

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

*Codification
District of
Columbia
Official Code*

2001 Edition

**West Group
Publisher**

To amend the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to clarify provisions regarding deadlines for District government employees to appeal reduction-in-force decisions, and to correct a cross reference added by the Legal Service Establishment Amendment Act of 1998 which incorrectly identified reference to a section as a reference to the entire title; to amend the District of Columbia Administrative Procedure Act to correct a reference to the District of Columbia Municipal Regulations; to amend Title 15 of the District of Columbia Official Code to correct stylistic and format mistakes; to amend section 16-2399 of the District of Columbia Official Code to strike a redundant term; to amend the Technical Amendments Act of 2000 to correct an erroneous reference to a subsection designation in the Opportunity Accounts Act of 2000; to amend Title 25 of the District of Columbia Official Code to conform certain provisions to legislative drafting conventions and to correct other technical errors such as erroneous cross-references; to amend the Safe Teenage Driving Amendment Act of 1999 to make a technical correction concerning the applicability date; to amend the District of Columbia Public Works Act of 1954 to correct technical errors in numbering; to amend the District of Columbia Recordation Tax Act to clarify the intent of a valuation formula; to amend Title 47 of the District of Columbia Official Code to correct certain punctuation, section and chapter references, and to strike redundant language added by the New E-Conomy Transformation Act of 2000; to amend the Adoption and Safe Families Amendment Act of 2000 to correct an erroneous cross reference; to amend the Tax Clarity Act of 2000 to correct section and paragraph references; to amend the Gallery Place Economic Development Act of 2000 to correct paragraph designations; to amend the 21st Century Financial Modernization Act of 2000 to correct an enrollment error; to amend the Brownfield Revitalization Amendment Act of 2000 to correct a citation; to amend the Technical Amendments Act of 2000 to correct numerical references in the New E-Conomy Transformation Act of 2000; to amend the District of Columbia Theft and White Collar Crimes Act of 1982 to clarify that the exclusions from the definition of a telephone solicitor are disjunctive; to amend the Individuals with Disabilities Parking Reform Amendment Act of 2000 to correct the terminology used in referring to persons with disabilities; to amend the Predatory Lending and Mortgage

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Foreclosure Improvements Act of 2000 to clarify the effective date of the act; and to amend the Mayor's Official Residence Commission Establishment Act of 2000 to require the Mayor, prior to the issuance of any building permit for an official Mayor's residence at 1801 Foxhall Road, N.W., to memorialize the Casey Mansion Proposal in a document signed by representatives of the Mayor and the Eugene B. Casey Foundation or other foundation established to own, build, or maintain the Casey Mansion, which is provided to the Council and made available to the public, and which sets forth specific terms and any conditions of the Casey Mansion Proposal, including the rights and obligations of each party; to amend DNA Sample Collection Act of 2001, and the DNA Sample Collection Emergency Act of 2001 to clarify that the offense of misdemeanor sexual abuse is a qualifying offense only if committed against a minor; to amend the Bail Reform Act of 2001 to provide a paragraph designation for an undesignated paragraph; to amend the Street and Alley Closing and Acquisition Procedures Act of 1982 to add the Director of the Department of Housing and Community Development as an *ex-officio* member of the Commemorative Works Committee; to amend the Fiscal Year 2001 Budget Support Act of 2000 to change the spelling of a word; to amend An Act Authorizing the Commissioners of the District of Columbia to settle claims and suits against the District of Columbia to clarify that the Risk Management for Settlements and Judgements Amendment Act of 2000 was intended to apply to both settlements and judgments; to amend the District of Columbia Comprehensive Bicycle Transportation and Safety Act of 1984 to clarify that the Bicycle Advisory Council shall also serve as an advisory body to the Council on matters pertaining to bicycling; and to amend the Securities Act of 2000 to repeal an exemption from the notice filing and registration requirements of the Act for investment company issuers registered under the Investment Company Act of 1940.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Technical Amendments Act of 2001".

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

(a) Section 603(a) (D.C. Official Code § 1-606.03(a)) is amended by striking the phrase ", or a reduction-in-force (pursuant to title XXIV)".

Note,
§ 1-606.03

(b) Section 862(4) (D.C. Law 12-260; D.C. Official Code § 1-608.62(4)) is amended by striking the phrase "provisions of this title" and inserting the phrase "provisions of section 856" in its place.

Note,
§ 1-608-62

Sec. 3. Title II of the District of Columbia Administrative Procedure Act, effective

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March 25, 1977 (D.C. Law 1-96; D.C. Official Code § 2-531 *et seq.*), is amended as follows:

(a) Section 206(e) (D.C. Official Code § 2-536(e)) is amended by striking the phrase “section 1803 of the District of Columbia Personnel Regulations” and inserting the phrase “section 1803 of Title 6 of the District of Columbia Municipal Regulations” in its place.

Note,
§ 2-536

(b) Section 208(a) (D.C. Official Code § 2-538(a)) is amended by striking the phrase “proceeding fiscal year” and inserting the phrase “preceding fiscal year” in its place.

Note,
§ 2-538

Sec. 4. The table of contents for Title 15 of the District of Columbia Official Code is amended by striking the phrase “7. Fees and costs . . . §§ 15-701 to 15-718.” and inserting the phrase “7. Fees and costs . . . §§ 15-701 to 15-719.” in its place.

Sec. 5. Section 16-2399(b) of the District of Columbia Official Code is amended by striking the phrase “abused or”.

Note,
§ 16-2399

Sec. 6. Title 25 of the District of Columbia Official Code is amended as follows:

(a) Section 25-120 is amended as follows:

(1) Subsection (e) is amended by striking the word “Act” and inserting the word “act” in its place.

Note,
§ 25-120

(2) Subsection (g) is amended by striking the word “Act” and inserting the word “act” in its place.

(b) Section 25-211 is amended by striking the word “Act” and inserting the phrase “Related Amendments Act” in its place.

Note,
§ 25-211

(c) Section 25-371 of the District of Official Columbia Code is amended as follows:

(1) The section designation is amended by striking the word “establishment” and inserting the word “establishments” in its place.

Note,
§ 25-371

(2) Subsection (a) is amended by striking the word “may” and inserting the word “shall” in its place.

(d) Section 25-601(2) is amended by striking the phrase “25-321” and inserting the phrase “25-351” in its place.

Note,
§ 25-601

(e) Section 25-771(a) is amended by striking the word “month” and inserting the phrase “calendar month” in its place.

Note,
§ 25-771

(f) Section 25-911(g) is amended as follows:

(1) Paragraph (1) is amended by striking the word “The” and inserting the word “the” in its place.

Note,
§ 25-911

(2) Paragraph (2) is amended by striking the word “The” and inserting the word “the” in its place.

(3) Paragraph (3) is amended by striking the word “The” and inserting the word “the” in its place.

(g) Section 25-1002(e)(2) is amended by striking the phrase “Chapter 7” and inserting the

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phrase "Chapter 27" in its place.

Note,
§ 25-1002

(h) Section 25-1008(2)(C) is amended by striking the word "test" and inserting the phrase "test," in its place.

Note,
§ 25-1008

(i) Section 25-1009(c) of the District of Columbia Official Code is amended by striking the phrase "40-713, 40-731, 40-735, and 40-743" and inserting the phrase "50-2201.03, 50-2201.04, 50-2201.05, and 50-2201.27" in its place.

Note,
§ 25-1009

Sec. 7. Section 5 of the Safe Teenage Driving Amendment Act of 1999, effective April 5, 2000 (D.C. Law 13-73; D.C. Official Code § 50-1405.01), is amended by striking the last sentence of the section.

Note,
§ 50-1405.01

Sec. 8. Section 207(c) of the District of Columbia Public Works Act of 1954, approved May 18, 1954 (68 Stat. 101; D.C. Official Code § 34-2107(a)(3)), is amended as follows:

Note,
§ 34-2107

(a) Strike the paragraph designation "(3)" and insert the paragraph designation "(c)" in its place.

(b) Strike the phrase "levied in paragraphs (1) or (2) of this subsection" and insert the phrase "levied under paragraph (a) or (b) of this section" in its place.

Sec. 9. Section 303(a)(1)(B)(i) of the District of Columbia Recordation Tax Act, approved March 2, 1962 (76 Stat. 12; D.C. Official Code § 42-1103(a)(1)(B)(i)), is amended by striking the phrase "based on the capitalization of 10% of the average annual rent over the term of the lease, including renewals" and inserting the phrase "based upon the average annual rent over the term of the lease, including renewals, capitalized at a rate of 10%" in its place.

Note,
§ 42-1103

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

(a) The heading for the table of contents for the title is amended by striking the phrase "Chapter 13A. Real Property Tax Sales." and inserting the phrase "Chapter 13A. Revised Real Property Tax Sales." in its place.

(b) Section 47-802(a)(5)(A) is amended by striking the phrase "provided further" and inserting the phrase "provided, further" in its place.

Note,
§ 47-802

(c) Section 47-821(d)(2)(B)(i)(I) is amended by striking the phrase "identification of a particular property" and inserting the phrase "identification of a particular real property shall not be disclosed" in its place.

Note,
§ 47-821

(d) Section 47-825.01(f-1) is amended as follows:

(1) Paragraph (1)(C)(ii) is amended by striking the phrase "immediately preceding".

Note,
§ 47-825.01

(2) Paragraph (2) is amended by striking the phrase "subsection (f-1)(1)(A) or (f-1)(1)(B) of this section" and inserting the phrase "paragraph (1)(A) or (1)(B) of this subsection" in its place.

(e) Section 47-903(a) is amended as follows:

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

**Note,
§ 47-903**

(A) Strike the phrase "based on the capitalization of 10% of the average annual rent over the term of the lease, including renewals" and insert the phrase "based upon the average annual rent over the term of the lease, including renewals, capitalized at a rate of 10%" in its place.

(B) Strike the phrase "provided further" and insert the phrase "provided, further" in its place.

(2) Paragraph (3)(B) is amended by striking the phrase "One and one-half" and inserting the phrase "One hundred and fifty" in its place.

(f) The heading for the table of contents for Chapter 13A is amended by striking the phrase "Chapter 13A. Revised Real Property Tax Sale" and inserting the phrase "CHAPTER 13A. REVISED REAL PROPERTY TAX SALES" in its place.

(g) Section 47-1361(a)(1) is amended by adding a semi-colon at the end.

(h) The heading for the table of contents for Chapter 14 is amended by striking the phrase "RESIDENTIAL REAL PROPERTY TRANSFER EXCISE TAX" and inserting the phrase "TAXATION OF RECORDATION AND TRANSFERS OF REAL PROPERTY" in its place.

**Note,
§ 47-1361**

(i) Section 47-1817.04(a)(1) of the District of Columbia Official Code is amended by striking the second subparagraph (B) which reads as follows: "(B) An employee who was employed as the result of:

**Note,
§ 47-1817.04**

- (i) The displacement, other than for cause, of another employee;
- (ii) A strike or lockout;
- (iii) A layoff in which other employees are awaiting recall; or
- (iv) A reduction of the regular wages, benefits, or rights of other

employees in similar jobs."

Sec. 11. The Tax Clarity Act of 2000, effective June 9, 2001 (D.C. Law 13-305; 48 DCR 334), is amended as follows:

(a) Section 502(b)(1) is amended by striking the word "striking" and inserting the word "adding" in its place.

(b) Section 506(a)(2) is amended by striking the phrase "Paragraph (2)(B)" and inserting the phrase "Paragraph (3)(B)" in its place.

(c) The lead-in text of section 502(p) is amended by striking the phrase "Section 47-823(a)" and inserting the phrase "Section 47-823" in its place.

**Note,
§ 45-921**

Sec. 12. Section 402(b) of the New E-Conomy Transformation Act of 2000, effective April 3, 2001 (D.C. Law 13-256; 48 DCR 730), is amended as follows:

(a) Paragraph (1) is amended by striking the phrase "Paragraph (27)" and inserting the phrase "Paragraph (29)" in its place.

(b) Paragraph (2) is amended by striking the phrase "Paragraph (28)" and inserting the

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phrase "Paragraph (30)" in its place.

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

(i) Strike the phrase "paragraph (29)" and insert the phrase "paragraph (31)" in its place.

(ii) Strike the phrase "(29) Sales" and insert the phrase "(31) Sales" in its place.

Sec. 13. Section 201(d) of the Adoption and Safe Families Amendment Act of 2000, effective June 27, 2000 (D.C. Law 13-136; 47 DCR 2856), is amended by striking the phrase "section 201" and inserting the phrase "section 303" in its place, both times it appears.

Note,
§ 4-1303.02

Sec. 14. Section 4(c) of the Gallery Place Economic Development Amendment Act of 2000, effective April 3, 2001 (D.C. Law 13-241; 48 DCR 610), is amended as follows:

(a) Paragraph (1) is amended by striking the phrase "Paragraph (27)" and inserting the phrase "Paragraph (30)" in its place.

(b) Paragraph (2) is amended by striking the phrase "Paragraph (28)" and inserting the phrase "Paragraph (31)" in its place.

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

(i) Strike the phrase "paragraph (29)" and insert the phrase "paragraph (32)" in its place.

(ii) Strike the phrase "(29)(A) Gross" and insert the phrase "(32)(A) Gross" in its place.

Sec. 15. Section 223(b) of the 21st Century Financial Modernization Act of 2000, effective June 9, 2001 (D.C. Law 13-306; 48 DCR 3244), is amended by striking the phrase ", as expenses" and inserting the phrase ", as expenses," in its place.

Sec. 16. Section 702(b) of the Brownfield Revitalization Amendment Act of 2000, effective June 13, 2001 (D.C. Act 13-576; 48 DCR 3804), is amended by striking the phrase "subchapters VII or VIII" and inserting the phrase "subchapter VII or VIII of Chapter 18" in its place.

Sec. 17. Section 26(a) of the Technical Amendments Act of 2000, signed by the Mayor on January 19, 2001 (D.C. Act 13-574; 48 DCR 1873) is amended by striking the phrase "Section 9(d) is amended to read as follows:" and inserting the phrase "Section 8(d) is amended to read as follows:" in its place.

Sec. 18. Section 126a(8)(E) of the District of Columbia Theft and White Collar Crimes Act of 1982, effective June 8, 2001 (D.C. Law 13-301; 48 DCR 5899), is amended by striking the phrase "And does" and inserting the phrase "Does" in its place.

Sec. 19. Section 2406 of Title 18 of the District of Columbia Municipal Regulations is amended as follows:

(a) Subsection 2406.9 is amended as follows:

(1) Strike the phrase "disabled individuals" and insert the phrase "individuals with disabilities" in its place, both times it appears.

(2) Strike the phrase "issued pursuant to Chapter 27" and insert the phrase "issued pursuant to Chapter 27 or issued by any other state or country" in its place.

(b) Subsection 2406.11 is amended by striking the phrase "handicapped procedures" and inserting the phrase "handicapped parking procedures" in its place.

Sec. 20. The Protections from Predatory Lending and Mortgage Foreclosure Improvements Act of 2000, effective April 3, 2001 (D.C. Law 13-263; 48 DCR 991), is amended as follows:

(a) Section 1406 is amended to read as follows:

"Sec. 1406. Rulemaking authority.

"The Mayor shall promulgate rules, in accordance with the District of Columbia Administrative Procedure Act, approved October 12, 1968 (82 Stat. 1204; D.C. Code § 1-1501 et seq.), to carry out the purposes and functions of this act. The rules shall be promulgated within 90 days of the effective date of this act."

(b) Section 1602 is amended to read as follows:

"Sec. 1602. Applicability.

"(a)(1) Except as provided in paragraph (2) of this subsection, this act shall apply to all deeds of trust, mortgages, and other real property lending transactions, including the amendment, modification, supplement, or replacement of real property lending transactions as of the later of: (i) the effective date of the rules promulgated pursuant to section 1406; or (ii) the date set forth in rules promulgated pursuant to section 1406.

"(2) Sections 205, 216, 222, 223, 224, 226, 230, 231, 232, 301, 307(b), 505, 601, 602, 603, 604, 701, 702, 703, 704, 705, 706, 707, 801, 802, 901, 902, and 903 shall apply only to a deed of trust, mortgage, or other real property lending transaction entered into or having occurred after the earlier of (i) 150 days after the effective date of this act; or (ii) 60 days after the effective date of the rules promulgated pursuant to section 1406.

"(b) This section shall be effective April 3, 2001."

Sec. 21. The Mayor's Official Residence Commission Establishment Act of 2000, effective October 21, 2000 (D.C. Law 13-179; 48 DCR 6847), is amended as follows:

(a) The existing text is designated as Title I.

(b) A new Title II is added to read as follows:

"TITLE II DESIGNATION OF CASEY MANSION AS MAYOR'S OFFICIAL RESIDENCE

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“Sec. 11. Designation of Casey Mansion as Mayor’s Official Residence.

Note, New
§ 1-331.11

(a) On June 5, 2001, the Council of the District of Columbia adopted the Mayor's May 3, 2001 recommendation (PR 14-179) to accept and approve the proposal of the Eugene B. Casey Foundation, as set forth in a February 26, 2001 letter to the Mayor from Mrs. Eugene B. Casey, to designate the site at 1801 Foxhall Road, N.W., as the official residence of the Mayor of the District of Columbia ("Casey Mansion Proposal"). The Casey Mansion Proposal provides that the Casey Mansion Foundation, which has already acquired the property at 1801 Foxhall Road, N.W., would be endowed with sufficient private resources to build and maintain, in perpetuity, all operating costs for the buildings and grounds of the official Mayor's residence, including furnishings, housekeeping, insurance, landscaping, maintenance, security, staffing, and utilities.

“(b) Prior to the issuance of any building permit for an official Mayor's residence at 1801 Foxhall Road, N.W., the Mayor shall require that the Casey Mansion Proposal is memorialized in a document signed by representatives of the Mayor and the Eugene B. Casey Foundation or other foundation established to own, build, or maintain the Casey Mansion, which is provided to the Council and made available to the public, and which sets forth the specific terms and any conditions of the Casey Mansion Proposal, including the rights and obligations of each party, and including but not limited to information on:

“(1) The amount of funds and other assets set aside for the Casey Mansion Proposal;

“(2) The bylaws and members of the board of directors of the Eugene B. Casey Foundation and of any other entity or foundation that will own, build, and maintain the Casey Mansion;

“(3) The amount of funds donated by the Eugene B. Casey Foundation for trees in the District, and confirmation that the amount for trees is a separate gift not tied to the District's acceptance of the Casey Mansion Proposal;

“(4) Whether the amount of funds set aside for the Casey Mansion Proposal includes funds to cover annual property tax revenue that is foregone due to ownership of the 1801 Foxhall Road, N.W., property by a nonprofit organization;

“(5) Annual public financial disclosure reporting requirements associated with expenditures and sources of funds for operations of the Casey Mansion;

“(6) How open and accessible the Casey Mansion buildings and grounds will be to the public; and

“(7) Ensuring that the construction and operation of the Casey Mansion complies with all applicable local laws and regulations.”.

Sec. 22. Section 2(37) of the DNA Sample Collection Act of 2001, signed by the Mayor on June 15, 2001 (D.C. Act 14-76; 48 DCR 5934), is amended by striking the phrase "(misdemeanor sexual abuse);" and inserting the phrase "(misdemeanor sexual abuse) where the offense is committed against a minor;" in its place.

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Sec. 23. Section 2(37) of the DNA Sample Collection Emergency Act of 2001, effective June 18, 2001 (D.C. Act 14-77; 48 DCR 5938), is amended by striking the phrase "(misdemeanor sexual abuse);" and inserting the phrase "(misdemeanor sexual abuse) where the offense is committed against a minor;" in its place.

Sec. 24. Section 23-1329(b) of the District of Columbia Official Code is amended as follows: **Note, § 23-1329**

(a) Paragraph (1)(B)(ii) is amended by striking the phrase "If there is probable cause" and inserting the phrase "(2) If there is probable cause" in its place.

(b) The existing paragraph (2) is redesignated as paragraph (3).

Sec. 25. Section 412(b) of the Street and Alley Closing and Acquisition Procedures Act of 1982, effective April 4, 2001 (D.C. Law 13-275; 48 DCR 1660), is amended as follows:

(a) Strike the numbers "11" and "8" and insert the numbers "12" and "9", respectively, in their place.

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

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

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

"(9) The Director of the Department of Housing and Community Development."

Sec. 26. Title XLIII of the Fiscal Year 2001 Budget Support Act of 2000, effective October 19, 2000 (D.C. Law 13-172; 47 DCR 6308), is amended by striking the word "Judgements" and inserting the word "Judgments" in its place.

Sec. 27. Section 1(c)(1) of An Act Authorizing the Commissioners of the District of Columbia to settle claims and suits against the District of Columbia, approved February 11, 1929 (45 Stat. 1160; D.C. Official Code § 2-402(c)(1)), is amended by striking the word "settlement" and inserting the phrase "settlement or judgment" in its place wherever it appears. **Note, § 2-402**

Sec. 28. Section 5(d) of the District of Columbia Comprehensive Bicycle Transportation and Safety Act of 1984, effective March 16, 1985 (D.C. Law 5-179; D.C. Official Code § 50-1604(d)), is amended by striking the phrase "and District" and inserting the phrase ", Council of the District of Columbia and District" in its place. **Note, § 50-1604**

Sec. 29. (a) Section 401(13) of the Securities Act of 2000, effective October 26, 2000 (D.C. Law 13-203; D.C. Official Code § 31-5604.01(13)), is repealed.

(b) Subsection (a) of this section shall apply as of May 31, 2001.

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Sec. 30. 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. 31. 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. Official Code § 47-392.03(a)), 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