

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to change the name of the Office of Emergency Preparedness to the Emergency Management Agency, and to clarify provisions regarding deadlines for District government employees to appeal reduction-in-force decisions; to amend the Federal Law Enforcement Officer Cooperation Act of 1999 to correct a typographical error; to amend the Confirmation Act of 1978 to repeal the reference to the Sex Offender Advisory Council which was previously abolished; to amend the Procurement Practices Act of 1985 to clarify the requirement for the Chief Procurement Officer to publish delegations of contracting authority, and to change the statutory deadline for his annual report on accomplishments in the prior fiscal year; to amend the Technical Amendments Act of 1999 to restore language inadvertently omitted and to transfer functions from a board previously abolished; to amend the Safe Teenage Driving Act of 1999 to correct an enrollment error; to amend the Dedication of Land within Square 557 for Public Alley Purposes, S.O. 93-207, Act of 1999 to correct a ward designation; to amend the Fiscal Year 2001 Budget Support Act of 2000, to strike unnecessary language, to clarify the prospective application of amendments that changed or repealed regulatory reform provisions enacted in 1998 to the Historic Landmark and Historic District Protection Act of 1978 ("D.C. Law 2-144"), and to amend D.C. Law 2-144 to clarify that the administrative procedures set forth in D.C. Law 2-144 apply to applications for subdivision in addition to applications for demolition, alteration, or new construction; to repeal a provision which is inconsistent with the Confirmation Act of 1978, that limits members of the Board of Real Property Assessments and Appeals to a holdover period of only 3 months, to amend Title 47 of the District of Columbia Code to change the applicability date for the exemption of 2-way land mobile radio used for taxicabs fare dispatch and for communication between taxicab drivers and their base from the toll telecommunication service tax and sales tax and to express the intent of the Budget Support Act of 2000 to exempt, by definition, 2-way land mobile radio used for taxicabs fare dispatch and for communication between taxicab drivers and their base from the toll telecommunication service tax; to amend the Human Rights Act of 1977 to revise the

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definition of "Office" to reflect the re-establishment of the Office; to amend the Fiscal Year 2000 Service Improvement and Budget Support Act of 1999 to restore rulemaking authority to the Office of Human Rights; to amend the Sentencing Reform Amendment Act of 2000 to change a paragraph designation to a subparagraph designation, and to make conforming amendments to implement the intent of the Council and Advisory Commission on Sentencing that sentences in the new system be no longer than sentences in the prior system; to amend the Historic Landmark and Historic District Protection Act of 1978 to correct subsection designations; to amend the Eastern Market Real Property Asset Management and Outdoor Vending Act of 1998 to authorize the establishment of a bank account and the receipt and disbursement of funds; to amend the Life Insurance Act to clarify that the prior approval of the Commissioner for payment of surplus notes shall be written; to amend the Securities Act of 2000 to conform appeal procedures to the District of Columbia Administrative Procedure Act; to amend the Harris/Hinton Place and Bishop Samuel Kelsey Way Designation Way Act of 1998 to clarify that the designation of a certain portion of Park Road, N.W. is a symbolic name; to amend the District of Columbia Theft and White Collar Crimes Act of 1982 to correct internal section cross-references; to amend the District of Columbia Contribution Limitation Initiative of 1992 to clarify that campaign contribution limitations apply to recall elections; to amend the District of Columbia Campaign Finance Reform and Conflict of Interest Act to change the date the Office of Campaign Finance is required to publish in the District of Columbia Register the names of the public officials who have filed financial disclosure reports; to amend the Redevelopment Land Agency Disposition Review Amendment Act of 2000 to restore language inadvertently removed during the enrollment process; to amend the Uniform Limited Partnership Act of 1987 to update a cross reference in the act; to amend Chapter 24 of Title 47 to correct the form of the section designations; to amend the International Bank Act of 2000 to strike a provision regarding the length of time for the return of service of process which would violate the Home Rule Act; and to amend the Opportunity Accounts Act of 2000 to clarify the status of matching funds under the act and to clarify, conform, and revise certain age restrictions and taxation provisions.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Technical Amendments Act of 2000".

Sec. 2. The District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Code § 1-601.1 *et seq.*), is amended as follows:

(a) Section 301(q)(17) (D.C. Code § 1-603.1(17)(Q)) is amended by striking the phrase

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"Office of Emergency Preparedness" and inserting the phrase "Emergency Management Agency" in its place.

(b) Section 603(a) (D.C. Code § 1-606.3(a)) is amended by striking the phrase ", or a reduction-in-force (pursuant to title XXIV)".

Sec. 3. Section 2(f)(16) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Code § 1-633.7(f)(16)), is repealed.

Sec. 4. The District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Code § 1-1181.1 *et seq.*), is amended as follows:

(a) Section 105(c)(1) (D.C. Code § 1-1181.5(c)(1)) is amended to read as follows:

"The CPO is authorized to delegate or remove contracting authority from employees of the OCP who are designated as contracting officers, and specialists in procurement. This delegation shall be subject to limitations specified in writing, copies of which shall be filed in the Office of Contracting and Procurement and submitted to the Mayor, Council, and Inspector General. The CPO shall publish the current contract delegations for OCP contracting officers in the D.C. Register in January and July of each year."

(b) Section 208(f-2) (D.C. Code § 1-1182.8(f-2)) is amended to read as follows:

"(f-2) The Inspector General shall prepare an annual report not later than December 1st of each year, summarizing the activities of the Office of the Inspector General during the preceding fiscal year."

Sec. 5. Section 3(i) of the District of Columbia Contribution Limitation Initiative of 1992, effective March 17, 1993 (D.C. Law 9-204; D.C. Code § 1-1441.1(i)), is amended to read as follows:

"(i) No contributions made to support or oppose initiative or referendum measures shall be affected by the provisions of this section."

Sec. 6. Section 602(d)(1) of the District of Columbia Campaign Finance Reform and Conflict of Interest Act, approved August 14, 1974 (88 Stat. 446; D.C. Code § 1-1462(d)(1)), is amended by striking the phrase "1st day of June" and inserting the phrase "15th day of June" in its place.

Sec. 7. Section 102(s) of the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Code § 1-2502(19)), is amended to read as follows:

"(19) "Office" means the District of Columbia Office of Human Rights, established by title II of the Fiscal Year 2000 Service Improvement and Budget Support Act of 1999, effective October 20, 1999 (D.C. Law 13-38; to be codified at D.C. Code § 1-2571 *et seq.*)".

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Sec. 8. Section 204 of the Fiscal Year 2000 Service Improvement and Budget Support Act of 1999, effective October 20, 1999 (D.C. Law 13-38; to be codified at D.C. Code § 1-2571 *et seq.*), is amended as follows:

- (a) Paragraph (7) is amended by striking the word "and" at the end.
- (b) Paragraph (8) is amended by striking the period and inserting the phrase "; and" in its place.
- (c) A new paragraph (9) is added to read as follows:
"(9) Issue, adopt, promulgate, amend, and rescind such rules and procedures as the Director deems necessary to effectuate the provisions of this subtitle, in accordance with procedures promulgated pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Code § 1-1501 *et seq.*)".

Sec. 9. Section 3 of the Historic Landmark and Historic District Protection Act of 1978, effective March 3, 1979 (D.C. Law 2-144; D.C. Code § 5-1002), is amended by redesignating subsections (a) through (n) as paragraphs (1) through (14).

Sec. 10. Section 4 of the Harris/Hinton Place and Bishop Samuel Kelsey Way Designation Way Act of 1998, effective April 20, 1999 (D.C. Law 12-235; D.C. Code § 7-451, note), is amended to read as follows:

"Pursuant to section 403a of the Street and Alley Closing and Acquisition Procedures Act of 1982, effective April 9, 1997 (D.C. Law 11-236; D.C. Code § 7-453.1), the Council designates, as a symbolic name, the 1400 block of Park Road N.W., as Bishop Samuel Kelsey Way, N.W., with one sign to be placed at the Northwest corner of the intersection of Park Road and 14th Street N.W."

Sec. 11. Section 12(e) of the Eastern Market Real Property Asset Management and Outdoor Vending Act of 1998, effective April 16, 1999 (D.C. Law 12-288; D.C. Code § 10-311(e)), is amended by adding a new sentence at the end to read as follows:

"The EMCAC may establish a bank account and receive and disburse funds."

Sec. 12. The District of Columbia Theft and White Collar Crimes Act of 1982, effective April 27, 1999 (D.C. Law 12-273; D.C. Code § 22-385.1 *et seq.*), is amended as follows:

- (a) Section 125d(b)(2) (D.C. Code § 22-3825.4(b)(2)) is amended by striking the phrase "section 4" and inserting the phrase "section 125c" in its place.
- (b) Section 125e(a) (D.C. Code § 22-3825.5(a)) is amended by striking the phrase "section 5" and inserting the phrase "section 125d" in its place.

Sec. 13. The third sentence of section 34(b) of Chapter III of the Life Insurance Act, approved June 19, 1934 (48 Stat. 1152; D.C. Code § 35-633), is amended by striking the phrase

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"prior approval" and inserting the phrase "prior written approval" in its place.

Sec. 14. Section 5 of the Safe Teenage Driving Amendment Act of 1999, effective April 5, 2000 (D.C. Law 13-73; D.C. Code § 40-301), is amended by striking the second sentence which reads as follows: "The graduated driver's license program, nighttime driving restrictions, and passenger limits shall apply to youths born after December 31, 1984."

Sec. 15. Section 108 of the Uniform Limited Partnership Act of 1987, effective December 10, 1987 (D.C. Law 7-49; D.C. Code § 41-408), is amended to read as follows:

"In any case not provided for in this act, the provisions of the Uniform Partnership Act of 1996, effective April 9, 1997 (D.C. Law 11-234; § 41-151.1 *et seq.*), shall govern.

Sec. 16. Title 47 of the District of Columbia Code is amended as follows:

(a) Section 47-825.1(a)(4)(C) is repealed.

(b) Section 47-2005(28) is amended by striking the phrase "April 30, 1998" and inserting the phrase "May 1, 1997" in its place.

(c) Chapter 24 of Title 47 of the District of Columbia Code is amended as follows:

(a) The section designation for section 47-2420 is amended by striking the phrase "47-2420" and inserting the phrase "§ 47-2420" in its place.

(b) The section designation for section 47-2421 is amended by striking the phrase "47-2421" and inserting the phrase "§ 47-2421" in its place.

(c) The section designation for section 47-2422 is amended by striking the phrase "47-2422" and inserting the phrase "§ 47-2422" in its place.

(d) The section designation for section 47-2423 is amended by striking the phrase "47-2423" and inserting the phrase "§ 47-2423" in its place.

(e) The section designation for section 47-2424 is amended by striking the phrase "47-2424" and inserting the phrase "§ 47-2424" in its place.

(f) The section designation for section 47-2425 is amended by striking the phrase "47-2425" and inserting the phrase "§ 47-2425" in its place.

(g) The section designation for section 47-2426 is amended by striking the phrase "47-2426" and inserting the phrase "§ 47-2426" in its place."

(d) Section 47-3901(2) is amended as follows:

(1) Subparagraph (B) is amended by striking the phrase "; or, beginning on April 30, 1998, 2-way land mobile radio used for taxicab fare dispatch and for communication between taxicab drivers and their base".

(2) Subparagraph (C) is amended to read as follows:

"(C) "Commercial mobile service" shall not include: (i) equipment sales, rental, maintenance, repair, or charges associated with wireless telecommunication equipment; or (ii) beginning on May 1, 1997, 2-way land mobile radio used for taxicabs fare dispatch and for

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communication between taxicab drivers and their base."

Sec. 17. Section 5(b) of the Federal Law Enforcement Officer Cooperation Act of 1999, effective May 26, 2000 (D.C. Law 13-100; 47 DCR 794), is amended by striking the date "December 21, 1949" and inserting the date "December 21, 1999" in its place.

Sec. 18. The Technical Amendments Act of 1999, effective April 12, 2000 (D.C. Law 13-91; 47 DCR 1520), is amended as follows:

(a) Section 105 is amended by striking the phrase "is by striking" and inserting the phrase "is amended by striking" in its place.

(b) Section 134 is amended by striking the period at the end and inserting the phrase ", and the authority thereunder is transferred to the Board of Funeral Directors established by section 47-2853.6 of the District of Columbia Code." in its place.

Sec. 19. The Dedication of Land within Square 557 for Public Alley Purposes, S.O. 93-207, Act of 1999, effective April 12, 2000 (D.C. Law 13-82; 47 DCR 451), is amended in the long title by striking the phrase "Ward 5" and inserting the phrase "Ward 2" in its place.

Sec. 20. Fiscal Year 2001 Budget Support Act of 2000, effective October 19, 2000 (D.C. Law 13-172; 47 DCR 6308), is amended as follows:

(a) Section 832 is amended by striking the phrase "the 21 years" and inserting the phrase "21 years" in its place.

(b) Section 403(b)(1) is amended by adding a new subparagraph (C) to read as follows:
"(C) Strike the word "alteration" and insert the phrase "alteration, subdivision," in its place.

(c) A new section 403a is added to read as follows:

"Sec. 403a. Applicability.

"Section 403(a) and(b)(1)(A) and (B) shall apply only prospectively to hearings held by the Mayor or the Historic Preservation Review Board after the effective date of this title."

Sec. 21. The Sentencing Reform Amendment Act of 2000, signed by the Mayor on August 2, 2000 (D.C. Act 13-406; 47 DCR 7249), is amended as follows:

(a) Section (4)(f) is amended by adding a new paragraph (3) to read as follows:

"(3) Subsection (b)(2) is amended by striking the number "45" and inserting the number "40" in its place.

(b) Section 6(a) is amended as follows:

(1) Strike the phrase "(3) New paragraphs (3) and (4)" and insert the phrase "(C) New paragraphs (3) and (4)" in its place.

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

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"(3) Subsection (c) is amended as follows:

"(A) Strike the phrase "(1) or (2)" and insert the phrase "(1), (2) or (3)" in its place.

"(B) Strike the phrase "on parole"."

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

"(5) Subsection (e) is amended as follows:

"(A) Paragraph (1) is amended by striking the period and inserting the phrase "or to any person convicted more than once of having committed a crime of violence or a dangerous crime in the District of Columbia sentenced under subsection (a)(3) of this section." in its place.

"(B) Paragraph (2) is amended by striking the phrase "paragraph (2)" and inserting the phrase "paragraphs (2) or (3)" in its place."

(c) Section 8(a)(3) is amended by striking phrase "first degree child sexual abuse or first degree sexual abuse while armed" and inserting the phrase "first degree child sexual abuse or first degree child sexual abuse while armed" in its place.

Sec. 22. Section 803(a) of the Securities Act of 2000, effective October 26, 2000 (D.C. Law 13-203; 47 DCR 7837), is amended to read as follows:

"If a hearing is conducted under the contested case procedure in accordance with section 10 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1209; D.C. Code § 1-1509), a person suffering a legal wrong, or adversely affected or aggrieved, by an order or decision may appeal to the District of Columbia Court of Appeals in accordance with section 11 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1209; D.C. Code § 1-1510)."

Sec. 23. The Seniors Protection Amendment Act of 2000, signed by the Mayor on August 2, 2000 (D.C. Act 13-396; 47 DCR 7039), is amended as follows:

(a) The lead-in language in section 102 is amended to read as follows:

"Sec. 102. Title I of the District of Columbia Theft and White Collar Crimes Act of 1982, effective December 1, 1982 (D.C. Law 4-164; D.C. Code § 22-3801 *et seq.*), is amended by adding a new subtitle 3B to read as follows:"

(b) Strike the phrase which reads "(a) A new subtitle 3B is added to read as follows:"

(c) Section 126c(b) and (c) are amended by adding a quotation mark at the beginning of the subsections.

(d) Section 126k(a)(1) - (6) are amended by adding a quotation mark at the beginning of the subsection and paragraphs.

Sec. 24. Section 4(c) of the Redevelopment Land Agency Disposition Review Amendment Act of 2000, signed by the Mayor on November 29, 2000 (Act 13-498; ___ DCR

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___), is amended by striking the phrase "of compensation" and inserting the phrase "of compensation; provided, that the District of Columbia Public Schools shall work with the Mayor and Council to resolve any concerns regarding attorney-related costs of special education" in its place.

Sec. 25. Section 8(d) of the International Banking Act of 2000, passed on second reading on December 5, 2000 (Enrolled version of Bill 13-866), is amended by striking the fifth sentence.

Sec. 26. The Opportunity Accounts Act of 2000, passed on second reading on December 5, 2000 (Enrolled version of Bill 13-33), is amended as follows:

(a) Section 9(d) is amended to read as follows:

"(d) Subject to appropriations, matching funds deposited into a matching funds account or withdrawn by an account holder from a matching funds account shall be exempt from taxation under District of Columbia law; provided, that any money withdrawn from a matching funds account by an account holder for an unapproved use shall be taxed as income to the account holder, unless the funds are reinstated in accordance with section 9(d)."

(b) Section 8(f) is amended by striking the phrase "Except for matching funds used to purchase a federally qualified individual retirement account as permitted under section 9(a)(8)" and inserting in its place the phrase "Except for matching funds used for an approved purpose under section 9(a) before 10 years after the establishment of the opportunity account,".

(c) Section 9(a)(2) is amended striking the phrase "who is at least 18 years of age".

(d) Section 9(a)(5) is amended by striking the phrase "eighteen years of age or older".

Sec. 27. 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. Code § 1-233(c)(3)).

Sec. 28. 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), approval by the Financial Responsibility and Management Assistance Authority as provided in section 203(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (109 Stat. 116; D.C. Code § 47-392.3(a)), a 60-day period of Congressional review as provided in

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section 602(c)(2) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Code § 1-233(c)(2)), and publication in the District of Columbia Register.

Chairman
Council of the District of Columbia

Mayor
District of Columbia