

AN ACT

D.C. ACT 16-637

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 28, 2006

*Codification
District of
Columbia
Official Code*

2001 Edition

2007 Winter
Supp.

West Group
Publisher

To amend the District of Columbia Comprehensive Plan Act of 1984 to establish a broad range of goals, policies, and actions to guide public decisions by both District and federal agencies; and the District of Columbia Comprehensive Plan Act of 1984 Land Use Element Amendment Act of 1984 to provide a date for the Mayor to submit proposed conforming amendments to the Zoning Commission to eliminate any inconsistency between the Zoning Regulations and the amended Comprehensive Plan.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Comprehensive Plan Amendment Act of 2006".

Sec. 2. The District of Columbia Comprehensive Plan Act of 1984, effective April 10, 1984 (D.C. Law 5-76; D.C. Official Code § 1-301.62 *et seq.*), is amended as follows:

(a) Section 3 (10 DCMR §§ 100 through 1930) is amended as follows:

DCMR

(1) The Introductory language is amended to read as follows:

"The Council of the District of Columbia adopts the District Elements of the Comprehensive Plan for the National Capital submitted by the Mayor to the Council on July 14, 2006 ("Comprehensive Plan"), with the maps and graphics as amended by the descriptive revisions contained in sections 3(a), 3(b), and 3(c), and with the text as amended and provided in section 3(d)."

(2) The previously adopted text and maps, known as the District Elements of the Comprehensive Plan adopted in 1984 and amended in 1985, 1990, 1994, and 1998, are repealed; except, that the provisions entitled Housing Linkage (10 DCMR § 305) are not repealed but are hereby incorporated into the District Elements of the Comprehensive Plan for the National Capital and the Comprehensive Plan Amendment Act of 2006, passed on 2nd reading on December 19, 2006 (Enrolled version of Bill 16-876).

(b) Section 7 (D.C. Official Code § 1-301.63) is amended by adding a new subsection (d) to read as follows:

Amend
§ 1-301.63

"(d)(1) The Mayor shall transmit 2 generalized maps—a Future Land Use Map and a Generalized Policy Map—to the Council within 90 days after the effective date of the

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Comprehensive Plan Amendment Act of 2006, passed on 2nd reading on December 19, 2006 (Enrolled version of Bill 16-876).

(2) The maps transmitted under this section shall:

- (A) Conform to the requirements of sections 223 and 224 of Chapter 200 ("the Framework Element") of the Comprehensive Plan;
- (B) Be printed at a scale of 1,500 feet to 1 inch;
- (C) Use standardized colors for planning maps;
- (D) Indicate generalized land use policies; and
- (E) Include a street grid and other changes in format or design to improve the readability and understanding of the adopted policies.

(3)(A) The Council shall hold a public hearing to determine if the maps transmitted under this section conform to the maps adopted under sections 223 and 224 of the Framework Element of the Comprehensive Plan, as required by paragraph 2 of this subsection. If the Council determines that a map transmitted under this section conforms as required, the Council shall approve the map by resolution.

(B) If the Council determines that a map transmitted under this section does not conform as required by paragraph 2 of this section but requires corrections to conform, the Council shall approve the map by resolution, identifying the required corrections, and the Mayor shall publish a new map with the required corrections."

(c) Section 8(c) (D.C. Official Code § 1-301.65(c)) is amended to read as follows:

Amend § 1-301.65

"(c) Each progress report shall indicate the progress made in implementing Comprehensive Plan Actions during the reporting period and the key projected implementation activities by land use policy for the next 5 years."

(d) Section 9a(a) and (b) (D.C. Official Code § 1 -301.66(a) and (b)) is amended to read as follows:

Amend § 1-301.66

"(a) Within 90 days of the effective date of the Comprehensive Plan Amendment Act of 2006, passed on 2nd reading on December 19, 2006 (Enrolled version of Bill 16-876), the Mayor shall publish the Comprehensive Plan, as amended, in its entirety."

"(b) The Comprehensive Plan shall be consolidated by the District of Columbia Office of Documents into a single new or replacement title of the District of Columbia Municipal Regulations to be designated by the District of Columbia Office of Documents. The Comprehensive Plan shall be published in the format furnished by the Mayor and need not conform to the Office of Documents' publication standards."

Sec. 3. Additional map and text amendments.

(a) The District of Columbia Comprehensive Plan Future Land Use Map, dated November 2006, is adopted and amended as follows:

- (1) The land use designation for the west side of 2nd Street, N.E., between I and L Streets, N.E., is changed from mixed-use medium density residential and medium density commercial to high density commercial.

ENROLLED ORIGINAL

(2) The land use designation for the area bounded by South Capitol, Half, I and M Streets, S.W., is changed from mixed use high density residential and high density commercial to high density commercial.

(3) The land use designation for the area in the Capitol South Transferable Development Rights receiving zone bounded by South Capitol, M, and 2 Streets, S.E., and the Southeast Freeway, S.E., is changed from mixed use high density residential and high density commercial to high density commercial.

(4) The land use designation for the area bounded by North Capitol and H Streets, New York and Florida Avenues and the Metrorail right-of-way, N.E., is changed from mixed use high density residential and high density commercial to high density commercial.

(5) The land use designation for the north side of M Street, S.E., between 2nd and 3rd Streets, S.E. (the property at 250 M Street, S.E.), is changed from mixed use high density residential and medium density commercial to high density commercial.

(6) The land use designation for the square bounded by 2nd, 3rd, and I Streets, S.E., and the Southeast Freeway, S.E. (the property at 225 Virginia Avenue, S.E.), is changed from mixed use high density residential and high density commercial to high density commercial.

(7) The land use designation for the portion of Square 2560 on Euclid and Champlain Streets, N.W., containing the First Church of Christ, Scientist building, is changed from moderate density residential to mixed use moderate density residential and low density commercial.

(8) The land use designation for the commercial strip in Squares 669 and 670, for the properties bounded by North Capitol and P Streets and New York Avenue, N.E., is changed from medium density commercial to high density commercial.

(9) The land use designation for the properties on both sides of Reed Street north of Rhode Island Avenue, N.E., is changed from mixed use medium density residential and medium density commercial to mixed use high density residential and medium density commercial.

(10) The land use designation for the property at 3330 New York Avenue, N.E., is changed from production, distribution, and repair to mixed use production, distribution, and repair, high density residential and medium density commercial.

(11) The land use designation for Lots 5, 800, 802, and 809 and Parcels 129/9 and 129/32 in Square 3587, bounded on the south by Florida Avenue, N.E., on the east by 4th Street, N.E., and on the north by Morse Street, N.E., is changed from production, distribution, and repair to mixed use production, distribution, and repair, high density residential and medium density commercial.

(12) The land use designation for Lot 800 in Square 2234, known as 2950 Tilden Street, N.W., is changed from medium density residential to moderate density residential.

(13) The land use designation for the north and south sides of Dix Street, N.E., between 57th and 60th Streets, N.E., is changed from low density residential to mixed use

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moderate density residential and low density commercial.

(14) The land use designation for the property bounded by 7th Street, N.W., 9th Street, N.W., O Street, N.W., and P Street, N.W. is changed from mixed use medium density residential and medium density commercial to mixed use high density residential and medium density commercial.

(15) The land use designation for the property known as the Uline Arena, located in the block bounded by 2nd, 3rd, L and M Streets, N.E., is changed from mixed use medium density residential and production, distribution, and repair to mixed use medium density residential, medium density commercial, and production, distribution, and repair.

(16) The land use designation for the rear portion of the property known as the 208 Massachusetts Ave NE (Lot 3, Square 755), located in the block bounded by 2nd Street, N.E., 3rd Street, N.E., E Street, N.E., and Massachusetts Avenue, N.E., is changed from moderate density residential to moderate density commercial.

(b) The District of Columbia Comprehensive Plan Generalized Policy Map, dated July 2006, is adopted, with the definition of Neighborhood Conservation Areas amended by adding the following sentence to the end of the first paragraph of the definition:

"Neighborhood Conservation areas that are designated for PDR uses on the Future Land Use Map are expected to be retained with the mix of industrial, office, and retail uses they have historically provided."

(c) The other maps and graphics printed on the pages of the Comprehensive Plan are adopted and revised to conform with the text in section 3(d).

(d) The Comprehensive Plan for the National Capital: District Elements (Enrolled version of Bill 16-876 and The Comprehensive Plan for the National Capital: District Elements, dated December 19, 2006), is hereby adopted and incorporated by reference into this act.

Sec 4. Section 7(b) of the District of Columbia Comprehensive Plan Act of 1984 Land Use Element Amendment Act of 1984, effective May 23, 1990 (D.C. Law 8-129; D.C. Official Code § 1-301.68(b)), is amended by striking the date "April 27, 1999" and inserting the phrase "the effective date of the Comprehensive Plan Amendment Act of 2006, passed on 2nd reading on December 19, 2006 (Enrolled version of Bill 16-876)," in its place.

Amend
§ 1-301.68

Sec. 5. District of Columbia Register publication requirement exemption.

Notwithstanding section 8 of this act and sections 204 and 308(b) of the District of Columbia Administrative Procedure Act, effective March 6, 1979 (D.C. Law 2-153; D.C. Official Code §§ 2-602 and 2-558(b)), the text, maps, and graphics of the District elements of the Comprehensive Plan for the National Capital, as amended by this act, need not be published in the District of Columbia Register to become effective.

Sec. 6. 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)).

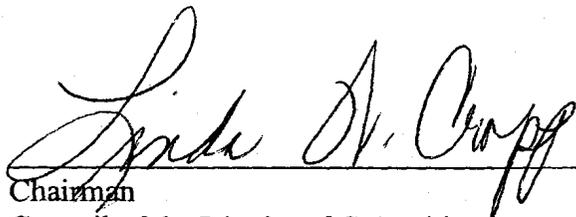
Sec. 7. Implementation.

The amended Comprehensive Plan shall not begin to be implemented until March 1, 2007, or the effective date of this act, whichever is later.

Sec. 8. 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) No District element of the Comprehensive Plan for the National Capital shall take effect until it has been reviewed by the National Capital Planning Commission as provided in section 2(a) of the National Capital Planning Act of 1952, approved June 6, 1924 (43 Stat. 463; D.C. Official Code § 2-1002(a)), and section 423 of the District of Columbia Home Rule Act, approved 24, 1973 (87 Stat. 792; D.C. Official Code § 1-204.23).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
December 28, 2006

AN ACT

D.C. ACT 16-638

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 28, 2006

To order the closing of a portion of the public alley system in Square 701, bounded by M Street, S.E., Half Street, S.E., N Street, S.E., and Van Street, S.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 Portions of a Public Alley System on the West Side of Square 701, S.O. 06-3392, Act of 2006".

Sec. 2. (a). 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 a portion of the alley system on the west side of Square 701, as shown on the Surveyor's plat filed under S.O. 06-3392, 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 applicant recording a covenant in the Office of the Recorder of Deeds for the District of Columbia as described in subsection (b) of this section.

(b)(1) The applicant shall file a covenant that incorporates the conditions set forth in the file for S.O. 06-3392, including the conditions required by the District of Columbia Water and Sewer Authority and the establishment of an easement for the benefit of the public that shall extend from Cushing Place south to N Street, S.E., and be a minimum of 30 feet in width.

(2) The applicant shall have the right to construct improvements above and below the easement; provided, that any improvements provide a minimum clearance of 14 feet above the surface of the easement.

Sec. 3. Fiscal impact statement.

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

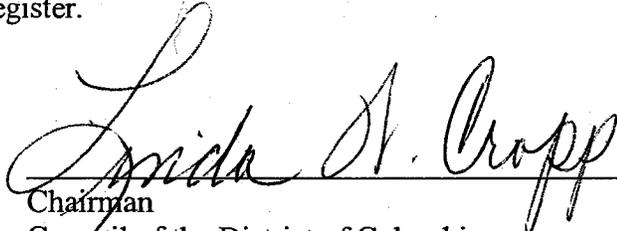
Sec. 4. The Secretary to the Council shall transmit a copy of this act, upon its effective date, to the District of Columbia Surveyor and the Recorder of Deeds.

Sec. 5. Effective date.

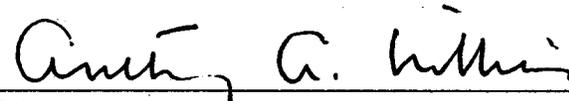
This act shall take effect following approval by the Mayor (or in the event of veto by the

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
December 28, 2006

AN ACT

D.C. ACT 16-639

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 28, 2006

To order the closing of a portion of the public alley system in Square 700, bounded by M Street, S.E., Half Street, S.E., N Street, S.E., and Van Street, S.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 Portions of a Public Alley System in Square 700, S.O. 06-3582, Act of 2006".

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 a portion of the alley system in Square 700, as shown on the Surveyor's plat filed under S.O. 06-3582, is unnecessary for alley purposes and orders it closed, with title to the land to vest as shown on the Surveyor's plat.

Sec. 3. Fiscal impact statement.

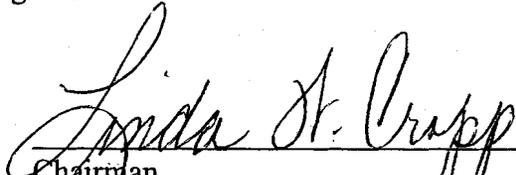
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. The Secretary to the Council shall transmit a copy of this act, upon its effective date, to the District of Columbia Surveyor and the Recorder of Deeds.

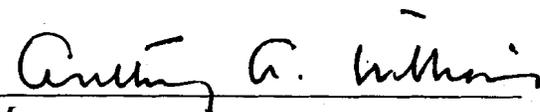
Sec. 5. Effective date.

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

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
December 28, 2006

AN ACT

D.C. ACT 16-640

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 28, 2006

To order the closing of the public alley in Square 739, bounded by New Jersey Avenue, Canal, 2nd, and K Streets, S.E., the opening of I Street, S.E., between 2nd Street and New Jersey Avenue, S.E., the widening of 2nd Street, S.E., between I and K Streets, S.E., the widening of New Jersey Avenue north of Canal Street, S.E., the opening of H Street, S.E., to connect to New Jersey Avenue, S.E., the closing of Closing Canal Street (North), Canal Street (South), and a portion of 1st Street, S.E., to accept the dedication and designation of Reservation 17-A and Lot 801, Square 737N for public street purposes, to authorize the improvement of the dedicated land for street purposes, to authorize modifications to the permanent system of highways in the District of Columbia, and to designate the dedicated streets as I Street, S.E., H Street, S.E., and New Jersey Avenue, S.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 in Squares 739, the Closure of Streets, the Opening and Widening of Streets, and the Dedication of Land for Street Purposes (S.O. 06-221), Act of 2006".

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)(D.C. Official Code § 9-203.02) ("Act"), the Council finds that the public alley in Square 739, as shown on the Surveyor's plat filed under S.O. File 06-221, 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 the conditions set forth in the official S.O. File 06-221.

Sec. 3. Pursuant to sections 302 and 401 of the Act (D.C. Official Code §§ 9-203.02 and 9-204.01), and notwithstanding the requirements set forth in sections 303, 304, and 402 of the Act (D.C. Official Code §§ 9-203.03, 9-203.04, and 9-204.02), the Council accepts the dedications of the streets as shown on the Surveyor's plats filed under S.O. File 06-221 and

designates the streets as I Street, S.E., H Street, S.E., and New Jersey Avenue, S.E., as shown on the Surveyor's plats filed under S.O. File 06-221. The approval of the Council of this dedication and designation is contingent upon the satisfaction of all the conditions set forth in the official S.O. File 06-221.

Sec. 4. Notwithstanding section 306 of the Act (D.C. Official Code § 9-203.06), the Mayor is authorized to:

- (1) Accept street improvements made or to be made by the applicant to the area dedicated for street purposes, subject to confirmation by the District Department of Transportation that the streets have been constructed in accordance with District Department of Transportation standards; and
- (2) Waive all deposits related to this section.

Sec. 5. Notwithstanding the Federal-Aid Highway Act of 1973, approved August 13, 1973 (87 Stat. 268; D.C. Official Code § 9-103.01 *et seq.*), regarding the Permanent Highway Plan and section 6 of An Act to provide a permanent system of highways in that part of the District of Columbia lying outside of cities, and for other purposes, approved June 28, 1898 (30 Stat. 520; D.C. Official Code § 9-101.06), regarding the procedural requirements for a modification to the Permanent Highway Plan, the Council amends the Permanent System of Highways in the District of Columbia by adding the area of land shown on the Surveyor's plat filed under S.O. File 06-221. The National Capital Planning Commission approved the modification to the Permanent Highway Plan on July 28, 2005.

Sec. 6. Fiscal impact statement.

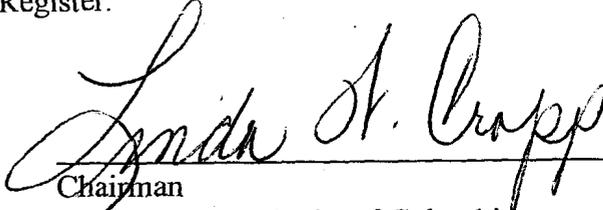
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 7. The Secretary to the Council shall transmit a copy of this act, upon its effective date, to the Office of the Surveyor, the Office of Planning, the Building and Land Regulation Administration of the Department of Consumer and Regulatory Affairs, the District of Columbia Recorder of Deeds, and to the Office of the Mayor.

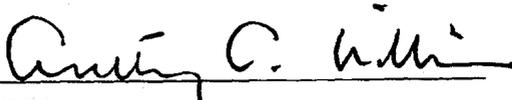
Sec. 8. Effective date.

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
December 28, 2006

AN ACT

D.C. ACT 16-641

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
DECEMBER 26, 2006

*Codification
District of
Columbia
Official Code*

2001 Edition

2007 Winter
Supp.

West Group
Publisher

To designate the Washington Convention Center, located at 801 Mount Vernon Place, N.W., as the Walter E. Washington Convention Center.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Walter E. Washington Convention Center Designation Act of 2006".

Sec. 2. Pursuant to sections 401 and 405 of the Street and Alley Closing Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D. C. Official Code §§ 9-204.01 and 9-204.05), the Council designates the Washington Convention Center, located at 801 Mount Vernon Place, N.W., as the "Walter E. Washington Convention Center".

Note,
§ 9-204.01

Sec. 3. The Secretary to the Council shall transmit a copy of this act, after it becomes effective, to the Surveyor of the District of Columbia who shall record in the Office of the Surveyor "Walter E. Washington Convention Center" as the name of the Washington Convention Center located at 801 Mount Vernon Place, N.W.

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)).

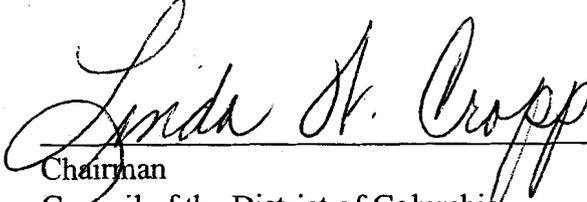
Sec. 5. Applicability.

This act shall apply subject to the availability of appropriations or the inclusion of its fiscal effect in an approved budget and financial plan.

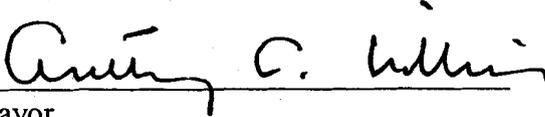
ENROLLED ORIGINAL

Sec. 6. Effective date.

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
December 28, 2006

ENROLLED ORIGINAL

AN ACT

D.C. ACT 16-642

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 28, 2006

To amend Chapter 25 of Title 24 of the District of Columbia Municipal Regulations governing the Metropolitan Police Department's Closed Circuit Television system to authorize its use in the prevention, detection, deterrence, and investigation of crime.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Use of Closed Circuit Television to Combat Crime Amendment Act of 2006".

Sec. 2. Chapter 25 of Title 24 of the District of Columbia Municipal Regulations is amended as follows:

DCMR

(a) Section 2500.1 is amended by striking the phrase "within the Synchronized Operations Command Complex (SOCC)".

(b) Section 2500.2 is amended by striking the phrase "and (2) to coordinate traffic control on an as needed basis." and inserting the phrase "(2) to coordinate traffic control on an as-needed basis; and (3) to combat crime as authorized by § 2508." in its place.

(c) Section 2502.1 is amended to read as follows:

"2502.1 The Chief of Police shall provide public notification prior to the deployment of any permanent cameras, except:

"(a) Under exigent circumstances; or

"(b) When cameras are deployed pursuant to a court order."

(d) Section 2504.2 is amended by striking the phrase "SOCC personnel will enter activation information, including the disposition of any observed incidents, into the running resume of the daily SOCC report, including" and inserting the phrase "MPD personnel will record activation information, including the disposition of any observed incidents," in its place.

(e) Section 2505.4 is amended by striking the phrase "of the SOCC".

(f) Section 2505.11 is amended by striking the phrase "SOCC staff shall maintain a video catalog" and inserting the phrase "MPD personnel shall maintain a video catalog" in its place.

(g) A new section 2508 is added to read as follows:

"2508 USE OF CCTV TO COMBAT CRIME

"2508.1 The Chief of Police is authorized to use the CCTV system for the purpose of

preventing, detecting, deterring, and investigating crime in neighborhoods in the District of Columbia.

“2508.2 The Chief of Police shall, at a minimum, consider the following factors prior to using the CCTV system to combat crime:

- “(a) The number and type of calls for service in the proposed CCTV camera location;
- “(b) Any crimes that were committed in the proposed CCTV camera location; and
- “(c) A request or recommendation made by the Advisory Neighborhood Commission, or a civic or citizen association; and
- “(d) Any other objectively verifiable information from which the Chief of Police may ascertain whether the health, safety, or property of residents who live in the proposed CCTV location are endangered by crime or other illegal activity.

“2508.3 The Chief of Police shall have the final authority to decide where to place a CCTV camera or CCTV cameras for crime-fighting purposes, although the Chief of Police shall be required to give consideration to locating cameras within public housing developments in Hot Spot Areas.

“2508.4 When CCTV is used to combat crime, recordings may be passively monitored, meaning that the video feeds may not be monitored in real time, and recordings may be viewed by MPD personnel where there is reason to believe that the viewing may help solve a crime.

“2508.5 The Chief of Police shall consult with the relevant Councilmember and the relevant ANC Commissioner prior to deploying CCTV cameras to combat crime. An ANC, or a civic or citizen association, upon determination of need, may submit a request to the Chief of Police that a CCTV camera be placed in its neighborhood.

“2508.6 On or before February 15, 2008, the Chief of Police shall report to the Mayor and to the Council on the cameras’ effectiveness at preventing, detecting, and solving crime since their installation. The report shall also evaluate whether the presence of cameras served to displace criminal activity. The effectiveness of the cameras shall be evaluated using, but not limited to, the following factors:

“(a) The rate of crime in the specific area in which a surveillance camera is located from the date of the camera’s installation until January 1, 2008, compared with the rate of crime in the same PSA within the previous 2 years;

“(b) The number of calls for service, including calls for service for public disorder, drug activity, and prostitution, in the specific area in which a surveillance camera is located from the date of the camera’s installation until January 1, 2008, compared with the number of calls for service in the same PSA within the previous 2 years;

“(c) The same information in paragraphs (a) and (b) of this subsection in the PSAs that surround the PSA in which the specific area is located, for the purpose of measuring any potential displacement of crime caused by the deployment of the Closed Circuit Television Cameras in the specific areas;

“(d) General crime trends in the specific area within a PSA in which a surveillance camera is located, the PSAs surrounding the specific areas, the specific areas’ police districts,

and the District of Columbia, within the previous 4 years;

“(e) The number of crimes in the specific areas detected and reported to the Metropolitan Police Department because of the presence of the video surveillance cameras; and

“(f) The number of crime investigations aided by the Closed Circuit Television Cameras, and a description in each case of how the camera was helpful to the investigation, during the period July 19, 2006 to January 1, 2008.

“2508.7 The report due February 15, 2008 shall also state the Metropolitan Police Department’s long-term plan for the use of CCTV cameras to combat crime, including:

“(a) Changes to the program, if any;

“(b) Ultimate number of cameras to be installed;

“(c) How CCTV cameras will be integrated with other crime-fighting measures; and

“(d) Estimated fiscal impact of the long-range CCTV plan.”.

(h) Section 2599.1 is amended to read as follows:

“2599 DEFINITIONS

“2599.1 When used in this chapter, the following words and phrases shall have the meanings ascribed:

“ANC – Advisory Neighborhood Commission.

“Chief of Police – The Chief of Police or his or her designee.

“Closed Circuit Television or CCTV – Any live video link that is electronically received into any MPD property.

“Demonstration – A temporary presentation of the capacity of the CCTV system to visitors of the MPD.

“Exigent Circumstances – Unanticipated situations that threaten the immediate safety of individuals or property within the District of Columbia; provided, that the cameras have no greater scope or capabilities than reasonably necessary to achieve a legitimate law enforcement purpose.

“External Video Feeds – Any video link received by MPD on a live basis from a source other than MPD.

“MPD - Metropolitan Police Department.

“PSA - Police Service Area.

“Public Entities – District of Columbia, state, or federal agencies.

“Public Notice or Notification– Notice that includes at a minimum, but is not limited to, publication in the District of Columbia Register, posting on the MPD website, written notice to the relevant Councilmember, written notice to the relevant ANC Commissioner, and issuance of a press release.”.

Sec. 3. Fiscal impact statement.

The Council adopts the December 4, 2006 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-

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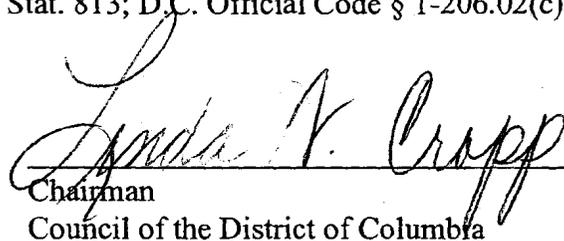
DISTRICT OF COLUMBIA REGISTER

ENROLLED ORIGINAL

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 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)).


Chairman
Council of the District of Columbia


Mayor
District of Columbia
APPROVED
December 28, 2006

AN ACT
D.C. ACT 16-643

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 28, 2006

*Codification
District of
Columbia
Official Code*

2001 Edition

2007 Winter
Supp.

West Group
Publisher

To amend Titles 16 and 23 of the District of Columbia Official Code to create a rebuttable presumption for detaining certain adults and juveniles charged with robbery or certain handgun violations pending a trial or disposition hearing.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Rebuttable Presumption to Detain Robbery and Handgun Violation Suspects Act of 2006".

Sec. 2. Section 16-2310 of the District of Columbia Official Code is amended by adding a new subsection (a-1) to read as follows:

Amend
§ 16-2310

"(a-1)(1) There shall be a rebuttable presumption that detention is required to protect the person or property of others if the judicial officer finds by a substantial probability that the child:

"(A) Committed a dangerous crime or a crime of violence while armed with or having readily available a pistol, firearm, or imitation firearm; or

"(B) Committed CPWL, carrying a pistol without a license.

"(2) For the purposes of this subsection, the terms "dangerous crime" and "crime of violence" shall have the same meanings as provided in section 23-1331, except that these terms shall not include:

"(A) Any felony offense under Chapter 27 of Title 22 (Prostitution, Pandering);

"(B) Any felony offense under Chapter 9 of Title 48 (Controlled Substances);

"(C) Burglary; or

"(D) Arson."

Sec. 3. Chapter 13 of Title 23 of the District of Columbia Official Code is amended as follows:

(a) Section 23-1322(c) is amended as follows:

(1) Paragraph (1) is amended by striking the phrase "or imitation firearm;" and inserting the phrase "imitation firearm, or other deadly or dangerous weapon;" in its place.

Amend § 23-1322

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

(3) Paragraph (4) is amended by striking the phrase "federal offense." and inserting the phrase "federal offense;" in its place.

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

"(5) Committed 2 or more dangerous crimes or crimes of violence in separate incidents that are joined in the case before the judicial officer;

"(6) Committed a robbery in which the victim sustained a physical injury; or

"(7) Committed CPWL, carrying a pistol without a license."

(b) Section 23-1331 is amended by adding a new paragraph (6) to read as follows:

Amend § 23-1331

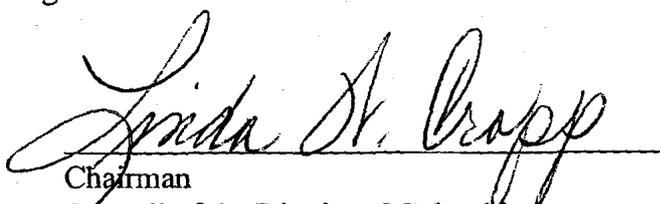
"(6) The term "physical injury" means bodily harm greater than transient pain or minor temporary marks."

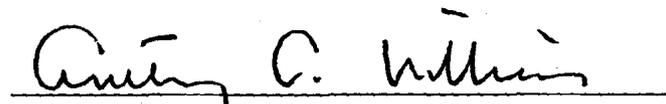
Sec. 4. Fiscal impact statement.

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 60-day period of Congressional review as provided in section 602(c)(2) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(2)), and publication in the District of Columbia Register.


Chairman
Council of the District of Columbia


Mayor
District of Columbia
APPROVED
December 28, 2006

AN ACT

D.C. ACT 16-644

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 28, 2006Codification
District of
Columbia
Official Code

2001 Edition

2007 Winter
Supp.West Group
Publisher

To amend the Captive Insurance Company Act of 2004 to authorize the use of special purpose financial captive insurance companies for the exclusive purpose of facilitating the securitization of one or more risks as a means of accessing alternative sources of capital and achieving the benefits of securitization.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Special Purpose Financial Captive Authorization Amendment Act of 2006".

Sec. 2. The Captive Insurance Company Act of 2004, effective May 17, 2005 (D.C. Law 15-262; D.C. Official Code § 31-3931.01 *et seq.*), 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. SPECIAL PURPOSE FINANCIAL CAPTIVE INSURANCE COMPANIES

"Sec. 201. Purpose.

"This title provides for the creation of special purpose financial captive insurance companies for the exclusive purpose of facilitating the securitization of one or more risks as a means of accessing alternative sources of capital and achieving the benefits of securitization. Their creation is intended to achieve greater efficiencies in structuring and executing insurance securitizations, to diversify and broaden insurers' access to sources of capital, to facilitate access for many insurers to insurance securitization and capital markets financing technology, and to further the economic development of the District of Columbia through its captive insurance program.

"Sec. 202. Definitions.

"In addition to the terms defined in section 2, for the purposes of this title, the term:

"(1)(A) "Control" (including the terms "controlling", "controlled by", and "under common control with") means the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of a person, whether through the ownership of voting securities, by contract other than a commercial contract for goods or nonmanagement services, or otherwise, unless the power is the result of an official position with or corporate office held by the person.

"(B) Control shall be presumed to exist if a person, directly or indirectly, owns, controls, holds with the power to vote, or holds proxies representing 10% or more of the voting securities of another person, but this presumption may be rebutted by a showing that control does not exist.

"(C) The fact that an SPFC exclusively provides reinsurance to a ceding

insurer under an SPFC contract shall not by itself constitute common control between the SPFC and the ceding insurer.

"(2) "Counterparty" means the insurer that cedes risk to an SPFC and which, unless otherwise approved by the Commissioner, is the parent or an affiliated company of the SPFC.

"(3) "Fair value" means:

"(A) As to cash, the amount of it; and

"(B) As to an asset other than cash:

"(i) The amount at which that asset could be bought or sold in a current transaction between arms-length, willing parties.

"(ii) The quoted mid-market price for the asset in active markets must be used if available.

"(iii) If a quoted mid-market price is not available, a value determined using the best information available considering values of similar assets and other valuation methods, such as present value of future cash flows, historical value of the same or similar assets, or comparison to values of other asset classes, the value of which have been historically related to the subject asset.

"(4) "Insolvency" or "insolvent" means an inability to pay obligations when they are due, unless those obligations are the subject of a bona fide dispute.

"(5) "Insurance securitization" means a package of related risk-transfer instruments, capital market offerings, and facilitating administrative agreements by which proceeds are obtained by an SPFC directly or indirectly through the issuance of securities, and which proceeds are held in trust pursuant to the provisions of this title to secure the obligations of the SPFC under one or more SPFC contracts with a counterparty, where investment risk to the holders of these securities is contingent upon the obligations of the SPFC to the counterparty under the SPFC contract in accordance with the terms of the transaction.

"(6) "Management" means the board of directors, managing board, or other individuals vested with overall responsibility for the management of the affairs of an SPFC, including the election and appointment of officers or other of those agents to act on behalf of the SPFC.

"(7) "Organizational document" means the articles of incorporation, articles of organization, bylaws, operating agreement, or other foundational documents that establish an SPFC as a legal entity.

"(8) "Permitted investments" means those investments that meet the qualifications set forth in section 207.

"(9) "Qualified United States financial institution" means a financial institution that is eligible to act as a fiduciary of a trust and is:

"(A) Organized or, in the case of a United States branch or agency office of a foreign banking organization, is licensed under the laws of the United States, any state of the United States, or the District of Columbia; and

"(B) Regulated, supervised, and examined by federal or state authorities having regulatory authority over banks and trust companies.

"(10) "Securities" has the same meaning as the term "security" in section 101(31) of the Securities Act of 2000, effective October 24, 2000 (D.C. Law 13-203; D.C. Official Code § 31-5601.01(31)).

"(11) "SPFC" or "Special Purpose Financial Captive" means a captive insurer that is formed for the purpose of an insurance securitization and that only insures or reinsures

the risks of its counterparty.

“(12) "SPFC contract" means a contract between an SPFC and the counterparty pursuant to which the SPFC agrees to provide insurance or reinsurance protection to the counterparty for risks associated with the counterparty's insurance or reinsurance business.

“(13) "SPFC securities" means securities issued by an SPFC.

“(14) "Surplus note" means an unsecured subordinated debt obligation possessing characteristics consistent with paragraph 3 of the Statement of Statutory Accounting Principles No. 41, as amended, National Association of Insurance Commissioners.

“Sec. 203. Application of Title I.

“(a) Except as otherwise provided, sections 4, 5, 6, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 29, 21, 22 and 23 shall apply under this title to SPFCs.

“(b) The Commissioner, by rule or order, may exempt an SPFC, on a case-by-case basis, from the provisions of this title that the Commissioner determines to be inappropriate given the nature of the risks to be insured.

“Sec. 204. Application requirements.

“(a) (1) An SPFC shall apply to the Commissioner for a certificate of authority. The application for a certificate of authority shall include the items required by section 10.

“(2) If an SPFC will have one or more protected cells, the SPFC shall include in its application for a certificate of authority:

“(A) A strategic business plan demonstrating the manner in which the SPFC will:

“(i) Account for the loss and expense experience of each segregated account at a level of detail found to be sufficient by the Commissioner; and

“(ii) How it will report the experience to the Commissioner;

“(B) A statement acknowledging that all financial records of the SPFC, including records pertaining to any protected cells, will be made available for inspection or examination by the Commissioner;

“(C) All contracts or sample contracts between the SPFC and any counterparty related to each protected cell; and

“(D) Evidence that expenses are allocated to each segregated account in an equitable manner.

“(b) An SPFC's strategic business plan shall include:

“(1) A description of the contemplated insurance securitization, the SPFC contract, and related transactions;

“(2) Draft documentation or, at the discretion of the Commissioner, a written summary of all material agreements that are entered into to effectuate the SPFC contract and the insurance securitization, which shall include the name of the counterparty, the nature of the risks being assumed, the proposed use of protected cells, if any, and the maximum amounts, purpose, and nature and the interrelationships of the various transactions required to effectuate the insurance securitization;

“(3) The investment policy of the SPFC and a description of its investment strategy;

“(4) A description of the underwriting, reporting, and claims payment methods by which losses covered by the SPFC contract are reported, accounted for, and settled; and

“(5) Pro forma balance sheets and income statements illustrating various stress case scenarios for the performance of the SPFC under the SPFC contract.

“(c) Section 8 of the Law on Examinations Act of 1993, effective October 21, 1993

(D.C. Law 10-49; D.C. Official Code §31-1407), shall apply to examinations, investigations, and processing conducted pursuant to this title.

“(d) In determining whether to issue a certificate of authority, the Commissioner shall consider, in addition to the matters specified in section 2(b), whether:

“(1) The proposed strategic business plan provides a reasonable and expected successful operation;

“(2) The terms of the SPFC contract and related transactions comply with this title; and

“(3) The proposed strategic business plan is not hazardous to any counterparty.

“(e) The Commissioner shall not issue a certificate of authority to an SPFC until the Commissioner has received written notification, or other assurance satisfactory to the Commissioner, from the commissioner of the state of domicile of each counterparty that such commissioner has approved, or not disapproved, the transaction.

“(f) The SPFC shall provide a complete set of the documentation of the insurance securitization to the Commissioner upon closing of the transactions, including an opinion of legal counsel with respect to compliance with this act and any other applicable laws as of the effective date of the transaction.

“(h) Any material change of the SPFC’s strategic business plan shall require prior approval of the Commissioner; provided, that:

“(1) If initially approved in the strategic business plan, securities subsequently issued to continue the securitization activities of the SPFC either during or after expiration, redemption, or satisfaction, of part or all of the securities issued pursuant to initial insurance securitization transactions may not be considered a material change; and

“(2) A change and substitution in a counterparty to a swap transaction for an existing insurance securitization as allowed pursuant to the provisions of this title shall not be considered a material change if the replacement swap counterparty carries a similar or higher rating to its predecessor with 2 or more nationally recognized rating agencies.

“(i) Upon termination or cancellation of an SPFC contract and the redemption of any related securities issued in connection with the SPFC contract, the certificate of authority granted by the Commissioner shall expire or, in the case of retiring and surviving protected cells, shall be modified, and the SPFC shall no longer be authorized to conduct activities unless and until a new or modified certificate of authority is issued pursuant to a new filing pursuant to the provisions of this section or as agreed by the Commissioner.

“Sec. 205. Capital and surplus.

“(a) In addition to any other capital required to be maintained pursuant to subsection (c) of this section, an SPFC authorized to do business in the District shall at all times maintain a minimum unimpaired capital of \$100,000.

“(b) Except as otherwise provided by the Commissioner pursuant to subsection (c) of this section, the capital required to be maintained pursuant to this section shall be in the form of cash or an irrevocable letter of credit.

“(c) The Commissioner may require an SPFC, including each protected cell, to maintain additional unimpaired capital based on the type, volume, and nature of the insurance business that is transacted by the SPFC and may determine the amount of capital, if any, that may be in the form of an irrevocable letter of credit.

“(d) A letter of credit used by an SPFC or segregated account as evidence of capital required pursuant to this section shall:

“(1) Be issued by a bank chartered in the District or by a branch of a bank

located in the District if such bank is a member of the United States Federal Reserve System, or its deposits are insured by the Federal Deposit Insurance Corporation;

“(2) Be issued on a form approved by the Commissioner; and

“(3) Include a provision pursuant to which the letter of credit is automatically renewed each year.

“(e) An SPFC shall not be issued a certificate of authority, and shall not hold a certificate of authority, unless the SPFC has and maintains, in addition to any other surplus required to be maintained pursuant to subsection (g) of this section, an unencumbered surplus of not less than \$150,000.

“(f) Except as otherwise provided by the Commissioner pursuant to subsection (c) of this section, the surplus required to be maintained pursuant to this section shall be in the form of cash or an irrevocable letter of credit.

“(g) The Commissioner may prescribe additional requirements relating to surplus based on the type, volume, and nature of the insurance business that is transacted by an SPFC or protected cell and requirements regarding which surplus, if any, may be in the form of an irrevocable letter of credit.

“(h) A letter of credit used by an SPFC or segregated account as evidence of surplus required pursuant to this section shall meet the same requirements as a letter of credit issued for paid in capital found subsection (d) of this section.

“Sec. 206. Securities of SPFCs.

“(a) An SPFC may issue securities, including surplus notes and other forms of financial instruments, subject to and in accordance with applicable law, its approved strategic business plan, and its organizational documents.

“(b) An SPFC, in connection with the issuance of securities, may enter into and perform all of its obligations under any required contracts to facilitate the issuance of such securities.

“(c) Subject to the approval of the Commissioner, an SPFC may:

“(1) Account for the proceeds of surplus notes as surplus and not as debt for purposes of statutory accounting;

“(2) Submit for prior approval of the Commissioner periodic written requests for payments of interest on and repayments of principal of surplus notes.

“(d) Surplus notes issued by an SPFC constitute surplus or contribution notes of the type described in section 41(7) of the Insurers Rehabilitation and Liquidation Act of 1993, effective October 15, 1993 (D.C. Law 10-35; D.C. Official Code § 31-1340(7)).

“(e) The Commissioner may approve formulas for an ongoing plan of interest payments or principal repayments, or both, to provide guidance in connection with his ongoing reviews of requests to approve the payments on and principal repayments of the surplus notes.

“(f) The obligation to repay principal or interest, or both, on the securities issued by the SPFC shall reflect the risk associated with the obligations of the SPFC to the counterparty under the SPFC contract.

“Sec. 207. Authorized contracts.

“(a) An SPFC shall insure only the risks of a counterparty and shall not issue a contract for assumption of risk or indemnification of loss other than an SPFC contract; provided, that an SPFC may cede risks assumed through an SPFC contract to third party reinsurers through the purchase of reinsurance or retrocession protection on terms approved by the Commissioner.

“(b) An SPFC may enter into agreements with affiliated companies and third parties and conduct other commercial activities related or incidental to and necessary to fulfill the purposes of an SPFC contract and insurance securitization contemplated by the strategic business plan

approved by the Commissioner. The agreements may include management and administrative services agreements and other allocation and cost sharing agreements.

“(c) An SPFC may enter into swap agreements, or other forms of asset management agreements, including guaranteed investment contracts, or other transactions that have the objective of leveling timing differences in funding of up-front or ongoing transaction expenses or managing asset, credit, or interest rate risk of the investments in the trust to ensure that the investments are sufficient to assure payment or repayment of the securities, and related interest or principal payments, issued pursuant to an SPFC insurance securitization transaction or the obligations of an SPFC under an SPFC contract.

“(d) An SPFC contract shall:

“(1) Obligate the SPFC to indemnify the counterparty for losses;

“(2) Require that contingent obligations of the SPFC under the SPFC contract that are securitized through an SPFC insurance securitization be funded and secured with assets held in trust for the benefit of the counterparty;

“(3) Require the SPFC to:

“(A) Enter into a trust agreement that meets the criteria set forth in this section and specifies the recoverables or reserves, or both, to covered; and

“(B) Establish a trust account for the benefit of the counterparty;

“(4) Stipulate that assets deposited in the trust account shall be valued according to their current fair value and shall consist only of permitted investments;

“(5) Require the SPFC, before depositing assets with the trustee, to execute assignments, endorsements in blank, or to transfer legal title to the trustee of all shares, obligations, or any other assets requiring assignments, in order that the counterparty, or the trustee upon the direction of the counterparty, may transfer whenever necessary the assets without consent or signature from the SPFC or another entity;

“(6) Require that all settlements of account between the counterparty and the SPFC be made in cash or its equivalent; and

“(7) Stipulate that the SPFC and the counterparty agree that the assets in the trust account, established pursuant to the provisions of the SPFC contract:

“(A) May be withdrawn by the counterparty at any time, notwithstanding any other provisions in the SPFC contract; and

“(B) Shall be utilized and applied by the counterparty or any successor by operation of law of the counterparty, including, subject to the provisions of section 211, but without further limitation, any liquidator, rehabilitator, receiver, or conservator of the counterparty, without diminution because of insolvency on the part of the counterparty or the SPFC, only for the following purposes:

“(i) To transfer all of the assets into one or more trust accounts for the benefit of the counterparty pursuant to and in accordance with the terms of the SPFC contract and in compliance with the provisions of this title; and

“(ii) To pay any other incurred and paid amounts that the counterparty claims are due pursuant to and under the terms of the SPFC contract and in compliance with this title.

“(e)(1) An SPFC contract may allow the SPFC to seek approval from the counterparty to withdraw from the trust all or part of the assets, or income from them, and to transfer the assets to the SPFC; provided, that,

“(A) At the time of the withdrawal, the SPFC shall replace the withdrawn assets, excluding any income withdrawn, with other qualified assets having a fair

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value equal to the fair value of the assets withdrawn and that meet the requirements of this section; and

“(B) After the withdrawals and transfer, the fair value of the assets in trust securing the obligations of the SPFC under the SPFC contract shall be no less than the amount needed to satisfy the funded requirement of the SPFC contract.

“(2) The counterparty shall be the sole judge as to the application of these provisions, but shall not unreasonably or arbitrarily withhold its approval.

“(f) In fulfilling its function, an SPFC shall comply with, and, to the extent of its powers, ensure that contracts obligating other parties to perform certain functions incident to its operations are substantively and materially consistent with, the following requirements and guidelines:

“(1) The assets by the SPFC shall be preserved and administered by or on behalf of the SPFC to satisfy the liabilities and obligations of the SPFC incident to the insurance securitization and other related agreements.

“(2) Assets held by the SPFC in trust shall be valued at their fair value.

“(3) The proceeds from the sale of securities pursuant to the insurance securitization shall be deposited with the trustee to the extent required to secure its obligations under the SPFC contract as provided by this title and shall be held or invested by the trustee pursuant to the provisions of this section and the asset management agreement, if any, filed with the Department.

“(4)(A) Assets of the SPFC, other than those held in trust for the counterparty, and income on trust assets received by the SPFC may be used to pay interest on, or other consideration with respect to, any securities, outstanding debt, or other obligation of the SPFC.

“(B) This paragraph shall not prevent an SPFC from entering into a swap agreement or other asset management transaction that has the effect of hedging or guaranteeing the fixed or floating interest rate returns paid on the assets in trust or required for the securities issued by the SPFC generated from or other consideration or payment flows in the transaction.

“(5) In the SPFC insurance securitization, the contracts or other relating documentation shall identify the SPFC.

“(g) Unless otherwise approved by the Commissioner, an SPFC shall not:

“(1) Issue or otherwise administer primary insurance policies;

“(2) Enter into an SPFC contract with a person that is not licensed or otherwise authorized to transact the business of insurance or reinsurance in at least its state or country of domicile;

“(3) Assume or retain exposure to insurance or reinsurance losses for its own account that is not funded by proceeds from an SPFC securitization that complies with the provisions of this title; provided, that the SPFC may wholly or partially reinsure or retrocede the risks assumed to a third party reinsurer on terms approved by the Commissioner;

“(4) Have any direct obligation to the policyholders or reinsureds of the counterparty; or

“(5) Lend or otherwise invest, or place in custody, trust, or under management any of its assets with, or to borrow money or receive a loan from, other than by issuance of the securities pursuant to an insurance securitization, or advance from, anyone convicted of a felony, anyone who is untrustworthy or of known bad character, or anyone convicted of a criminal offense involving the conversion or misappropriation of fiduciary funds or insurance accounts, theft, deceit, fraud, misrepresentation, or corruption.

“Sec. 208. Trust arrangements.

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“(a) Assets of the SPFC that are pledged to secure obligations of the SPFC to a counterparty under an SPFC contract shall be held in trust that is administered by a qualified United States financial institution. The qualified United States financial institution shall not control, be controlled by, or be under common control with, the SPFC or the counterparty.

“(b) Assets of the SPFC held in trust to secure obligations under the SPFC contract shall at all times be held in:

“(1) Cash and cash equivalents;

“(2) Securities listed by the Securities Valuation Office of the National Association of Insurance Commissioners and qualifying as admitted assets under statutory accounting convention in its state of domicile; or

“(3) Another form of security acceptable to the Commissioner.

“(c) Assets of an SPFC held in trust to secure obligations under an SPFC contract shall be held by the trustee at one of the trustee’s offices or branch offices in the United States and may be held in certificated or electronic form.

“(d) The provisions for withdrawal by the counterparty of assets from the trust shall be clean and unconditional, subject only to the following requirements:

“(1) The counterparty may withdraw assets from the trust account at any time, without notice to the SPFC, subject only to written notice to the trustee from the counterparty that funds in the amount requested are due and payable by the SPFC, pursuant to the terms of the SPFC contract.

“(2) Presentment of a statement or document shall not be required to withdraw assets, except that the counterparty may be required to acknowledge receipt of withdrawn assets.

“(3) The trust agreement shall indicate that it is not subject to any conditions or qualifications outside of the trust agreement.

“(4) The trust agreement shall not contain references to any other agreements or documents.

“(e) The trust agreement shall be established for the sole use and benefit of the counterparty at least to the full extent of the obligations of the SPFC to the counterparty under the SPFC contract. If there is more than one counterparty, a separate trust agreement shall be entered into with each counterparty and, if there more than one SPFC contract with the same counterparty, a separate trust account shall be maintained for each SPFC contract with the counterparty, in each case unless otherwise approved by the Commissioner.

“(f) The trust agreement shall provide for the trustee to:

“(1) Receive assets and hold all assets in a safe place;

“(2) Determine that all assets are in a form that the counterparty or the trustee, upon direction by the counterparty, may transfer, whenever necessary, the assets, without consent or signature from the SPFC or another person or entity;

“(3) Furnish to the SPFC, the Commissioner, and the counterparty a statement of all assets in the trust account reported at fair value upon its inception and at intervals no less frequent than the end of each calendar quarter;

“(4) Notify the SPFC and the counterparty, within 10 days, of any deposits to or withdrawals from the trust account;

“(5) Upon written demand of the counterparty, immediately take the necessary steps to transfer absolutely and unequivocally all right, title, and interest in the assets held in the trust account to the counterparty and deliver physical custody of the assets to the counterparty; and

“(6) Allow no substitutions or withdrawals of assets from the trust account,

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except pursuant to the trust agreement or SPFC contract, or as otherwise permitted by the counterparty.

“(g) The trust agreement:

“(1) Shall create one or more trust accounts into which all pledged assets shall be deposited and held until distributed in accordance with the trust agreement;

“(2) Shall provide that at least 30 days, but not more than 45 days, before termination of the trust account, written notification of termination shall be delivered by the trustee to the counterparty with a copy of the notice provided to the Commissioner;

“(3) May be made subject to and governed by the laws of any state; provided, that the state shall be disclosed in the strategic business plan filed with and approved by the Commissioner;

“(4) Shall prohibit invasion of the trust corpus for the purpose of paying compensation to, or reimbursing the expenses of, the trustee; and

“(5) Shall provide that the trustee shall be liable for its own negligence, willful misconduct, or lack of good faith.

“(h)(1) Notwithstanding the provisions of subsection (d)(3) and (4) of this section, when a trust agreement is established in conjunction with an SPFC contract, the trust agreement or SPFC contract, or both, may provide that the counterparty shall undertake to use and apply any amounts drawn upon the trust account, without diminution because of the insolvency of the counterparty or the SPFC, only for one or more of the following purposes:

“(A) To pay or reimburse the counterparty for payment of the SPFC’s share of premiums to be returned to owners of the counterparty’s policies covered under the SPFC contract on account of cancellations of the policies under the counterparty’s policies;

“(B) To pay or reimburse the counterparty for payment of the SPFC’s share of surrenders, benefits, losses, or other benefits covered and payable pursuant to the provisions of the SPFC contract;

“(C) To fund an account with the counterparty in an amount to secure the credit or reduction from liability for reinsurance coverage provided under the SPFC contract; or

“(D) To pay any other amounts the counterparty claims are due under the SPFC contract.

“(2) Any assets deposited into an account of the counterparty pursuant to paragraph (1)(C) of this subsection, or withdrawn by the counterparty pursuant to subparagraph (1)(D) of this subsection, and any interest or other earnings on them, shall be held by the counterparty in trust and separate and apart from any general assets of the counterparty, for the sole purpose of funding the payments and reimbursements of the SPFC contract described in paragraph (1) of this subsection.

“(3) The counterparty shall return to the SPFC:

“(A) Amounts withdrawn under paragraph (1) of this subsection in excess of actual amounts required under paragraph (1)(A) through (C) of this subsection, and in excess of the amounts subsequently determined to be due under paragraph (1)(D) of this subsection;

“(B) Interest at a rate not in excess of the prime rate for the amounts held pursuant to paragraph (1) of this subsection, unless a higher rate of interest has been awarded by a panel of arbitration; and

“(C) Any net costs or expenses, including attorneys’ fees, awarded by a panel of arbitration.

“(4) If the counterparty has received notification of termination of the trust

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account, and if the SPFC's entire obligations secured under the specific SPFC contract remain unliquidated and undischarged 10 days before the termination date, the trust agreement shall permit the counterparty to withdraw amounts equal to the obligations and deposit the amounts in a separate account, in the name of the counterparty, in a qualified United States financial institution, separate and apart from the counterparty's general assets, to the extent the obligations or liabilities have not been funded by the SPFC, in trust only for those uses and purposes specified in paragraph (1)(A) of this subsection as may remain executory after the withdrawal and for any period after the termination date until discharged.

"Sec. 209. Dividends and distributions.

"(a) Dividends may be declared by the management of an SPFC if the dividends do not violate the provisions of this title or jeopardize the fulfillment of the obligations of the SPFC or the trustee pursuant to the SPFC insurance securitization agreements, the SPFC contract, or any related transaction documents and other provisions of this title.

"(b) An SPFC shall not declare or pay dividends in any form other than in accordance with the insurance securitization transaction agreements and shall not declare or pay dividends which decrease the capital and surplus of the SPFC below \$250,000.

"(c) An SPFC or protected cell of an SPFC shall not pay dividends out of, or make any other distribution out of, its capital or surplus, or both, unless the SPFC or protected cell has obtained the prior written approval of the Commissioner to make the payment or distribution. After giving effect to the dividends, the assets of the SPFC, including assets held in trust pursuant to the terms of the insurance securitization, shall be sufficient to satisfy the Commissioner that the SPFC can meet its obligations.

(d) The Commissioner may approve an ongoing plan for the payment of dividends or other distributions by an SPFC or protected cell of an SPFC. Approval by the Commissioner of an ongoing plan for the payment of dividends or other distribution shall be conditioned upon the retention, at the time of each payment, of capital and surplus equal to or in excess of amounts specified by, or determined in accordance with formulas approved for the SPFC or protected cell by, the Commissioner.

"Sec. 210. Confidentiality of examination reports; disclosure of information.

"(a) Except as provided in this section, all examination reports, preliminary examination reports or results, working papers, recorded information, documents, and copies of documents produced by, obtained by, or disclosed to, the Commissioner or any other person in the course of an examination made pursuant to this section shall be confidential, shall not be subject to subpoena, and shall not be made public by the Commissioner or an employee or agent of the Commissioner without the written consent of the SPFC. This subsection shall not prevent the Commissioner from using this information in furtherance of the Commissioner's regulatory authority as provided by this title. The Commissioner may grant access to this information to public officers having jurisdiction over the regulation of insurance in another state or country, or to law enforcement officers of the District or another state or agency of the federal government at any time; provided, that the officers receiving the information agree in writing to hold it in a manner consistent with this section.

"(b) Information submitted pursuant to this title shall be confidential and shall not be made public by the Commissioner or an agent or employee of the Commissioner without the prior written consent of the SPFC; provided, that:

"(1) Information submitted pursuant to the provisions of this title shall be discoverable by a party in a civil action or contested case to which the submitting SPFC is a party upon a specific finding by the court that:

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“(A) The SPFC is a necessary party to the action and not joined only for the purposes of evading the confidentiality provisions of this title;

“(B) The party seeking the information demonstrates by a clear and convincing standard that the information sought is relevant, material to, and necessary for the prosecution or defense of the claim asserted in the action; and

“(C) The information sought is unavailable from other nonconfidential sources.

“(2) The Commissioner may disclose the information to the public official having jurisdiction over the regulation of insurance in another state if:

“(A) The public official agrees in writing to maintain the confidentiality of the information; and

“(B) The laws of the state in which the public official serves require the information to be confidential.

“Sec. 211. Reinsurance.

“An SPFC contract which complies with this title shall be granted credit for reinsurance treatment or otherwise qualifies as an asset or a reduction from liability for reinsurance ceded by a domestic insurer to an SPFC as an assuming insurer pursuant to of section 3 of the Law on Credit for Reinsurance Act of 1993, effective October 15, 1993 (D.C. Law 10-36; D.C Official Code § 31-502), for the benefit of the counterparty; provided, that:

“(1) Credit shall be granted only to the extent of the fair value of the assets held in trust for, or irrevocable letters of credit issued by a bank chartered by the District or a member bank of the Federal Reserve System or as approved by the Commissioner, for the benefit of the counterparty under the SPFC contract;

“(2) The assets are held in trust pursuant to this title;

“(3) The assets are administered in the manner and pursuant to arrangements as provided in this title; and

“(4) The assets are held or invested in one or more of the forms allowed by section 207.

“Sec. 212. Liquidation and rehabilitation.

“(a)(1) Notwithstanding the provisions of Title I of the Insurers Rehabilitation and Liquidation Act of 1993, effective October 15, 1993 (D.C. Law 10-35; D.C Official Lab §31-1301 *et seq.*), the Commissioner may apply to the Superior Court of the District of Columbia for an order authorizing the Commissioner to conserve, rehabilitate, or liquidate an SPFC domiciled in the District on one or more of the following grounds:

“(A) There has been embezzlement, wrongful sequestration, dissipation, or diversion of the assets of the SPFC intended to be used to pay amounts owed to the counterparty or the holders of SPFC securities; or

“(B) The SPFC is insolvent and the holders of a majority in outstanding principal amount of each class of SPFC securities request or consent to conservation, rehabilitation, or liquidation pursuant to this title.

“(2) The court shall not grant relief provided by paragraph (1)(A) of this subsection unless, after notice and a hearing, the Commissioner, who shall have the burden of proof, establishes by clear and convincing evidence that relief should be granted.

“(b) Notwithstanding another provision in this title, rules promulgated under this title, or another applicable law or rule, upon any order of conservation, rehabilitation, or liquidation of an SPFC, the receiver shall manage the assets and liabilities of the SPFC pursuant to this title.

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“(c)(1) With respect to amounts recoverable under an SPFC contract, the amount recoverable by the receiver shall not be reduced or diminished as a result of the entry of an order of conservation, rehabilitation, or liquidation with respect to the counterparty, notwithstanding another provision in the contracts or other documentation governing the SPFC insurance securitization.

“(2) Notwithstanding the provisions of Title I of the Insurers Rehabilitation and Liquidation Act of 1993, effective October 15, 1993 (D.C. Law 10-35; D.C. Official Code § 31-1301 *et seq.*), an application or petition, or a temporary restraining order or injunction issued pursuant to Title I of the Insurers Rehabilitation and Liquidation Act of 1993, effective October 15, 1993 (D.C. Law 10-35; D.C. Official Code § 31-1301 *et seq.*), with respect to a counterparty shall not prohibit the transaction of a business by an SPFC, including any payment by an SPFC made pursuant to an SPFC security, or any action or proceeding against an SPFC or its assets.

“(3) Notwithstanding the provisions of Title I of the Insurers Rehabilitation and Liquidation Act of 1993, effective October 15, 1993 (D.C. Law 10-35; D.C. Official Code § 31-1301 *et seq.*), the commencement of a summary proceeding or other interim proceeding commenced before a formal delinquency proceeding with respect to an SPFC, and any order issued by the court, shall not prohibit:

“(A) The payment by an SPFC made pursuant to an SPFC security or SPFC contract; or

“(B) The SPFC from taking any action required to make the payment.

“(d) Notwithstanding Title I of the Insurers Rehabilitation and Liquidation Act of 1993, effective October 15, 1993 (D.C. Law 10-35; D.C. Official Code § 31-1301 *et seq.*), or other laws of the District:

“(1) A receiver of a counterparty shall not void a nonfraudulent transfer by a counterparty to an SPFC of money or other property made pursuant to an SPFC contract; and

“(2) A receiver of an SPFC shall not void a nonfraudulent transfer by the SPFC of money or other property made to a counterparty pursuant to an SPFC contract or made to or for the benefit of any holder of an SPFC security on account of the SPFC security.

“(e) With the exception of the fulfillment of the obligations under an SPFC contract, and notwithstanding another provision of this title or other laws of the District, the assets of an SPFC, including assets held in trust, shall not be consolidated with or included in the estate of a counterparty in any delinquency proceeding against the counterparty pursuant to the provisions of this title for any purpose, including, distribution to creditors of the counterparty.

“Sec. 213. Discount on reserves; report on reserves.

“(a) An SPFC may discount its reserves at discount rates as approved by the Commissioner.

“(b) An SPFC shall file annually an actuarial opinion on reserves provided by an approved independent actuary.

“Sec. 214. Standards and criteria applicable in a contested case brought by a third party and certain actions by the Commissioner.

“(a) A contested case brought by a third party based on a decision of the Commissioner pursuant to this title shall be governed by applicable civil law; provided, that, the aggrieved party shall:

“(1) Prove the appeal through clear and convincing evidence;

“(2) Demonstrate irreparable harm;

“(3) Not have another adequate remedy at law; and

“(4) Post a bond of sufficient surety to protect the interests of the holders of the

SPFC securities and policyholders in an amount not less than 15% of the total amount of the securitized transaction.

“(b) If the Commissioner decides to reverse, amend, or modify a certificate of authority issued to an SPFC or the order issued in connection with them for a reason other than that specified in section 16, the Commissioner shall meet the standards and criteria provided in subsection (a) of this section.

“Sec. 215. Rulemaking.

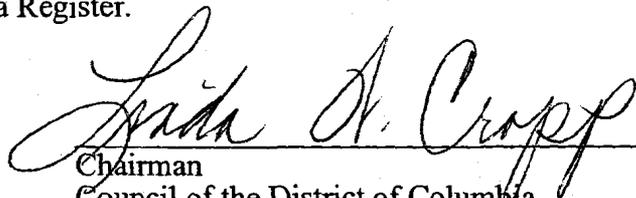
“The Commissioner may promulgate rules necessary to effectuate the purposes of this title. Rules promulgated pursuant to this section shall not affect an SPFC insurance securitization in effect at the time of the promulgation.”

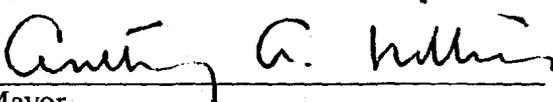
Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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


Chairman
Council of the District of Columbia


Mayor
District of Columbia
APPROVED
December 28, 2006

AN ACT
D.C. ACT 16-645

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
DECEMBER 28, 2006

*Codification
District of
Columbia
Official Code*

2001 Edition

2007 Winter
Supp.

West Group
Publisher

To amend the Captive Insurance Company Act of 2004 to provide for the formation and regulation of protected cell captive insurers and protected cells.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Captive Insurance Company Amendment Act of 2006".

Sec. 2. Sections 5 and 6 of the Captive Insurance Company Act of 2004, effective March 17, 2005 (D.C. Law 15-262; D.C. Official Code §§ 31-3931.04 and 31-3931.05), are amended to read as follows:

"Sec 5. Protected cell captive insurers.

Amend
§ 31-3931.04

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

"(1) "Incorporated protected cell" means a protected cell that is established as a corporation or other legal entity separate from the protected cell captive insurer of which it is a part.

"(2) "Protected cell" means a separate account established and maintained by a protected cell captive insurer and shall include an incorporated protected cell

"(3) "Protected cell captive insurer" means a captive insurer that:

"(A) Is formed and licensed under the provisions of this act;

"(B) Insures the risks of separate participants through a contract; and

"(C) Segregates each participant's liability through one or more

protected cells.

"(b)(1) A captive insurer may be organized as a protected cell captive insurer and shall be permitted to form one or more protected cells under this act to insure risks of one or more participants. The assets and liabilities of each protected cell shall be held separately from the assets and liabilities of all other protected cells.

"(2) A protected cell captive insurer may be organized and operated in any form of business organization authorized by the Commissioner.

"(3) An incorporated protected cell may be organized and operated in any form of business organization authorized by the Commissioner.

"(4) A protected cell captive insurer shall, at the time of paying the annual fee, pay an additional annual fee for each protected cell in an amount to be established by the Commissioner.

"(5) Each incorporated protected cell of a protected cell captive insurer shall be treated as a captive insurer for purposes of this act.

"(6) Unless otherwise permitted by the articles of incorporation or other organizational document of a protected cell captive insurer, each incorporated protected cell of

the protected cell captive insurer shall have the same directors, secretary, and registered office as the protected cell captive insurer.

“(7) A protected cell captive insurer may provide that a protected cell it creates shall be wound up and dissolved upon:

“(A) The bankruptcy, death, expulsion, insanity, resignation or retirement of any participant of the protected cell;

“(B) The happening of some other event that is not the expiration of a fixed period of time; or

“(C) The expiration of a fixed period of time.

“(8) The articles of incorporation of a protected cell captive insurer:

“(A) Shall provide that a protected cell shall not own shares in the protected cell captive insurer of which it is a part; and

“(B) May provide that a protected cell may own shares in any other protected cell of the protected cell captive insurer.

“(9) The name of a protected cell captive insurer shall include the words “Protected cell captive” or the abbreviation “PCC”.

“(10) A name that includes the words “Protected cell captive” may, in setting out or using its name for any purpose under this act, do so in full or in the abbreviated form.

“(11) A protected cell captive insurer shall assign a distinctive name to each of its protected cells that is not an incorporated protected cell that:

“(A) Identifies the protected cell as being part of the protected cell captive insurer;

“(B) Distinguishes the protected cell from any other protected cell of the protected cell captive insurer; and

“(C) Includes the words “Protected Cell” or the abbreviation “PC”.

“(12) An incorporated protected cell must include the words “Incorporated Cell” or the abbreviation “IC”.

“(13) Any captive insurer or protected cell formed prior to the effective date of the Captive Insurance Company Amendment Act of 2006, passed on 2nd reading on December 19, 2006 (Enrolled version of Bill 16-898), shall not be required to change its name or the designation of any of its protected cells to comply with the provisions of paragraphs (6), (8), or (9) of this subsection.

“(14) A protected cell of a protected cell captive insurer, unless created as an incorporated protected cell, has no legal identity separate from that of the protected cell captive insurer of which it is a part.

“(15) A protected cell of a protected cell captive insurer may enter into an agreement with its protected cell captive insurer or with another protected cell of the protected cell captive insurer that shall be enforceable as if each protected cell of the protected cell captive insurer were a separate legal entity, even if the protected cell is not organized as an incorporated protected cell.

“(16) The assets of a protected cell captive insurer shall be cell assets or general assets. The cell assets comprise the assets of the protected cell captive insurer that are held within or on behalf of its protected cells. The general assets of a protected cell captive insurer comprise the assets of the protected cell captive insurer that are not cell assets.

“(17) The liabilities of a protected cell captive insurer shall be cell liabilities or general liabilities. The cell liabilities comprise the obligations of the protected cell captive insurer attributed to its protected cells. The general liabilities of a protected cell captive insurer

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comprise the obligations of the protected cell captive insurer that are not cell liabilities.

“(18) Each protected cell shall be accounted for separately on the books and records of the protected cell captive insurer to reflect the financial condition and results of operations of each protected cell, including net income or loss, dividends or other distributions to participants, and such other factors as may be provided by the participant contract or required by the Commissioner.

“(19) Each protected cell captive insurer shall annually file with the Commissioner such financial reports as the Commissioner shall require, which reports shall include financial statements detailing the financial experience of each protected cell.

“(20) The captive manager of a protected cell captive insurer shall immediately notify the Commissioner if any protected cell of the protected cell captive insurer becomes insolvent or is otherwise unable to meet its claims or other obligations.

“(21) A protected cell captive insurer may create and issue shares in one or more classes or series for one or more protected cells. The proceeds of the issue shall be included in the assets of the protected cell that issued the shares.

“(22) The proceeds of the issue of shares, other than protected cell shares, shall be included in the protected cell captive insurer's general assets.

“(23) A protected cell captive insurer may pay a dividend on protected cell shares of any class or series whether or not a dividend is declared on any other class or series of protected cell shares or any other shares.

“(24) Dividends may be paid on protected cell shares only from the cell assets of the protected cell that issued the shares and otherwise in accordance with the rights of such shares.

“(25) No sale, exchange, or other transfer of assets may be made by a protected cell captive insurer between or among any of its protected cells without the written consent of the participants of the protected cell and the Commissioner.

“(26) No sale, exchange, transfer of assets, dividend, or distribution may be made from a protected cell to any person without the Commissioner's prior written approval. An approval shall not be given if the sale, exchange, transfer, dividend, or distribution will result in the insolvency or impairment with respect to a protected cell.

“(27) The owners of a protected cell captive insurer, shall not, by virtue of being owners, be the owners or participants of any protected cell of the protected cell captive insurer.

“(28) The participants of a protected cell shall not, by virtue of being such participants, be the owners of the protected cell captive insurer or participants or owners of any other protected cell of the protected cell captive insurer.

“(29) Any individual or legal entity may be a participant in a protected cell formed under this act.

“(30) A participant in a protected cell need not be a shareholder of the protected cell or of the protected cell captive insurer or any affiliate thereof.

“(31) No participant contract shall take effect without the Commissioner's prior written approval. The addition of each new protected cell or the withdrawal or other transfer of any participant from any existing protected cell shall constitute a change in the strategic business plan of that protected cell requiring the Commissioner's prior written approval.

“(32) A protected cell captive insurer shall, in addition to keeping a register of its owners or participants, keep a register of the participants of each of its protected cells.

“(33) If a protected cell captive insurer (A) enters into a transaction in respect of a particular protected cell of the protected cell captive insurer, or (B) incurs a liability arising

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from an activity or asset of a particular protected cell, a claim by any person in connection with the transaction or liability extends only to the cell assets of the protected cell.

“(34) If a protected cell captive insurer (A) enters into a transaction in its own right and not in respect of any of its protected cells, (B) incurs a liability arising from an activity in its own right and not in respect of any of its protected cells, or (C) incurs a liability arising from an asset held in its own right and not in respect of any of its protected cells, a claim by any person in connection with the transaction or liability shall extend only to the general assets of the protected cell captive insurer.

“(35) Except as provided by paragraphs (37) and (39) of this subsection, a protected cell captive insurer shall not satisfy any liability:

“(A) Attributable to a particular protected cell of the protected cell captive insurer from the general assets of the protected cell captive insurer; or

“(B) Whether attributable to a particular protected cell or not, from the cell assets of another protected cell of the protected cell captive insurer.

“(36) If (A) a protected cell captive insurer is permitted to do so under its articles of incorporation or similar organizational documents, and (B) the requirement set forth in paragraph (68) of this subsection is satisfied, the protected cell captive insurer may satisfy any liability attributable to a particular protected cell from the protected cell captive insurer’s general assets.

“(37) Prior to a protected cell captive insurer satisfying any liability attributable to a particular protected cell from the protected cell captive insurer’s general assets, the directors who authorize the satisfaction of the liability shall state as part of the authorization that, having made the inquiry into the affairs and prospects of the protected cell captive insurer, they have formed the opinion that:

“(A) Immediately following the date on which the liability is proposed to be met by the general assets of the protected cell captive insurer, the protected cell captive insurer will be able to discharge its liabilities as they fall due; and

“(B) Having regard to the prospects of the protected cell captive insurer, the intentions of the directors with respect to the management of the protected cell captive insurer’s business, and the amount and character of the financial resources that will, in their view, be available to the protected cell captive insurer, the protected cell captive insurer will be able to continue to carry on business and will be able to discharge its liabilities as they fall due until the expiration of the period of one year immediately following the date on which the liability is proposed to be satisfied by the general assets of the protected cell captive insurer or until the protected cell captive insurer is dissolved, whichever first occurs.

“(38) A protected cell captive insurer may satisfy any liability, whether attributable to a particular protected cell or not, from the cell assets of another protected cell if:

“(A) It is permitted to do so by the articles of incorporation or other organizational document of that other protected cell, in the case of an incorporated protected cell, or by the participant contract, in the case of all other protected cells; and

“(B) Prior to the protected cell captive insurer satisfying any liability from the cell assets of that other protected cell, the directors who authorize the satisfaction of the liability shall obtain written approval from the Commissioner, upon first having made full inquiry into the affairs and prospects of that protected cell, and stating, as part of the authorization, that they have formed the opinion that:

“(i) Immediately following the date on which the liability is proposed to be met by the cell assets of the protected cell, the protected cell will be able to

discharge its liabilities as they fall due; and

“(ii) Having regard to the prospects of the protected cell, the intentions of the directors with respect to the management of the protected cell’s business, and the amount and character of the financial resources that will in their view be available to the protected cell, the protected cell will be able to continue to carry on business and will be able to discharge its liabilities as they become due or until the protected cell is dissolved, whichever first occurs.

“(39) A director who makes a statement under paragraph (37) or paragraph (38) of this subsection without having reasonable grounds for the opinion expressed in the statement violates this act and may be removed by order of the Commissioner.

“(40) If a protected cell captive insurer is liable for any penalty, under this act or otherwise, due to an act or failure to act of a protected cell of the protected cell captive insurer or of an officer or director of a protected cell of the protected cell captive insurer, the penalty shall:

“(A) Only be met by the protected cell captive insurer from the cell assets of the protected cell; and

“(B) Not be enforceable in any way against any other assets of the protected cell captive insurer or assets of any other protected cell.

“(41) The directors of a protected cell captive insurer shall establish and maintain, or cause to be established and maintained, procedures:

“(A) To segregate cell assets and liabilities separate and separately identifiable from general assets and liabilities;

“(B) To segregate cell assets and liabilities of each protected cell separate and separately identifiable from cell assets and liabilities of any other protected cell; and

“(C) Where relevant, to apportion or transfer assets and liabilities between protected cells or between protected cells and general assets and liabilities of the protected cell captive insurer.

“(42) If a protected cell captive insurer enters into an agreement with respect to a protected cell of the protected cell captive insurer, a director shall ensure that:

“(A) The other party to the transaction knows, or ought reasonably to know, that the protected cell captive insurer is acting with respect to a particular protected cell; and

“(B) The minutes of any meeting of directors held with regard to the agreement clearly record the fact that the company was entering into the agreement with respect to the protected cell and that the obligation imposed by subparagraph (A) of this paragraph was, or will be, complied with.

“(43) The duties of a director of a protected cell captive insurer under this act shall be in addition to, and not in lieu of, those under other applicable law.

“(44) Any act, matter, deed, agreement, contract, instrument under seal, or other instrument or arrangement which is to be binding on or to inure to the benefit of a protected cell that is not an incorporated protected cell shall be executed by the protected cell captive insurer for and on behalf of the protected cell, shall be identified, and, if in writing, shall indicate that the execution is in the name of, by, or for the account of the protected cell.

“(45) If a protected cell captive insurer fails to comply with paragraph (41) of this subsection:

“(A) The directors of the protected cell captive insurer shall,

notwithstanding any provisions to the contrary in the protected cell's organizational documents or in any contract with the protected cell captive insurer or otherwise, shall be personally liable for the liabilities of the protected cell captive insurer and the protected cell under the act, matter, deed, agreement, contract, instrument or arrangement that was executed; and

“(B)(i) Unless they were fraudulent, reckless, negligent, or acted in bad faith, the directors of the protected cell captive insurer shall have a right of indemnity, in the case of a matter on behalf of or attributable to a protected cell, against the assets of the protected cell.

“(ii) In the case of a matter not on behalf of or attributable to a protected cell, the directors shall have a right of indemnity against the general assets of the protected cell captive insurer.

“(46) Notwithstanding the provisions of paragraph (45)(A) of this subsection, a court may relieve a director of all or part of the personal liability under paragraph (45) of this subsection if he or she satisfies the court that he or she should be relieved because:

“(A) The director was not aware of the circumstances giving rise to the liability and, in being not so aware, was not fraudulent, reckless, or negligent and did not act in bad faith; or

“(B) The director expressly objected, and exercised such rights as a director, whether by way of voting power or otherwise, so as to try to prevent the circumstances giving rise to the liability.

“(47) If, pursuant to the provisions of paragraph (46) of this subsection, the court relieves a director of all or part of his or her personal liability under paragraph (45)(A) of this subsection, the court may order that the liability in question shall instead be met from such of the protected cell or general assets of the account of the protected cell captive insurer as may be specified in the order.

“(48) Any provision in the organizational document of a captive insurer or any other contractual provision under which the protected cell captive insurer may be liable, which provision purports to indemnify directors in respect of conduct which would otherwise prohibit them from indemnification by virtue of paragraph (46) of this subsection, shall be void.

“(49) A captive insurer may amend its organizational document to become a protected cell captive insurer.

“(50) The amendment of the organizational document of a captive insurer to become a protected cell captive insurer shall require approval by:

“(A) Holders of 2/3 of the outstanding shares or ownership interests of the captive insurer, unless a greater amount is required by the organizational document of the captive insurer; and

“(B) All the creditors of the captive insurer; provided, that if the consent of all the creditors of the captive insurer cannot be obtained, the amendment may be approved by the Commissioner if he or she is satisfied that no creditor will be materially prejudiced by the amendment.

“(51) A protected cell captive insurer may amend its other organizational document to cease to be a protected cell captive insurer.

“(52) The amendment of the other organizational document of a captive insurer to cease to be a protected cell captive insurer shall require approval by:

“(A) The Commissioner;

“(B) Holders of 2/3 of the outstanding shares or ownership interests of the protected cell captive insurer, unless a greater amount is required by the other organizational

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document of the protected cell captive insurer;

“(C) Two-thirds of the participants of each protected cell; and

“(D) All the creditors of the protected cell captive insurer and its protected cells; provided, that if the consent of all the creditors of the captive insurer and its protected cells cannot be obtained, the amendment may be approved by the Commissioner upon being satisfied that no creditor will be materially prejudiced by the amendment.

“(53) If a captive insurer or protected cell captive insurer seeks to change its status in accordance with paragraph (49) or (51) of this subsection, the Commissioner shall issue a certificate of authority that is appropriate to the amended status of the company if there is delivered to the Commissioner:

“(A) A copy of the amendment to its name; and

“(B) Evidence satisfactory to the Commissioner that the requirements of paragraph (50) or (52) of this subsection have been met.

“(54) If a company changes its status in accordance with this section, the change of status shall take effect when the Commissioner issues a new certificate of authority.

“(55) A protected cell of a protected cell captive insurer may be transferred to another protected cell captive insurer.

“(56) The protected cell captive insurers between which a protected cell is being transferred shall enter into a written agreement that sets forth the terms of the transfer.

“(57) A transfer of a protected cell shall be approved when the directors of each protected cell captive insurer who authorized the transfer have approved the transfer and:

“(A) When the transfer agreement is approved by the Commissioner as an arrangement in accordance with this act;

“(B) When the transfer agreement is consented to by at least 2/3 of the participants of the protected cell being transferred and all the creditors, if any, of that protected cell; or

“(C) If the agreement of all the creditors of the cell cannot be obtained, when the transfer is approved by the Commissioner upon being satisfied that no creditor of the cell will be materially prejudiced by the transfer.

“(58) Within 30 days of a transfer agreement being approved by the Commissioner, the protected cell captive insurer to which the protected cell is being transferred shall deliver to the Commissioner:

“(A) A copy of the executed transfer agreement; and

“(B) A declaration made in accordance with paragraph (59) of this subsection, signed by a majority of the directors of the protected cell captive insurer transferring the protected cell who authorized the transfer.

“(59) The declaration required in paragraph (58)(B) of this subsection shall state that each director has reason to believe that:

“(A) The protected cell being transferred is able to discharge its liabilities as they become due;

“(B) There are no creditors of the protected cell captive insurer from which the cell is being transferred whose interests will be unfairly prejudiced by the transfer; and

“(C) The transfer agreement has been approved in accordance with this act.

“(60) If a protected cell captive insurer fails to deliver the documents mentioned in paragraph (58) of this subsection within the 30-day period, the Commissioner may void the

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"(61) The Commissioner may void the transfer and order the removal of any director who makes a declaration under paragraph (59) of this subsection without having the grounds to do so.

"(62) Upon delivery of the documents referred to in paragraph (58) to the Commissioner, the Commissioner shall, if those documents comply with this act:

"(A) Record the transfer of the protected cell;

"(B) Issue to the protected cell a new certificate of authority; and

"(C) Record that the protected cell has ceased to be a protected cell of the protected cell captive insurer that transferred the protected cell.

"(63) Upon the issuance of the new certificate of authority:

"(A) The protected cell shall cease to be a protected cell of the protected cell captive insurer that transferred it;

"(B) The protected cell becomes a protected cell of the protected cell captive insurer to which it has been transferred;

"(C) If a protected cell was an incorporated protected cell or an unincorporated protected cell;

"(i) All property and rights to which the protected cell was entitled immediately before the issue of the new certificate of authority shall remain the property and rights of the protected cell;

"(ii) The liabilities, and all contracts, debts, and other obligations to which the protected cell was subject immediately before the issue of the new certificate of authority, shall remain the liabilities, contracts, debts, and other obligations of the protected cell; and

"(iii) All actions and other legal proceedings which, immediately before the issue of the new certificate of authority were pending by or against such protected cell may be continued by or against the protected cell.

"(64) The operation of paragraph (63) of this subsection shall not be regarded as:

"(A) A breach of contract or otherwise as a civil wrong;

"(B) A breach of any contractual provision prohibiting, restricting, or regulating the assignment or transfer of rights or liabilities; or

"(C) Giving rise to any remedy by a party to a contract or other instrument as an event of default under any contract or other instrument or as causing or permitting the termination of any contract or other instrument or of any obligation or relationship.

"(65) A protected cell shall not be transferred under this act if the transfer would be inconsistent with the articles of incorporation or similar organizational document, if applicable, of the protected cell, the protected cell captive insurer transferring the protected cell, or the protected cell captive insurer to which it is to be transferred.

"(66) Any insurer, including a captive insurer, that is not a protected cell captive insurer, may become a protected cell of a protected cell captive insurer.

"(67) A protected cell of a protected cell captive insurer may apply to the Commissioner to be incorporated as an insurer, including a captive insurer, independent from the protected cell captive insurer.

"(68) An application made under paragraph (67) of this subsection shall be approved by 2/3 of the participants of the protected cell or, if the protected cell has more than one class of participants, 2/3 approval of each class of participants, unless the organizational document of the protected cell provides for a greater percentage.

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“(69) If a protected cell has made an application under paragraph (68) of this subsection, a participant of the protected cell who objects to the protected cell being incorporated as an insurer, including a captive, independent of its protective cell captive may petition the Commissioner for an order denying the application on the grounds that the incorporation or the terms of the incorporation unfairly prejudice his or her interests.

“(70) An application shall not be made under paragraph (69) of this subsection after the expiration of the 30-day period following the application being made under paragraph (67) of this subsection.

“(71) If a protected cell is licensed as a legal entity pursuant to this section, and if the protected cell was either an incorporated protected cell or an unincorporated protected cell of a protected cell captive insurer:

“(A) All property and rights to which the protected cell was entitled immediately before its licensure as a new entity shall remain the property and rights of the new entity;

“(B) The protected cell shall remain subject to all criminal and civil liabilities and all contracts, debts, and other obligations to which the protected cell was subject immediately before its licensure as a new entity;

“(C) All contracts, debts, and other obligations of the protected cell shall remain the contracts, debts, other obligations of the new entity; and

“(D) All actions and other legal proceedings which, immediately before the licensure of the protected cell as a new entity, were pending by or against the protected cell may be continued by or against the new entity.

“(72) The operation of paragraph (71)(B) and (D) of this subsection shall not be regarded as:

“(A) A breach of contract;

“(B) A breach of any contractual provision prohibiting, restricting, or regulating the assignment or transfer of rights or liabilities; or

“(C) Giving rise to any remedy by a party to a contract or other instrument as an event of default under the contract or other instrument or as causing or permitting the termination of any contract or other instrument or of any obligation or relationship.

“Sec. 6. Liquidation and rehabilitation of protected cells.

“(a) If a protected cell captive insurer with one or more protected cells is being liquidated under this act, the protected cell captive insurer shall not be deemed to have no assets and no liabilities if the protected cell captive insurer continues to have a protected cell.

“(b) In the course of the liquidating the protected cell captive insurer, each protected cell shall be:

“(1) Transferred to another protected cell captive insurer;

“(2) Liquidated;

“(3) Continued as a separate legal entity or protected cell under the law of another jurisdiction;

“(4) Incorporated independently of the protected cell captive insurer; or

“(5) Merged with another insurer.

“(c) If a protected cell captive insurer is being liquidated, the liquidation shall not apply with respect to any protected cell of the protected cell captive insurer.

“(d) If a protected cell of a protected cell captive insurer is being liquidated, the liquidation shall not apply with respect to the protected cell captive insurer or any other

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protected cell of the protected cell captive insurer.

“(e) The court, on the application of a protected cell captive insurer, may determine, in accordance with this act, if a liability of the protected cell captive insurer shall be satisfied by its general assets, by the cell assets of a specific protected cell of the company, or by a combination of those assets.

“(f) Notwithstanding any statutory provision or rule of law to the contrary, in the winding-up of a captive insurer, the liquidator shall:

“(1) Deal with the captive insurer’s assets only in accordance with the procedures set out in subsection (h)(6) of this section; and

“(2) In the discharge of the claims of creditors of the captive insurer, shall apply the captive insurer’s assets to those entitled to have recourse thereto under the provisions of section 5.

“(g)(1) A petition for a liquidation or rehabilitation order with respect to a protected cell of a protected cell captive insurer may be made by:

“(A) The protected cell captive insurer;

“(B) The majority of the directors of the protected cell captive insurer;

“(C) Any creditor of that protected cell; or

“(D) The Commissioner.

“(2) Notice of a petition to the court for a liquidation or rehabilitation order with respect to a protected cell of a captive insurer shall be served upon:

“(A) The captive insurer;

“(B) The Commissioner; and

“(C) Such other persons as the court may direct.

“(h)(1) Subject to the provisions of this section, the court may make a liquidation or rehabilitation order with respect to a protected cell if, in relation to a captive insurer, the court is satisfied that:

“(A) The cell assets attributable to a particular protected cell of the captive insurer, and in those cases where creditors of the captive insurer with respect to the protected cell are entitled to have recourse to the captive insurer’s general assets, are, or are likely to be, insufficient to discharge the claims of creditors with respect to that protected cell; and

“(B) An order would achieve the purposes set forth in paragraph (3) of this subsection.

“(2) A liquidation or rehabilitation order may be made with respect to one or more protected cells.

“(3) A liquidation or rehabilitation order shall direct that the business and cell assets of, or attributable to, a protected cell shall be managed by a liquidator or rehabilitator specified in the order for the purpose of:

“(A) The orderly closing or rehabilitation of the business of, or attributable to, the protected cell; and

“(B) The distribution of the cell assets, or assets attributable to the protected cell, to those having recourse thereto.

“(i) The liquidator or rehabilitator of a protected cell:

“(1) Shall have all the functions and powers of the directors responsible for the business and cell assets of, or attributable to, the protected cell;

“(2) May at any time apply to the court for directions as to the extent or exercise of any function or power, for the liquidation or rehabilitation order to be discharged or varied, or

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for an order as to any matter occurring during the course of the liquidation or rehabilitation.

"(3) In exercising his functions and powers, shall act as the agent of the captive insurer and shall not incur personal liability except to the extent that he or she acts fraudulently, recklessly, negligently, or in bad faith.

"(j) Upon the filing of a petition for, and during the period of operation of, a liquidation or rehabilitation order:

"(1) No proceedings shall be instituted or continued by or against the captive insurer or protected cell in respect of which the liquidation or rehabilitation order was made; and

"(2) No action shall be taken to enforce any security or in the execution of legal process with respect to the business or cell assets of or attributable to the protected cell with respect to which the liquidation or rehabilitation order was made, except by leave of the court.

"(k) During the period of operation of a liquidation or rehabilitation order:

"(1) The functions and powers of the directors shall cease with respect to the business of, or attributable to, the protected cell or cell assets for which the order was made; and

"(2)(A) The liquidator or rehabilitator of the protected cell shall be entitled to be present at all meetings of the captive insurer or protected cell and to vote at such meetings as if he or she were a director of the captive insurer.

"(B) Unless there are no creditors that are entitled to have recourse to the captive insurer's general assets, the liquidator's or rehabilitator's voting authority shall include matters concerning the captive insurer's general assets.

"(1)(1) The court shall not discharge a liquidation or rehabilitation order issued pursuant to this section unless it appears to the court that the purpose for which the order was made has been achieved, substantially achieved, or is incapable of being achieved.

"(2) The court, on hearing a petition for the discharge or variation of a liquidation or rehabilitation order, may make any interim order or adjourn the proceeding.

"(3) Upon the court issuing an order discharging a liquidation or rehabilitation order for a protected cell on the ground that the purpose for which the order was made had been achieved or substantially achieved, the court may direct that any payment made by the liquidator or rehabilitator to any creditor of the captive insurer, with respect to that protected cell, shall be deemed full satisfaction of the liabilities of the captive insurer to the creditor with respect to the protected cell, and the creditor's claims against the captive insurer with respect to that protected cell shall be of its administrative, regulatory, and marketing activities as prescribed by law."

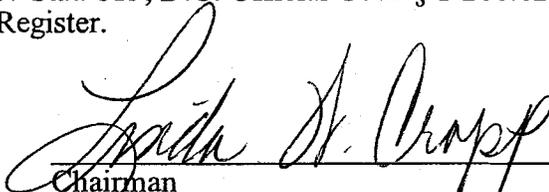
Sec. 3. Fiscal impact statement.

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

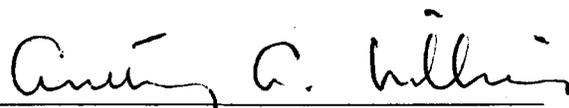
Sec. 4. Effective date.

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

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
December 28, 2006

AN ACT
D.C. ACT 16-646

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
DECEMBER 28, 2006

Codification
District of
Columbia
Official Code

2001 Edition

2007 Winter
Supp.

West Group
Publisher

To amend the National Capital Revitalization Corporation Act of 1998 to authorize the exchange of assets by and among the District government, Anacostia Waterfront Corporation, the National Capital Revitalization Corporation and the RLA Revitalization Corporation and provide additional requirements for the transfer of properties.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, that this act may be cited as the "National Capital Revitalization Corporation Asset Transfer Clarification Amendment Act of 2006".

TITLE I. AMENDMENTS TO THE NCRC ACT

Sec. 101. Title III of the National Capital Revitalization Corporation Act of 1998, effective December 7, 2004 (D.C. Law 15-219; D.C. Official Code § 2-1219.51 *et seq.*), is amended as follows:

(a) Section 30aa is amended as follows:

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

"(a) Pursuant to subsections (e) and (f) of this section, the following real property of the National Capital Revitalization Corporation ("NCRC"), the RLA Revitalization Corporation ("RLARC"), and the District of Columbia (collectively referred to as the "Southwest Waterfront Properties") shall be transferred by quitclaim deed or other similar instrument of conveyance, in "as is condition" to the Anacostia Waterfront Corporation ("AWC") with respect to any and all real property interests other than fee simple title, and the Southwest Waterfront Development Corporation, a subsidiary of the Anacostia Waterfront Corporation, with respect to all fee simple title and the fee simple title shall be subject to all applicable Community Development Block Grant rules and regulations:

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"SQUARE SUFFIX	LOT	ADDRESS	LANDAREA
0390	0054	Maine Av SW (Parking Strip)	21,158
0390	0824	Adj to 800 9th St SW	11
0390	0825	Adj to 800 9th St SW	1,991
0391	0804	Maine Av SW (Parking Strip)	15,360
0391	0805	Maine Av SW (Parking Strip)	12,620
0391	0806	Maine Av SW (Parking Strip)	15,360
0439 S	0812	Adj to 701 Maine Av, SW	130
0439 S	0813	Adj to 701 Maine Av, SW	214
0439 S	0814	Adj to 701 Maine Av, SW	5,025
0471 W	0810	Maine Av SW (Parking Strip)	32,896
0472	0827	Adj to 600 M St SW	6,880
0473	0084	700 Water Street SW	19,817

0473	0815	601 Water St SW	299
0473	0820	Pier 4 - 6th and Water St SW	6,351
0473	0822	1000 Water St SW	9,743
0473	0823	900 Water St SW	23,615
0473	0824	900 Water St SW	29,725
0473	0825	800 Water St SW	29,725
0473	0826	800 WATER ST SW	28,599
0473	0827	Adj to 700 Water St SW	6,666
0473	0828	Adj to 700 Water St SW	12,490
0473	0831	Adj to 700 Water St SW	14,532
0473	0834	600 Water St SW	91,824
0473	0837	Adj to 650 Water St SW	17,835
0473	0839	Between 650 & 700 Water St SW	135,527
0473	0840	Adj to 600 Water St SW	5,856
0473	0841	600 Water St SW	1,617
0473	0842	Pier 4 - 6th and Water St SW	15,011
0473	0843	SE Corner of 6th & Water St SW	11,594
0473	0844	SE Corner of 6th & Water St SW	36,101
0473	0845	Between 600 & 650 Water St SW	8,131
0473	0849	Maine Avenue, SW	4022
0473	0851	650 Water St SW	51,523
0503	0883	SE Corner of 6th & Water St SW	630
0473	0819		9,400".

(2) Subsection (b)(1) is amended to read as follows:

“(b)(1) The District and the AWC shall assume all liabilities, debts, mortgages and obligations of the NCRC and the RLARC arising out of the ownership of the Southwest Waterfront Properties (including, without limitation, those liabilities arising from, or relating to, *CASCO Marina Development, L.L.C. v. Redevelopment Land Agency Revitalization Corp.*, Civil Action Nos. 01-2128 & 02-4506 (D.C. Super. Ct., filed May 19, 2001) (“CASCO Litigation”)), and the NCRC and the RLARC shall no longer be liable or responsible for the discharge of those liabilities, debts, mortgages and obligations being assumed by the District and the AWC; provided, that neither the NCRC nor the RLARC shall settle the CASCO Litigation in a manner that imposes any restrictions on, or grants any rights in or to, any of the Southwest Waterfront Properties or imposes any payment or other material obligation on any transferee of the Southwest Waterfront Properties.”.

(3) Subsection (c) is repealed.

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

“(d) Pursuant to subsections (e) and (f) of this section, the Mayor shall transfer to the NCRC, or at the NCRC’s election, the RLARC, by quit claim deed, in “as is condition”, one large parcel and \$24.5 million in value of small parcels; the initial group of those parcels consisting of the following described real properties:

“LARGE PARCEL FOR TRANSFER TO NCRC

PROJECT AREA	SSL	LAND AREA(sf)	ADDRESS / LOCATION
McMillan Sand Filtration Site			2501 1ST ST NW

SMALL PARCELS BASKET FOR TRANSFER TO NCRC/RLARC

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PROJECT AREA	SSL	LAND AREA(sf)	ADDRESS / LOCATION
Deanwood	5148 0008	2,500	4826 NANNIE HELEN BURROUGHS AV NE
Deanwood	5148 0009	2,500	4822 NANNIE HELEN BURROUGHS AV NE
Deanwood	5148 0010	2,500	4818 NANNIE HELEN BURROUGHS AV NE
Deanwood	5148 0011	2,500	4816 NANNIE HELEN BURROUGHS AV NE
Deanwood	5148 0012	2,500	4814 NANNIE HELEN BURROUGHS AV NE
Deanwood	5148 0013	2,500	4810 NANNIE HELEN BURROUGHS AV NE
Deanwood	5148 0014	2,500	4808 NANNIE HELEN BURROUGHS AV NE
Dupont Down Under			DUPONT CIRCLE NW
Georgia Ave - 3800 Block	3028 0051	1,847	3813 GEORGIA AV NW
Georgia Ave - 3800 Block	3028 0052	1,882	3815 GEORGIA AV NW
Georgia Ave - 3900 Block	2906 0848	6,954	3912 GEORGIA AV NW
H Street, NE - 9th St	0936 0808	5,690	0525 9TH ST NE
H Street, NE - Maryland Ave	1028 0830	5,485	1341 MARYLAND AV NE
HU Acquisition Parcels	2873 0796	63,413	SHERMAN AND FLORIDA AV
Mt. Vernon Triangle - 5th and I St	0516 0059	20,641	I ST NW
NE Boundary - 62nd St	5268 0009	3,500	315 62ND ST NE
NE Boundary - 62nd St	5268 0010	3,500	62ND ST NE
NE Boundary - 62nd St	5268 0011	3,500	62ND ST NE
NE Boundary - 62nd St	5268 0012	3,500	62ND ST NE
NE Boundary - 62nd St	5268 0013	3,500	323 62ND ST NE
NE Boundary - 62nd St	5268 0014	3,500	62ND ST NE
NE Boundary - 62nd St	5268 0015	3,500	62ND ST NE
NE Boundary - 62nd St	5268 0016	3,500	62ND ST NE
NE Boundary - Eastern Ave	5260 0017	6,626	0414 EASTERN AV NE
NE Boundary - Eastern Ave	5260 0018	37,752	0402 - 0412 EASTERN AV NE
NE Boundary - Eastern Ave	5260 0019	6,266	0400 EASTERN AV NE
NE Boundary - Eastern Ave	5260 0806	20,186	DIX ST NE
NoMa - H St	0623 0190	56,029	H ST NW
NoMa - H St	0623 0191	35,708	H ST NW
NoMa - H St	0623 0192	28,768	H ST NW
NoMa - H St	0623 0193	41,165	H ST NW
SW - Waterside	0542 0087	22,032	3RD ST SW
SW - Waterside	0499 0057	64,890	6TH ST SW
SW - Waterside	0542 0085	27,278	3RD ST SW
Truxton Circle	0615 0842	4,982	1520 - 1522 NORTH CAPITOL STREET NW

(5) New subsections (e) and (f) are added to read as follows:

“(e) The District, the NCRC, the RLARC and the AWC shall enter into an assignment and assumption agreement (“Assignment and Assumption Agreement”) that will establish the respective obligations of each of the parties, and timelines for completion of the obligations, that are necessary to effectuate the transfers of properties listed in subsections (a) and (d) of this section as required by this title (and as originally contemplated by a Memorandum of

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Understanding among the District of Columbia, NCRC and RLARC dated July 1, 2004). The parties shall execute the Assignment and Assumption Agreement no later than December 31, 2006, and the parties shall perform all obligations necessary to effectuate the transfers not later than January 19, 2007. The actual transfer of properties shall occur not later than the effective date of the National Capital Revitalization Corporation Asset Transfer Clarification Amendment Act of 2006, passed on 2nd reading on December 19, 2006 (Enrolled version of Bill 16-902). The Assignment and Assumption Agreement shall not require any actions to be performed nor shall it contain conditions to closing that are not strictly necessary to effectuate the transfers of properties mandated by this title. The Mayor shall transmit a notice to the Council, upon its full execution, that the Assignment and Assumption Agreement is fully executed.

“(f) The transfer of properties listed in this title shall occur no later than the effective date of the National Capital Revitalization Corporation Asset Transfer Clarification Amendment Act of 2006, passed on 2nd reading on December 19, 2006 (Enrolled version of Bill 16-902). All parties shall use best efforts to cause the transfers to occur simultaneously. If any document that is necessary for the transfers to occur has not been executed by any of the NCRC, the AWC, the RLARC, or any agency of the District, prior to the effective date of the National Capital Revitalization Corporation Asset Transfer Clarification Amendment Act of 2006, passed on 2nd reading on December 19, 2006 (Enrolled version of Bill 16-902), the Mayor shall become immediately authorized to execute the document on behalf of the governmental entity. Notwithstanding the foregoing, if, prior to the effective date of the National Capital Revitalization Corporation Asset Transfer Clarification Amendment Act of 2006, passed on 2nd reading on December 19, 2006 (Enrolled version of Bill 16-902), applicable laws prohibit one or more (but less than a majority) of parcels to be transferred under this title from being transferred to one of the designated transferees hereunder, then the transfer of the properties available for transfer will proceed and the remaining properties will be transferred as soon as legally permitted thereafter.”

(b) Section 30bb is amended to read as follows:

(1) The lead in language is amended to read as follows: “The transfer of the Southwest Waterfront Properties and those properties specifically listed in section 30aa(d) shall be effective after each of the following actions has occurred:”

(2) Paragraphs (1), (2), (3) and (5) are repealed.

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

“(4) A fully-executed Assignment and Assumption Agreement as described in section 30aa(e) has been submitted to the Council;”

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

“(6) Either a legal analysis provided by the Office of the Attorney General stating that the Assignment and Assumption Agreement is legally sufficient has been provided in writing to all parties to the Assignment and Assumption Agreement, or a written legal determination of the Office of the General Counsel to the Council of the District of Columbia has been filed in the Office of the Secretary to the Council stating that this act is legally sufficient.”

(c) A new section 30cc is added to read as follows:

“Sec. 30cc. Within 10 business days following the transfer of the Southwest Waterfront Properties, the AWC shall deliver (or cause to be delivered) a copy of a written unconditional release of the National Capital Revitalization Corporation by the lender of the existing indebtedness secured by the Hogates property to the Council.”

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TITLE II. ADDITIONAL REQUIREMENTS FOR TRANSFER

Sec. 201. The Mayor is authorized, on behalf of the Anacostia Waterfront Corporation ("AWC"), the National Capital Revitalization Corporation ("NCRC", the Department of Housing and Community Development ("DCRC"), and the RLA Revitalization Corporation (RLARC"), to execute all necessary and reasonable sub-recipient agreements, or amendments to existing sub-recipient agreements, by and between the necessary parties, that are required by federal regulations before each of the sub-recipients can be permitted to receive and manage those Community Development Block Grant proceeds and any property, real and personal, transferred pursuant to sections 30aa and 30bb of the National Capital Revitalization Corporation Act of 1998, effective December 7, 2004 (D.C. Law 15-219; D.C. Official Code §§ 2-1219.51 and 2-1219.52) ("NCRC Act"), that is governed by Community Development Block Grant regulations.

Sec. 202. In lieu of any on-going payments of property revenues to the NCRC (other than payments expressly required by this title), the AWC shall make a one-time cash payment to the NCRC of \$2 million dollars at the time the AWC and its subsidiary, Southwest Waterfront Development Corporation ("SWDC"), receive title to the respective interests in the Southwest Waterfront Properties pursuant to section 30aa(a) of the NCRC Act; and the AWC shall subsequently pay \$2.5 million to the NCRC over 1 year, which payment will be completed by March 1, 2008.

Sec. 203. The AWC is authorized to assume, simultaneously with the transfer of title from the NCRC to the AWC, the responsibility to pay or service any debt and related encumbrances secured by the ground leases transferred under subsection 30aa(a) of the NCRC Act, including a loan from the Bank of America, N.A., to the NCRC. The NCRC is authorized to pay debt service on the loan from the Bank of America until the earlier of the transfer of the Southwest Waterfront Properties or the effective date of the National Capital Revitalization Corporation Asset Transfer Clarification Amendment Act of 2006, passed on 2nd reading on December 19, 2006 (Enrolled version of Bill 16-902). The AWC is authorized to prepay, refinance or otherwise modify the loan in accordance with any agreements deemed necessary or appropriate by the AWC and subject to the authority and limitations set forth in D.C. Res. 16 - 715, effective July 11, 2006 (53 DCR 6034).

Sec. 204. (a) The RLARC and the DHCD shall execute an amendment to the Sub-Recipient Agreement between the RLARC and the DHCD dated October 12, 2006, to provide that the first Twenty-Five Million Dollars (\$25,000,000) of Program Income earned after the date of execution of such amendment shall be allocated to the RLARC. Notwithstanding the foregoing sentence, any Program Income (i) realized from the disposition of the Government Printing Office Property, or (ii) budgeted for the acquisition and/or development of the Skyland Property, shall not be included within the \$25 Million reallocation; provided, however, that approximately Six Million and Forty Thousand Dollars (\$6,040,000) which has been received by the RLA Revitalization Corporation relating to prepayment of the Portals Note shall be included within the \$25 Million reallocation. After execution of the amendment to the Sub-Recipient Agreement, any Program Income generated from any portion of the real properties transferred to the NCRC or the RLARC shall not be subject to the allocation with the DHCD under the Sub-Recipient Agreement or any successor agreement, nor shall the Program Income

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constitute any part of or be subject to the \$25 Million reallocation set forth herein. Income derived from any assets acquired using any of the \$25 million allocation shall not be subject to an allocation with DHCD.

(b) In accordance with the terms of the effective Sub-Recipient Agreement, the DHCD is authorized to use the Program Income received by the RLARC, but not timely expended by the RLARC in compliance with the applicable Community Development Block Grant regulations, and subject to the obligation of the DHCD to reallocate that portion of the Program Income to the RLARC in accordance with the Sub-Recipient Agreement.

(c) For the purposes of this section, "Program Income" shall have the meaning assigned to it in 24 C.F.R. 570.500(a) (2005).

Sec. 205. (a) Beginning on the date of transfer of the Southwest Waterfront Properties to the AWC and until such time as the AWC or any other District instrumentality ("Successor in Interest") no longer holds title or any other economic interest in the Gangplank Marina, as defined in subsection (b) of this section, the AWC or its Successor in Interest shall pay, on a quarterly basis, to the NCRC, 60% of the net revenues generated by the Gangplank Marina from whatever source.

(b) Upon the disposition of the Gangplank Marina or its economic interest therein by the AWC, or its Successor in Interest, the NCRC shall be entitled to 60% of the net disposition proceeds from the Gangplank Marina, payable at the time of closing. For the purposes of this section, "Gangplank Marina" means the leasehold interest described in the Lease Agreement by and between the District of Columbia Redevelopment Land Agency and Curwitz, Inc., dated June 30, 1970, and recorded among the land records of the District of Columbia in Liber 13212, Folio 540, on May 5, 1971.

Sec. 206. Effective as of the initial date of transfer of the Southwest Waterfront Properties, the Mayor, on behalf of the District, shall irrevocably release, waive and relinquish the District's right to receive any funds owed to the District by the NCRC or the RLARC, as the case may be, under the Memorandum of Agreement by and among the District, the NCRC, and the District of Columbia Redevelopment Land Agency, dated June 25, 2001.

Sec. 207. Per Community Development Block Grant regulations and subject to sections 30aa and 30bb the NCRC Act, all presently designated Program Income associated with the presently designated Community Development Block Grant funded or urban renewal real properties to be transferred to RLARC and SWDC under the NCRC Act shall be remitted to DHCD as the Designated Public Agency for the administration of the Community Development Block Grant Program for the District of Columbia on behalf of Department of Housing and Urban Development. The DHCD shall disburse the Program Income designated under this title to the RLARC and the SWDC, and the DHCD shall ensure compliance of the use of these funds by the RLARC and the SWDC, as prescribed under 24 CFR Part 570 and the applicable sub-recipient agreements.

Sec. 208. For the purposes of this title:

(1) "Government Printing Office Property" means the real property located in the District of Columbia described as Lot 61 Square 625 and Lot 62 Square 625.

(2) "Portals Note" means the promissory note dated January 17, 2003, by and between PARCEL 47D LLC, a Delaware limited liability company and RLARC.

(3) "Skyland Property" means the real property commonly known as "Skyland"

and all improvements thereon and fitting the definition of section 2(36A) of the National Capital Revitalization Corporation Act of 1998, effective September 11, 1998 (D.C. Law 12-144; D.C. Official Code § 2-1219.01(2)(36A)).

Sec. 209. Report on continued independence.

The Mayor shall submit, within 120 days of the enactment of this act, a report on the functions and structure of the NCRC and the AWC, including an analysis of whether each instrumentality should continue to have a legal existence separate from that of the District government, or whether they should in some other manner be restructured.

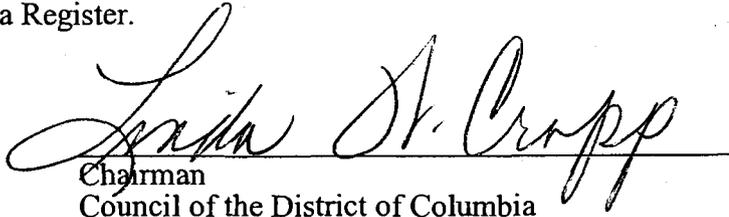
TITLE III. FISCAL IMPACT STATEMENT AND EFFECTIVE DATE

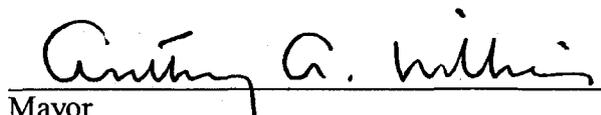
Sec. 301. Fiscal impact statement.

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. 302. Effective date.

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


Chairman
Council of the District of Columbia


Mayor
District of Columbia
APPROVED
December 28, 2006

AN ACT
D.C. ACT 16-647

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 28, 2006

*Codification
District of
Columbia
Official Code*

2001 Edition

2007 Winter
Supp.

West Group
Publisher

To establish a Community Health Care Financing Fund to reserve funding to construct health care facilities, a comprehensive assessment to improve the District's urgent and emergent care delivery system and to recommend investments in that system, for designated grants for cancer prevention, tobacco cessation, chronic disease management and prevention, and the implementation of a regional health information exchange; and to amend the Draft Master Plan for Public Reservation 13 Approval Act of 2002 to authorize development of a health care facility on Reservation 13.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Community Access to Health Care Amendment Act of 2006".

TITLE I. HEALTH CARE FINANCING

Sec. 101. Community Health Care Financing Fund; establishment, purpose.

(a) There is hereby established within the General Fund a special nonlapsing interest earning account to be designated as the Community Health Care Financing Fund ("Fund"), into which the Chief Financial Officer shall deposit all:

(1) Proceeds received by the District from the sale by the District of Columbia Tobacco Settlement Financing Corporation of its Tobacco Settlement Asset-Backed Bonds, Series 2006; and

(2) Receipts from any fees and taxes specifically identified by District law to be paid into the Fund.

(b) The purposes of the Fund shall be to directly pay to promote health care and for the delivery of health care related services in the District, including the construction of health care facilities and the operation of health care related programs, or to reimburse any account of the General Fund for its expenditures for these purposes.

(c) All interest generated by the Fund shall be retained by the Fund.

Sec. 102. Authorization of grants.

(a) The Mayor is authorized to make grants from the Fund and to enter into agreements

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with the recipients of the grants containing any terms and conditions that the Mayor determines necessary or appropriate to effect a purpose of the Fund, as described in section 101(b).

(b) Of the funds available, the Mayor shall:

(1) Reserve up to \$116 million for construction of health care facilities, subject to subsection (c) of this section. Any grant awarded pursuant to this paragraph shall be awarded through competitive bidding in accordance with the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Official Code § 2-301.01 *et seq.*);

(2) Reserve up to \$80 million for urgent and emergent care upgrades, subject to subsection (c) of this section. Any grant awarded pursuant to this paragraph shall be awarded through competitive bidding in accordance with the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Official Code § 2-301.01 *et seq.*);

(3) Reserve \$10 million to fund a comprehensive chronic disease management and prevention program related to the 10 leading causes of death in the District of Columbia to be administered by nonprofit organizations in partnership with the Department of Health. Any grant awarded pursuant to this paragraph shall be awarded through competitive bidding in accordance with the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Official Code § 2-301.01 *et seq.*);

(4) Grant \$20 million to the D.C. Cancer Consortium to implement a comprehensive cancer prevention program, subject to subsection (d) of this section;

(5) Grant \$10 million to the American Lung Association of the District of Columbia to implement a tobacco cessation program in partnership with the American Cancer Society, subject to subsection (d) of this section;

(6) Grant \$6 million to the District of Columbia Primary Care Association ("DCPCA"), subject to subsection (d) of this section, for the purpose of establishing a regional health information exchange program, which shall be modeled on other regional health information organizations that have been established in other regions around the United States, among community health centers, hospitals, physician practices, and other health care providers to improve patient coordination of care and health outcomes and to build a secure database of patient health information that can be used for disease surveillance, quality-monitoring, policy-making, and clinical research; the DCPCA shall partner with the National Institute of Medical Informatics to develop a regional health information organization, with DCPCA initially acting as fiscal agent and subsequently sub-granting the funds to the regional health information organization once it is staffed;

(7) Grant up to \$1.5 million to the Rand Corporation, subject to subsection (d) of this section, for the following purposes:

(A) Conducting a comprehensive assessment of the District's health care

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delivery system for individuals with urgent or emergent medical needs and recommending improvements and expansions of that system;

(B) Conducting a comprehensive assessment of the health care needs in Wards 7 and 8 and making recommendations to address the identified health care needs in those Wards; and

(C) Providing an analysis of the ongoing operating and capital costs associated with the development of ambulatory health care centers and of other health care facilities, including the Healthplex model; and

(8) Grant \$1.5 million for the purpose of procuring emergency transport vehicles; subject to the completion of a deployment plan that indicates annual operating costs, staffing requirements, and maintenance costs.

(c)(1) Use of the reserved funds as authorized by subsection (b)(1) and (2) of this section shall be contingent upon the findings of the comprehensive assessment described in subsection (b)(7) of this section.

(2) The Mayor is authorized to issue a request for proposals based upon the findings of the comprehensive assessment described in subsection (b)(7) of this section to promote health care and for the delivery of health care related services in the District, including the construction of health care facilities and the operation of health care related programs.

(3) Any reserved funds authorized by subsection (b)(1) and (2) of this section made available to Greater Southeast Community Hospital shall be contingent upon the condition that Greater Southeast Community Hospital changes ownership and the findings of the comprehensive assessment described in subsection (b)(7) of this section.

(4) Notwithstanding any other provision of this act, the Mayor is authorized to enter into a public/private partnership with a new owner of Greater Southeast Community Hospital to assure the continued operation of the District's existing programs (the psychiatric unit, clinics-primary care, specialty unit, and corrections unit) and the operation of planned programs (the comprehensive psychiatric emergency program, the expansion of the psychiatric unit, and a Detox unit) that are at, or planned for, the hospital, as well as other future programs, and the delivery of quality health care for the District's residents living in the far northeast and southeast areas of the District; provided, that any public/private partnership requires that any new hospital constructed on the Greater Southeast Community Hospital campus integrate all of the mentioned existing and planned programs into the new facility; provided further, that the operating costs associated with the services described herein shall not come from the Tobacco Settlement Trust Fund, established by section 2302 of the Tobacco Settlement Trust Fund Establishment Act of 1999, effective October 20, 1999 (D.C. Law 13-38; D.C. Official Code § 7-1811.01).

(d)(1) A grant awarded pursuant to subsection (b)(4),(5), (6) or (7) of this section shall be awarded through noncompetitive negotiations; provided, that the grant be submitted to the Council for a 10-day period of review, excluding days of Council recess.

(2) If the Council does not approve or disapprove the grant by resolution within the 10-day review period, the grant shall be deemed approved.

Sec. 103. Rand Corporation Assessment Advisory Committee.

(a) There is established an advisory committee to provide oversight and review of the assessment and analysis described in subsection (b)(7) of this section. The advisory committee shall consist of 5 members, 2 of whom shall be appointed by the Mayor and 3 of whom shall be appointed by the Council.

(b) The advisory committee shall meet at a regular time and place to be determined by the committee. The advisory committee shall dissolve when its oversight and review role is complete.

TITLE II. RESERVATION 13 HEALTH CARE FACILITY

Sec. 201. Section 3 of the Draft Master Plan for Public Reservation 13 Approval Act of 2002, effective April 11, 2003 (D.C. Law 14-300; D.C. Official Code § 10-1502), is amended to read as follows: Amend
§ 10-1502

"Sec. 3. Health care facility; acreage set aside, development.

"(a) Approximately 2 acres within Reservation 13 shall be set aside for the development of a new health care facility, which may include emergency care services, primary and specialty care physician offices, ambulatory surgery, diagnostic imaging, laboratories, or health education. Upon completion of the development of the health care facility, any excess land set aside for the facility shall be available for development.

"(b)(1) The Mayor is authorized to issue a request for proposals for the development of a health care facility on the acreage set aside and to enter into any contract or agreement necessary to enable the construction and operation of the facility.

"(2) Interested bidders shall be allowed to submit proposals for both constructing and operating the health care facility."

TITLE III. HADLEY MEMORIAL HOSPITAL TERMINATION OF TAX EXEMPTION

Section 47-1050(a) of the District of Columbia Official Code is amended as follows: Amend
§ 47-1050

(1) The existing text is designated as paragraph (1).

(2) The newly designated paragraph (1) is amended as follows:

(A) Strike the phrase "and the property in the District of Columbia described as parcel 252-0093, operated as Hadley Memorial Hospital, together with improvements thereon and personal property thereon, which properties are owned by Doctors Community Healthcare Corporation,".

(B) Strike the phrase "and Hadley Memorial Hospital".

(3) A new paragraph (2) to read as follows:

"(2) Beginning Tax Year 2001 and ending Tax Year 2006, the property in the

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District of Columbia, described as parcel 252-0093, operated as Hadley Memorial Hospital, together with improvements thereon and personal property thereon, which property is owned by Doctors Community Healthcare Corporation, shall be exempt from taxation so long as the same property is used in carrying on the purposes and activities of the Hadley Memorial Hospital."

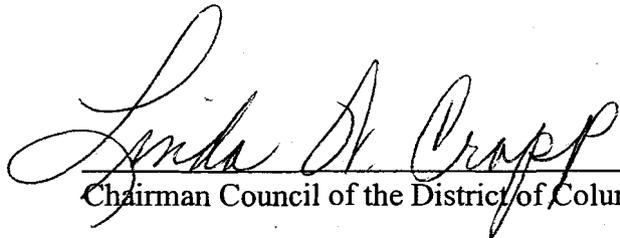
TITLE IV. FISCAL IMPACT AND EFFECTIVE DATE

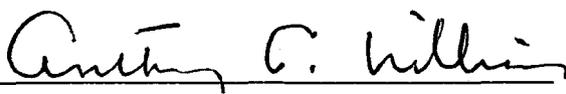
Sec. 401. Fiscal impact statement.

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(c)(3)).

Sec. 402. 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(c)(1)) and publication in the District of Columbia Register.


Chairman Council of the District of Columbia


Mayor
District of Columbia
APPROVED
December 28, 2006

AN ACT

D.C. ACT 16-648

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 28, 2006

To order the closing of a portion of a public alley in Square 85, bounded by K Street, N.W., L Street, N.W., 19th Street, N.W., and 20th Street, N.W., in Ward 2.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Closing of a Portion of a Public Alley in Square 85, S.O. 06-8859, Act of 2006".

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) ("Act"), the Council finds that a portion of the public alley system in Square 85, as shown on the Surveyor's plats filed under S.O. 06-8859, is unnecessary for alley purposes and orders it closed, with title to the land to vest as shown on the Surveyor's plat.

Sec. 3. (a) Notwithstanding section 212 of the Act (D.C Code § 9-202.12), if an abutting property owner files an objection to the closing of the alleys in Square 85 pursuant to sections 210 and 211 of the Act (D.C. Official Code § 9-202.10 and § 9-202.11), the Surveyor shall record the alley closing plat prior to the payment of any damages assessed through an *in rem* proceeding; provided, that the conditions set forth in section 4 of this act have been satisfied.

(b) An objecting property owner shall retain the right to seek damages under section 211 of the Act, and the applicant shall be fully responsible for any damages that may be assessed by the court in an *in rem* proceeding.

Sec.4. The approval of the Council of this closing is contingent upon the:

(1) Execution of a covenant between the applicant, the owners of adjacent lots 57 and 60 of Square 85, and the District providing an access easement over the 30-foot wide portion of the alley to be closed extending from the continuation of the west line of the north/south alley to the edge of the property line of lot 840;

(2) Execution of a covenant between the applicant and the owner of adjacent lot 57 of Square 85 providing easements for access to the existing doors of the building on Lot 57.

(3) Execution of a covenant between the applicant and the owner of adjacent Lot 60 of Square 85 providing easements for access to the existing doors of the building on Lot 60.

(4) Applicant's building plans satisfying the easement and other conditions required by the Water and Sewer Authority as set forth in the official file on S.O. 06-8859;

(5) Recordation of the Surveyor's plat for the alley closing filed under S.O. 06-8859; which recordation shall be contingent upon the covenants described in paragraphs (1), (2), and (3) of this section being recorded on the Surveyor's plat.

(6) Applicant making the minimum affordable housing payment as required by the Office of Planning memorandum dated October 23, 2006, to the Surveyor in the official file for S.O. 06-8859; building permits for new construction shall not be issued until this payment is made.

Sec. 5. Fiscal impact statement

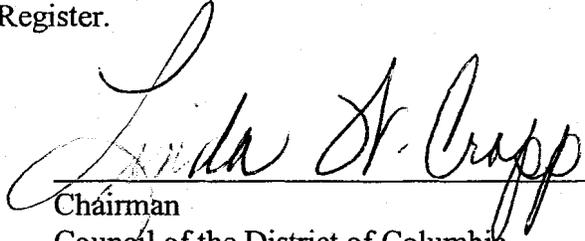
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (84 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 6. The Secretary to the Council shall transmit a copy of this act, upon its effective date, to the Surveyor of the District of Columbia and the District of Columbia Recorder of Deeds.

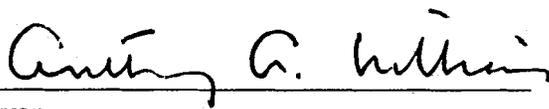
Sec. 7. Effective date.

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

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
December 28, 2006

AN ACT
D.C. ACT 16-649

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
DECEMBER 28, 2006

*Codification
District of
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Official Code*

2001 Edition

2007 Winter
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West Group
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To establish the Film DC Economic Incentive Grant Fund to provide incentives to attract and retain film, television, and multimedia business in the District.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Film DC Economic Incentive Act of 2006".

Sec. 2. Film DC Economic Incentive Grant Fund.

(a) There is hereby established a segregated, nonlapsing fund to be known as the Film DC Economic Incentive Grant Fund ("Fund"). The Fund shall appear as a separate program line within the budget of the Office of Motion Picture and Television Development. The Fund shall be funded by annual appropriations. All funds deposited into the Fund shall not revert to the General Fund of the District of Columbia at the end of any fiscal year or at any other time, but shall be continually available for the uses and purposes set forth in this act, subject to authorization by Congress in an appropriations act.

(b)(1) The funds in the Fund shall be used:

(A) To provide incentives through discretionary grants for nationally distributed film and television projects, excluding production of television coverage of news or athletic events, that expend at least \$500,000 in qualified expenses in a period of 5 or more days for production activities located in the District of Columbia, in amount not to exceed the lesser of 10% of qualified expenses or 100% of the taxes paid to the District on the qualified expenses; and

(B) For administrative costs and monitoring of the Fund.

(2) For the purposes of this subsection, the term "qualified expenses" means the costs incurred in the District for the production of the film or television project (including all expenses incurred in the District of Columbia from vehicle rentals, camera equipment, lighting, stage equipment, recording equipment, costumes, wardrobe, construction materials, props, scenery materials, film and tape, design materials, special effects materials, fabrication, printing or production of scripts, storyboards, costumes, salaries paid to District residents, hotel expenses, food and alcohol purchases, restaurant expenses, and related supplies and equipment).

(c) The Mayor shall submit an annual report to the Council, on or before December 31 of each year, for the fiscal year concluding September 30 that includes:

- (1) For each grant, the amount of the grant, the rationale for the grant, and the revenue generated for the District by each project for which a grant was awarded;
- (2) The criteria used in evaluating the grant proposals; and
- (3) The number of grant applications received and a description of each project for which a grant application was made.

Sec. 3. Rulemaking.

The Mayor may promulgate rules necessary to implement this act.

Sec. 4. Funding from revised revenue certification.

The unallocated revenue from the certification of the Chief Financial Officer's December 2006 and February 2007 revised quarterly revenue estimates for fiscal year 2007, less the amount to be allocated to section 1043 of the Fiscal Year 2007 Budget Support Act of 2006, signed by the Mayor on August 8, 2006 (D.C. Act 16-476; 53 DCR 6899), the Washington Stage Guild Exemption Act of 2006, effective September 26, 2006 (D.C. Law 16-172; D.C. Official Code §10-1074), the Organ and Bone Marrow Donor Act of 2006, passed on 2nd reading on November 14, 2006 (Enrolled version of Bill 16-701), and the Domestic Partnerships Joint Filing Act of 2006, passed on 2nd reading on December 19, 2006 (Enrolled version of Bill 16-958) shall be deposited in the Fund in an amount to not to exceed \$1,600,000.

Sec. 5. Fiscal impact statement.

The Council adopts the fiscal impact 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.

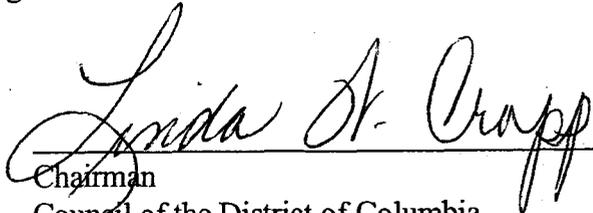
This act shall take effect upon its approval by the Mayor (or in the event of a veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24,

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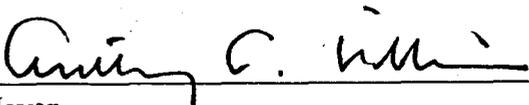
DISTRICT OF COLUMBIA REGISTER

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
December 28, 2006

AN ACT
D.C. ACT 16-650

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
DECEMBER 28, 2006

To order the closing of a public alley system in Square 375, bounded by 9th Street, N.W., G Street, N.W., 10th Street, N.W., and H Street, N.W., in Ward 2.

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 375, S.O. 06-656, Act of 2006".

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 alley system in Square 375, as shown on the Surveyor's plat filed under S.O. 06-656, 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 alley closing is contingent upon the satisfaction of all the conditions set forth in the official S.O. File 06-656.

Sec. 3. Fiscal impact statement.

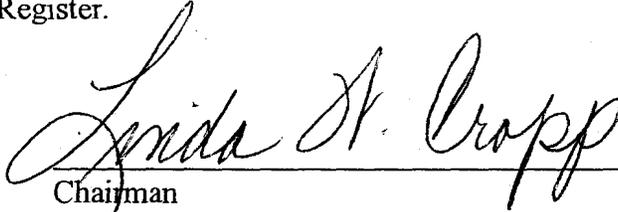
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. The Secretary to the Council shall transmit a copy of this act, upon its effective date, to the District of Columbia Surveyor and the District of Columbia Recorder of Deeds.

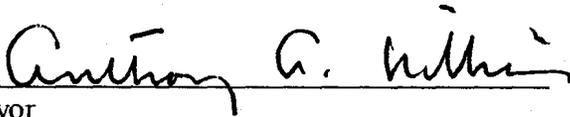
Sec. 5. Effective Date.

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

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
December 28, 2006