601(f);

(15) Section 602;

(16) Section 604;

(17) Section 605(c);

(18) Section 801(a) and (b);

(19) Section 802(a) and (b);

(20) Section 803;

(21) Section 907(a) and (c); and

(22) Section 909.

(b) Subsection 3000.2 of Title 15 of the District of Columbia Municipal Regulations (15 DCMR § 3000.2) shall not apply to the franchise.

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Sec. 5. Right-of-way construction provisions.

(a) Notwithstanding sections 401(d)(1), 702, 703, 704, and 705 of the Cable Act, the right-of-way management provisions of the Existing Requirements shall apply to Verizon with respect to the FTTP Network, except to the extent that a particular Existing Requirement does not apply to Verizon's other facilities.

(b) Notwithstanding the provisions of this act or the franchise agreement:

(1) The District:

(A) Reserves all of its rights under applicable law regarding the scope of its legislative and regulatory authority over Verizon;

(B) Shall regulate the placement, construction, repair, and maintenance of physical facilities located in the public rights-of-way, including the FTTP Network; and

(C) Does not waive any right or authority that the District may have now or in the future to regulate information services, telecommunications services, or the use of the FTTP Network to provide such services.

(2) Verizon shall have the right to challenge the lawfulness or applicability of the Existing Requirements and any future amendments thereto.

Sec. 6. Effect of competition.

(a) On or before the effective date of this act, upon a finding by the Office of Cable Television that the purpose of certain provisions of the Cable Act and rules issued thereunder has been achieved, the Office of Cable Television may exempt the franchise from the provisions of Chapter 6 of Title 4, and Chapters 30 and 31 of Title 15 (except subsection 3000.2), of the District of Columbia Municipal Regulations and the following provisions of the Cable Act:

(1) Section 706;
(2) Section 901;
(3) Section 902;
(4) Section 903;
(5) Section 904(b);
(6) Section 905;
(7) Section 906;
(8) Section 908(b) through (d);
(9) Section 1001;
(10) Section 1002;
(11) Section 1202;
(12) Section 1203;
(13) Section 1303; and
(14) Section 1401.

(b) Notwithstanding the provisions of subsection (a) of this section, the District does not waive any of its rights or powers to enact laws or to issue rules addressing the subject

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matter of the provisions of law which may be exempted by the Office of Cable Television at any time in the future.

Sec. 7. Award fee.

Pursuant to section 406(d) of the Cable Act and the franchise agreement, Verizon shall pay the District an award fee in the amount of $200,000 to be paid within 30 days of the effective date of the franchise agreement as the term is defined in the franchise agreement.

Sec. 8. Fiscal impact statement.

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

Sec. 9. Effective date.

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

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
January 12, 2009

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-668

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 12, 2009

Codification District of Columbia Official Code

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To amend, on a temporary basis, the Mortgage Lender and Broker Act of 1996 to provide for the District of Columbia's compliance with Title V of the Housing and Economic Recovery Act of 2008 by adding new definitions, providing for a new exemption, providing a new licensing category, providing new bases for application denial, providing for fees and other assessments to be set by rulemaking, authorizing the Commissioner of the Department of Insurance, Securities, and Banking to contract with third parties to collect fees and administer tests related to the licensing of mortgage brokers, lenders, and loan originators, and conforming other sections with the new licensing requirements.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Mortgage Lender and Broker Temporary Amendment Act of 2008".

Sec. 2. The Mortgage Lender and Broker Act of 1996, effective September 9, 1996 (D.C. Law 11-155; D.C. Official Code § 26-1101 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 26-1101) is amended as follows: **Note, § 26-1101**

(1) Paragraph (1) is amended by striking the phrase "to be occupied by the borrower as the borrower's primary residence".

(2) New paragraphs (1A) and (1B) are added to read as follows:

"(1A) "Clerical tasks" means the receipt, collection, and distribution of information common for the processing or underwriting of a loan in the mortgage industry and communication with a consumer to obtain information necessary for the processing or underwriting of a residential mortgage loan.

"(1B) "Commissioner" means the Commissioner of the Department of Insurance, Securities, and Banking.".

(3) New paragraphs (2A), (2B), and (2C) are added to read as follows:

"(2A) "Conference of State Bank Supervisors" means the professional association of state officials responsible for chartering, regulating, and supervising state-chartered commercial and savings banks and state-licensed branches and agencies of foreign

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banks.

"(2B) "Depository institution" shall:

"(A) Have the same meaning as provided in section 3 of the Federal Deposit Insurance Act, approved September 21, 1950 (64 Stat. 873; 12 U.S.C. § 1813); and

"(B) Include any credit union.

"(2C) "Federal banking agency" means the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, the Director of the Office of Thrift Supervision, the National Credit Union Administration, or the Federal Deposit Insurance Corporation.".

(4) Paragraph (5)(A) is amended by striking the phrase "to be occupied by the borrower".

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

"(5A) "Independent contractor" means an individual who is required to obtain and maintain a license under this act to engage in residential mortgage loan origination activities as a loan processor or underwriter.".

(6) Paragraph (7) is amended by striking the phrase "mortgage lender" and inserting the phrase "mortgage loan originator, loan officer, mortgage lender" in its place.

(7) Paragraph (8) is amended by striking the phrase "mortgage lender" and inserting the phrase "mortgage loan originator, loan officer, mortgage lender" in its place.

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

"(9A) "Loan processor or underwriter" means an individual who performs clerical or support duties as an employee of and at the direction of, and subject to the supervision and instruction of, a person licensed, or exempt from licensing, under this act.

(9) Paragraph (12) is amended to read as follows:

"(12) "Mortgage loan" means any loan primarily for personal, family, or household use that is secured by a mortgage, deed of trust, or other equivalent consensual security interest on a dwelling, as defined in section 103(v) of the Truth in Lending Act, approved May 29, 1968 (82 Stat. 147; 15 U.S.C. § 1602(v)), or residential real estate upon which is constructed, or intended to be constructed, a dwelling.".

(10) New paragraphs (12A-i), (12A-ii), and (12A-iii) are added to read as follows:

"(12A-i)(A) "Mortgage loan originator" or "loan officer" means an individual who:

"(i) Takes a residential mortgage application;

"(ii) Offers or negotiates terms of a residential mortgage loan; or

"(iii) Solicits, or offers to solicit, a mortgage loan on behalf of a borrower for compensation or gain.

"(B) The term shall not include:

"(i) An individual who is not otherwise described in subparagraph (A) of this paragraph;

ENROLLED ORIGINAL

"(ii) An individual or entity solely involved in extension of credit relating to timeshare plans, as defined in 11 U.S.C. § 101(53D).

"(iii) An individual who only performs real estate brokerage activities and is licensed or registered in accordance with District of Columbia law, unless the individual is compensated by a mortgage lender, a mortgage broker, mortgage loan originator, or loan officer, or by any agent of a mortgage lender, mortgage broker, mortgage loan originator, or loan officer.

"(12A-ii) "Mortgage uniform licensing form" means the SSR application form for mortgage brokers, mortgage lenders, and mortgage loan originators approved by the Commissioner.

"(12A-iii) "Nationwide Mortgage Licensing System and Registry" or "NMLSR" means a mortgage licensing system developed and maintained by the Conference of State Bank Supervisors and the American Association of Residential Mortgage Regulators for the licensing and registration of licensed mortgage loan originators, mortgage lenders, mortgage brokers, and loan officers.".

(11) New paragraphs (15A) and (15B) are added to read as follows:

"(15A) "Real estate brokerage activity" means any activity that involves offering or providing real estate brokerage services to the public, including;

"(A) Acting as a real estate agent or real estate broker for a buyer, seller, lessor, or lessee of real property;

"(B) Bringing together parties interested in the sale, purchase, lease, rental, or exchange of real property;

"(C) Negotiating, on behalf of any party, any portion of a contract relating to the sale, purchase, lease, rental, or exchange of real property (other than in connection with providing financing with respect to any such transaction);

"(D) Engaging in any activity for which a person engaged in the activity is required to be registered or licensed as a real estate agent or real estate broker under any applicable law; and

"(E) Offering to engage in any activity, or act in any capacity, described in subparagraph (A), (B), (C), or (D) of this paragraph.

"(15B) "Registered mortgage loan originator" or "Registered loan officer" means any individual who is:

"(A) A mortgage loan originator or loan officer;

"(B) An employee of:

"(i) A depository institution;

"(ii) A subsidiary that is owned and controlled by a depository institution and regulated by a federal banking agency; or

"(iii) An institution regulated by the Farm Credit Administration; and

"(C) Registered with, and maintains a unique identifier through, the

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NMLSR.".

(12) Paragraph (16) is repealed.

(13) A new paragraph (16A) is added to read as follows:

"(16A) "SRR" means the limited liability corporation which owns and operates the NMLSR.".

(14) New paragraphs (17A) and (17B) are added to read as follows:

"(17A) "Takes a residential mortgage loan application" means:

"(A) Recording the borrower's application information in any form for use in a credit decision; or

"(B) Receiving the borrower's application information in any form for use in a credit decision.

"(17B) "Unique identifier" means a number or other identifier assigned by protocols established by the NMLSR.".

(b) Section 3 (D.C. Official Code § 26-1102) is amended as follows: Note, § 26-1102

(1) Paragraph (10) is amended by striking the phrase "; and" at the end of the paragraph and inserting a semicolon in its place.

(2) Paragraph (11) is amended by striking the period at the end of the paragraph and inserting the phrase "; and" in its place.

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

"(12) Persons acting as registered mortgage loan originators, when acting for a federal banking agency.".

(c) Section 4 (D.C. Official Code § 26-1103) is amended as follows: Note, § 26-1103

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

"(a)(1) No person shall engage in business as a mortgage loan originator, loan officer, mortgage lender, mortgage broker, or any permissible combination thereof, or hold himself out to the public to be a mortgage loan originator, loan officer, mortgage lender, mortgage broker, or any permissible combination thereof, unless such person has first obtained a license under this act. Each licensee shall register with and maintain a valid unique identifier issued by the NMLSR.

"(2) Each independent contractor loan processor or underwriter licensed as a mortgage loan originator shall have, and maintain, a valid unique identifier issued by the NMLSR.

"(3) An individual engaging solely in loan processor or underwriting activities, who does not represent to the public, through advertising or other means of communicating or providing information, including the use of business cards, stationery, brochures, signs, rate lists, or other promotional items, that such individual can or will perform any of the activities of a mortgage loan originator shall not be required to obtain and maintain a license under this act.".

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

(A) Paragraph (1) is amended to read as follows:

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"(1) Engage in business as a mortgage loan originator, loan officer, mortgage lender, or mortgage broker;".

(B) Paragraph (3) is amended to read as follows:

"(3) Meet the minimum liquidity and capital requirements as prescribed by the Commissioner.".

(3) A new subsection (c-1) is added to read as follows:

"(c-1) The Commissioner shall deny an application if the applicant has:

"(1) Had a mortgage loan originator license revoked by any governmental jurisdiction;

"(2) Been convicted of, or pled guilty or nolo contendere to, a felony in a domestic, foreign, or military court during the 7-year period preceding the date of the application for licensing and registration; or

"(3) At any time preceding such date of application, been convicted of, or pled guilty or nolo contendere to a felony, if such felony involved an act of fraud or dishonesty, a breach of trust, or money laundering.".

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

"(1) Complete and sign an application made under oath on the form that the Commissioner requires.".

(5) Subsection (e)(7) is amended to read as follows:

"(7) Whether the applicant seeks a license to act as a mortgage loan originator, loan officer, mortgage lender, mortgage broker, or any permissible combination thereof; and".

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

"(f) With each application for licensure, the applicant shall pay the applicable fees prescribed by the Commissioner and any third-party fees.".

(7) Subsection (h) is amended as follows:

(A) Paragraph (2) is amended by striking the word "and" at the end of the paragraph.

(B) Paragraph (3) is amended by striking the period and inserting a semicolon in its place.

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

(i) Designate the existing text as subparagraph (A).

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

"(B) The applicant shall demonstrate that the applicant has met net worth and surety bond requirements or, as prescribed by the Commissioner, paid into a District of Columbia fund.".

(D) New paragraphs (4) through (6) are added to read as follows:

"(4) Meet educational requirements prescribed by the Commissioner;

"(5) Provide proof of compliance with pre-licensure testing and post-licensure continuing education requirements as prescribed by the Commissioner; and

"(6) Comply with any other provision prescribed by the Commissioner.".

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

"(h-1) The Commissioner shall require, by rule, that an applicant, and any such other person as the Commissioner considers appropriate, applying for licensure under this act, submit his name, contact information and other identifying information, fingerprints, written consent to a criminal background check, an independent credit report, and information related to any administrative, civil, or criminal findings by any governmental jurisdiction with the applicant's application. For the purposes of this act, the Commissioner may use the NMLSR as an agent for requesting information from, and distributing information to, the Federal Bureau of Investigation, the Department of Justice, any governmental agency, or any source so directed by the Commissioner.".

(9) Subsection (i) is amended as follows:

(A) Subparagraph (1)(A) is amended by striking the phrase "mortgage lenders or mortgage brokers" and inserting the phrase "mortgage lenders, mortgage brokers, mortgage loan originators, or loan officers" in its place.

(B) Paragraphs (2) through (4) are repealed.

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

"(6) Surety bond requirements shall be prescribed by the Commissioner.".

(d) Section 5 (D.C. Official Code § 26-1104) is amended as follows: Note, § 26-1104

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

"To assist in the performance of the Commissioner's duties under this act, the Commissioner may contract with a third party, including the SRR, the Conference of State Bank Supervisors, or its affiliates or subsidiaries, to perform any functions, including the collection of licensing and processing fees, collection of contact information and other identifying information, fingerprints, written consent to a criminal background check, personal history and experience, and conduct of examinations related to mortgage loan originator, loan officer, mortgage lender, or mortgage broker activities, that the Commissioner may consider appropriate.".

(2) Subsection (d)(1) is amended by striking the phrase "mortgage lender or mortgage broker" and inserting the phrase "mortgage lender, mortgage broker, mortgage loan originator, or loan officer" in its place.

(e) Section 8(d) (D.C. Official Code § 26-1107(d)) is amended as follows: Note, § 26-1107

(1) Paragraphs (1) and (2) are repealed.

(2) New paragraphs (3) and (4) are added to read as follows:

"(3) With each renewal application, the applicant shall demonstrate that the applicant continues to meet the minimum standards for license issuance under this act and that the applicant has satisfied the annual continuing education requirements under this act.

"(4) With each renewal application, the applicant shall pay all applicable fees and assessments as prescribed by the Commissioner and all third-party fees.".

(f) Section 10(d) (D.C. Official Code § 26-1109(d)) is amended by striking the phrase Note, § 26-1109

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"mortgage broker" and inserting the phrase "independent contractor or mortgage broker" in its place.

(g) Section 13 (D.C. Official Code § 26-1112) is amended by adding new subsections (f), (g), (h), and (i) to read as follows: Note, § 26-1112

"(f) To carry out the purposes of this section, the Commissioner may do any of the following:

"(1) Retain attorneys, accountants, or other professionals and specialists as examiners, auditors, or investigators to conduct or assist in the conduct of examinations or investigations;

"(2) Enter into agreements or relationships with other government officials or regulatory associations to improve efficiencies and reduce regulatory burdens by sharing resources, standardized or uniform methods or procedures, and documents, records, information, or evidence obtained under this section;

"(3) Use, hire, contract, or employ public or privately available analytical systems, methods, or software to examine or investigate the licensee or person subject to this act;

"(4) Accept and rely on examination or investigation reports made by other government officials within or without the District of Columbia;

"(5) Accept audit reports made by an independent certified public accountant for the licensee, or person subject to this act, in the course of an examination covering the same general subject matter as the audit and may incorporate the audit report in the report of the examination, report of investigation, or other writing of the Commissioner;

"(6) Assess the licensee, or person subject to this act, the cost of the services in paragraph (1) of this subsection.".

"(g) This section shall remain in effect whether such licensee, or person subject to this act, acts or claims to act under any licensing or registration law of the District of Columbia, or claims to act without such authority.

"(h) No licensee, or person subject to investigation or examination under this section, shall knowingly withhold, abstract, remove, mutilate, destroy, or secrete any books, records, computer records, or other information.

"(i) All examination fees shall be prescribed by the Commissioner.".

(h) Section 14 (D.C. Official Code § 26-1113) is amended as follows: Note, § 26-1113

(1) Subsection (a)(1) is amended by striking the phrase "to be occupied by the borrower".

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

(A) Paragraph (1) is amended to read as follows:

"(a-1)(1) Within 3 business days of an application for a non-conventional mortgage loan, the licensee shall provide to the borrower the written disclosures executed by the lender that are required under this section.".

(B) Paragraph (3)(J) through (L) are amended to read as follows:

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"(J) $_____/month = Your principal + initial interest + taxes and insurance.

"(K) $_____/month = Your principal + adjusted interest + taxes and insurance.

"(L) $_____/month = Your principal + maximum interest + taxes and insurance.".

(C) Paragraph (9) is amended to read as follows:

"(9) Within 5 business days of receiving the information pursuant to this section, the borrower may cancel the application for a mortgage loan with no loss of any security deposit or any other funds applied to guarantee an interest rate, not including reasonable fees incurred to process the application. The borrower shall be notified of this right to cancel at the time the information pursuant to this section is provided.".

(i) Section 15 (D.C. Official Code § 26-1114) is amended as follows: Note, § 26-1114

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

(A) The lead-in text is amended by striking the phrase "mortgage broker or lender" wherever it appears and inserting the phrase "mortgage broker, mortgage lender, mortgage loan originator, or loan officer" in its place.

(B) Paragraph (11) is amended to read as follows:

"(11) Engage in the business as a mortgage loan originator, mortgage lender, loan officer, or mortgage broker, or hold himself out to the public to be a mortgage loan originator, loan officer, mortgage lender, or mortgage broker, without a license under section 5 or without an exemption under section 3.".

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

"(d) A mortgage loan originator or loan officer required to be licensed under this act shall not:

"(1) Directly or indirectly employ any scheme, device, or artifice to defraud or mislead borrowers or lenders or to defraud any person;

"(2) Engage in any unfair or deceptive practice toward any person;

"(3) Obtain property by fraud or misrepresentation;

"(4) Solicit or enter into a contract with a borrower that provides in substance that the person or individual subject to this act may earn a fee or commission through "best efforts" to obtain a loan even though no loan is actually obtained for the borrower;

"(5) Solicit, advertise, or enter into a contract for specific interest rates, points, or other financing terms unless the terms are actually available at the time of soliciting, advertising, or contracting;

"(6) Assist or aid or abet any person in the conduct of business under this act without a valid license as required under this act;

"(7) Fail to make disclosures as required by this act and any other applicable federal or District law, including regulations thereunder;

"(8) Fail to comply with this act or rules promulgated under this act, or fail to

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comply with any other federal or District law, including the rules and regulations thereunder, applicable to any business authorized or conducted under this act;

"(9) Make, in any manner, any false or deceptive statement or representation, including with regard to the rates, points, or other financing terms or conditions for a residential mortgage loan, or engage in bait and switch advertising;

"(10) Negligently make any false statement or knowingly and willfully make any omission of material fact in connection with any information or reports filed with a governmental agency or the NMLSR or in connection with any investigation conducted by the Commissioner or another governmental agency;

"(11) Make any payment, threat, or promise, directly or indirectly, to any person for the purposes of influencing the independent judgment of the person in connection with a residential mortgage loan, or make any payment, threat, or promise, directly or indirectly, to any appraiser of a property for the purposes of influencing the independent judgment of the appraiser with respect to the value of the property;

"(12) Collect, charge, attempt to collect or charge, or use or propose any agreement purporting to collect or charge any fee prohibited by this act;

"(13) Cause or require a borrower to obtain property insurance coverage in an amount that exceeds the replacement cost of the improvements as established by the property insurer; or

"(14) Fail to truthfully account for monies belonging to a party to a residential mortgage loan transaction.".

(j) Section 17 (D.C. Official Code § 26-1116) is amended as follows: Note, § 26-1116

(1) The lead-in text is amended by striking the phrase "mortgage lender or mortgage broker" and inserting the phrase "mortgage lender, mortgage broker, mortgage loan originator, or loan officer" in its place.

(2) Paragraph (2) is amended by striking the phrase "lender or broker" and inserting the phrase "mortgage lender, mortgage broker, mortgage loan originator, or loan officer" in its place.

(k) Section 19(b)(2) (D.C. Official Code § 26-1118(b)(2)) is amended by striking the phrase "$1,000" and inserting the phrase "$25,000" in its place. Note, § 26-1118

(l) Section 21 (D.C. Official Code § 26-1120) is amended by striking the phrase "mortgage lender or mortgage broker" and inserting the phrase "mortgage lender, mortgage broker, mortgage loan originator, or loan officer" in its place. Note, § 26-1120

(m) New sections 22a, 22b, and 22c are added to read as follows:

" Sec. 22a. Confidential information.

"(a) To assist in the performance of the Commissioner's duties under this act, the Commissioner may:

"(1) Share documents, materials, or other information, including confidential and privileged documents, materials, or information subject to this act, with other local, state, federal, and international regulatory agencies, with the Conference of State Bank Supervisors,

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SRR, NMLSR, their affiliates, or subsidiaries, or with state, federal, and international law enforcement authorities; provided, that the recipient agrees to maintain the confidentiality and privileged status of the document, material, or other information;

"(2) Receive documents, materials, or information, including confidential and privileged documents, materials, or other information, from the Conference of State Bank Supervisors, SRR, NMLSR, their affiliates, or subsidiaries, or from regulatory and law enforcement officials of foreign or other domestic jurisdictions, and shall maintain as confidential or privileged any document, material, or information received with notice or the understanding that it is confidential or privileged under the laws of the jurisdiction that is the source of the document, material, or information;

"(3) Enter into agreements with the entities set forth in paragraph (1) of this subsection governing sharing and use of information consistent with the act; or

"(4) Authorize a national criminal background check and submission of fingerprints and other identifying information, submitted through the NMLSR, and other information with, and receive criminal history record information from, the NMLSR, the Metropolitan Police Department, and the Federal Bureau of Investigation for the purposes of facilitating determinations regarding eligibility for licensure under this act.

"Sec. 22b. Nationwide Mortgage Licensing System and Registry reporting requirements.

"(a) The Commissioner shall regularly report violations of this act, as well as enforcement actions and other relevant information, to the NMLSR. The reports shall be subject to the provisions of section 22a.

"(b) Each licensee shall submit to the NMLSR reports of condition, which shall be in such form and shall contain such information as the NMLSR may require.

"Sec. 22c. Nationwide Mortgage Licensing System and Registry information challenge process.

"The Commissioner shall establish a process whereby licensees may challenge information entered into the NMLSR by the Commissioner.".

Sec. 3. Applicability.

Except for section 2(c)(1), (g), (j), and (l), this act shall not apply until the Commissioner of the Department of Insurance, Securities, and Banking ("Commissioner") has promulgated rules implementing this act. The mortgage loan originator requirements shall not apply until such time as the District of Columbia, through the Commissioner, has become a part of the Nationwide Mortgage Licensing System and Registry ("NMLSR") and the NMLSR is operational to receive and process applications for licensing of District of Columbia loan originators or by December 31, 2009, whichever is later.

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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.

Vincent C. Gray

Chairman
Council of the District of Columbia

Adrian M. Fenty

Mayor
District of Columbia
APPROVED
January 12, 2009

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-669

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 12, 2009

To approve, on an emergency basis, Change Order No. 4 to Contract No. GMFM-2008-C-098 with Motir Services, Inc., and to authorize payment to Motir Services, Inc., in the amount of $772,000 for the services rendered under this change order.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Change Order No. 4 to Contract No. GMFM-2008-C-098 Approval and Payment Authorization Emergency Act of 2008".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 105a of the District of Columbia Procurement Practices Act of 1985, effective March 8, 1991 (D.C. Law 8-257; D.C. Official Code § 2-301.05a), the Council approves Change Order No. 4 to Contract No. GMFM-2008-C-098 with Motir Services, Inc., to remove, catalogue, store, and relocate furniture, fixtures, equipment, and educational materials from schools closing under the District of Columbia Public Schools school consolidation plan and authorizes payment in the amount of $772,000 for goods and services received under this change order.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Office 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.

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)).

Vincent C. Gray

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
January 12, 2009

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-670

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 12, 2009

To approve, on an emergency basis, Change Order No. 3 to Contract No. GMFM-2008-C-0027 and to authorize payment to Management Alternatives, Inc., in the amount of $867,621 for the services rendered under this change order.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Change Order No. 3 to Contract No. GMFM-2008-C-0027 Approval and Payment Authorization Emergency Act of 2008".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 105a of the District of Columbia Procurement Practices Act of 1985, effective March 8, 1991 (D.C. Law 8-257; D.C. Official Code § 2-301.05a), the Council approves Change Order No. 3 to Contract No. GMFM-2008-C-0027 with Management Alternatives, Inc., to remove, catalogue, store, and relocate furniture, fixtures, equipment, and educational materials from schools closing under the District of Columbia Public Schools school consolidation plan and authorizes payment in the amount of $867,621 for goods and services received under this change order.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Office 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.

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

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
January 12, 2009

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-671

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 12, 2009

To authorize, on an emergency basis, payment under Contract No. GMFM-2008-C-0010 to Smoot Construction Company in the amount of $77,882 for the services rendered under this contract.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Contract No. GMFM-2008-C-0010 Payment Authorization Emergency Act of 2008".

Sec. 2. Notwithstanding the requirements of section 105a of the District of Columbia Procurement Practices Act of 1985, effective March 8, 1991 (D.C. Law 8-257; D.C. Official Code § 2-301.05a), the Council authorizes payment of $77,882 under Contract No. GMFM-2008-C-0010 to Smoot Construction Company to complete renovations required in connection with the District of Columbia Public Schools school consolidation plan.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Office 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. 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

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

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
January 12, 2009

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-672

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 12, 2009

To approve, on an emergency basis, Change Order No. 4 to Contract No. GMFM-2008-C-0001, and to authorize payment to Blue Skye Construction, LLC, in the amount of $2,140,536 for the services rendered under this change order.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Change Order No. 4 to Contract No. GMFM-2008-C-0001 Approval and Payment Authorization Emergency Act of 2008".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 105a of the District of Columbia Procurement Practices Act of 1985, effective March 8, 1991 (D.C. Law 8-257; D.C. Official Code § 2-301.05a), the Council approves Change Order No. 4 to Contract No. GMFM-2008-C-0001 with Blue Skye Construction, LLC, to provide air-conditioning repair and renovation services at various District of Columbia public schools and authorizes payment in the amount of $2,140,536 for goods and services received under this change order.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Office 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. 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

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

Vincent C Gray

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
January 12, 2009

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-673

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 12, 2009

To approve, on an emergency basis, Change Order No. 3 to Contract No. GMFM-2008-C-067 with Manhattan Construction Company, and to authorize payment to Manhattan Construction Company in the amount of $125,000 for the services rendered under this change order.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Change Order No. 3 to Contract No. GMFM-2008-C-067 Approval and Payment Authorization Emergency Act of 2008".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 105a of the District of Columbia Procurement Practices Act of 1985, effective March 8, 1991 (D.C. Law 8-257; D.C. Official Code § 2-301.05a), the Council approves Change Order No. 3 to Contract No. GMFM-2008-C-067 with Manhattan Construction Company to convert a tradition classroom at Shadd Transition Academy into a crisis center by retrofitting the room and authorizes payment in the amount of $125,000 for goods and services received under this change order.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Office 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. 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
January 12, 2009

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-674

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 12, 2009

To authorize, on an emergency basis, payment under Contract No. GMFM-2008-C-0027 to Management Alternatives, Inc. in the amount of $230,803 for services rendered under this contract.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Contract No. GMFM-2008-C-0027 Payment Authorization Emergency Act of 2008".

Sec. 2. Notwithstanding the requirements of section 105a of the District of Columbia Procurement Practices Act of 1985, effective March 8, 1991 (D.C. Law 8-257; D.C. Official Code § 2-301.05a), the Council authorizes payment in the amount of $230,803 under Contract No. GMFM-2008-C-0027 to Management Alternatives, Inc. to remove, catalogue, store, and relocate furniture, fixtures, equipment, and educational materials from schools closing under the District of Columbia Public Schools school consolidation plan.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Office 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. 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
January 12, 2009

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-675

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 12, 2009

To approve, on an emergency basis, Change Order No. 8 to Contract No. GAFM-2007-C-0267A with Heery International, Inc., and to authorize payment to Heery International, Inc., in the amount of $1,261,779.10 for the services rendered under this change order.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Change Order No. 8 to Contract No. GAFM-2007-C-0267A Approval and Payment Authorization Emergency Act of 2008".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 105a of the District of Columbia Procurement Practices Act of 1985, effective March 8, 1991 (D.C. Law 8-257; D.C. Official Code § 2-301.05a), the Council approves Change Order No. 8 to Contract No. GAFM-2007-C-0267A with Heery International, Inc., for modernization work at Alice Deal Middle School and authorizes payment in the amount of $1,261,779.10 for goods and services received under this change order.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Office 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. 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
January 12, 2009