

AN ACT

D.C. ACT 16-279

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 27, 2006

*Codification
District of
Columbia
Official Code*

2001 Edition

2006 Spring
Supp.

West Group
Publisher

To require, on an emergency basis, due to Congressional review, that the Mayor conduct a study regarding the escalating motor vehicle fuel and heating fuel costs in the District of Columbia and to make recommendations to the Council concerning methods that may be utilized to stabilize those costs, and to require the Executive Office of the Mayor to investigate possible price gouging by local motor vehicle fuel retailers and wholesalers and to report these findings to the Council.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Gasoline Fuel Tax Examination Congressional Review Emergency Act of 2006".

Sec. 2. Fuel cost reduction plan.

(a) The Mayor shall submit a comprehensive plan to the Council setting forth the most appropriate method that may be executed to address increasing costs associated with motor vehicle fuel and natural gas. The report shall, at a minimum, examine the following:

- (1) Moving price ceilings;
- (2) Elimination of the gas tax in whole or in part;
- (3) Gasoline sales-tax holidays;
- (4) Gas vouchers; and
- (5) The District's buying power to purchase home heating fuel.

(b) The report shall include:

- (1) Historical fuel (motor vehicle, natural gas, heating oil) cost trends in the District of Columbia from calendar year 2003 through December, 2005;
- (2) An assessment concerning the multiple variables that have influenced the cost shifts through that period; and
- (3) An assessment concerning possible price gouging by local motor vehicle fuel retailers and wholesalers.

(c) The report shall be due on December 15, 2005.

Sec. 3. Applicability.

This act shall apply as of January 26, 2006.

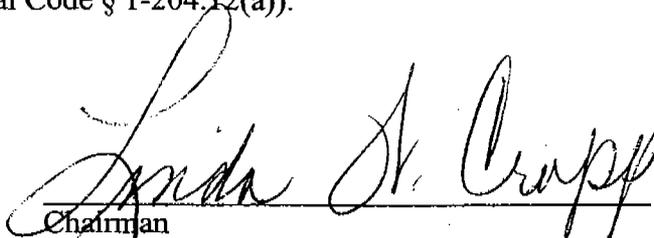
Sec. 4. Fiscal impact statement.

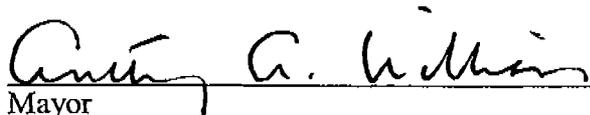
The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

ENROLLED ORIGINAL

Sec. 5. Effective date.

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


Chairman
Council of the District of Columbia


Mayor
District of Columbia
APPROVED
February 27, 2006

ENROLLED ORIGINAL

AN ACT

D.C. ACT 16-280

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
FEBRUARY 27, 2006

*Codification
District of
Columbia
Official Code*

2001 Edition

2006 Spring
Supp.

West Group
Publisher

To amend, on an emergency basis, due to Congressional review, the Water Pollution Control Act of 1984 to provide that revenues from fishing and hunting licensing schemes shall not be used for purposes other than the administration of the District's Fisheries and Wildlife Division in its role of protecting and managing aquatic life.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Water Pollution Control Congressional Review Emergency Amendment Act of 2006".

Sec. 2. Section 4(b)(3) of the District of Columbia Water Pollution Control Act of 1984, effective March 16, 1985 (D.C. Law 5-188; D.C. Official Code § 8-103.03(b)(3)), is amended to read as follows:

Note,
§ 8-103.03

"(3) Revenues from licensing regulatory schemes under this section shall not be used for purposes other than the administration and management of the District's fisheries and wildlife resources. License fees paid by anglers and other users of these resources shall not be used for purposes other than the administration of the District's Fisheries and Wildlife Division."

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report for the Water Pollution Control Amendment Act of 2005, signed by the Mayor on December 22, 2005 (D.C. Act 16-219; 52 DCR ___), as the fiscal impact statement required by 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)(3)).

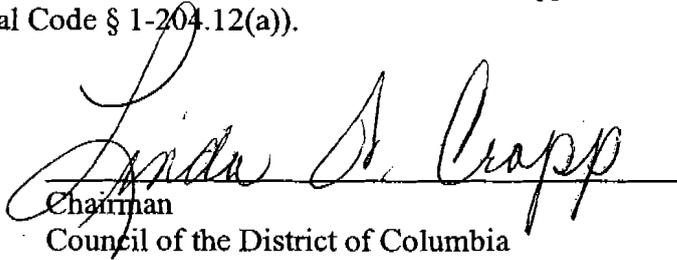
Sec. 4. Effective date.

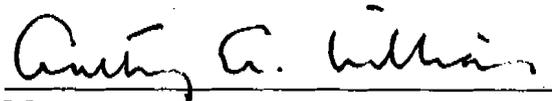
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

MAR 10 2006

ENROLLED ORIGINAL

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


Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
February 27, 2006

AN ACT

D.C. ACT 16-281

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 27, 2006

*Codification
District of
Columbia
Official Code*

2001 Edition

2006 Spring
Supp.

West Group
Publisher

To amend, on an emergency basis, due to Congressional review, the Highway Trust Fund Establishment Act of 1996 to direct revenue into the Local Roads Construction and Maintenance Fund that was inadvertently directed to the District Department of Transportation Operating Fund, and to provide that up to 100% of specified revenue collected for the rental of public space may be used for debt servicing; and to amend the Department of Transportation Establishment Act of 2002 to provide that revenue from public space rental from sources not deposited into the Local Roads Construction and Maintenance Fund be deposited into the District Department of Transportation Operating Fund, and to provide that 100% of the sales and use taxes for parking and storing vehicles be directed for local roads construction and maintenance but providing that 50% may be used for debt servicing.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Highway Trust Fund and District Department of Transportation Congressional Review Emergency Amendment Act of 2006".

Sec. 2. Section 102a(a) of the Highway Trust Fund Establishment Act of 1996, effective October 3, 2001 (D.C. Law 14-28; D.C. Official Code § 9-111.01a(a)), is amended to read as follows:

Note,
§ 9-111.01a

"(a)(1) There is established the Local Roads Construction and Maintenance Fund ("Maintenance Fund"), which shall be separate from the General Fund of the District of Columbia, into which shall be deposited without regard to fiscal year limitation, pursuant to an act of Congress:

"(A) All revenue derived from the collection of the public rights-of-way user fees, charges, and penalties, established pursuant to 24 DCMR §§ 3302.8 through 3302.10, or any other regulations;

"(B) One hundred percent of the sales and use taxes collected by the District for parking and storing vehicles to source funds for the Local Roads Construction and Maintenance Fund;

"(C) One hundred percent of the revenues collected by the District for the

rental of public space that is not derived from:

- "(i) Sidewalk cafes;
- "(ii) Surface and subsurface fuel oil space; or
- "(iii) Vaults; and

"(D) All excess monies in the District of Columbia Highway Trust Fund pursuant to section 101(e).

"(2)(A) Up to 50% of the revenue collected pursuant to paragraph (1)(B) of this subsection from parking and storing vehicle taxes may be used for debt servicing and the remaining balance used for local roads construction and maintenance; and

"(B) All or any portion of the revenue collected pursuant to paragraph (1)(C) of this subsection for the rental of public space may be used for debt servicing."

Sec. 3. Section 9b of the Department of Transportation Establishment Act of 2002, effective October 20, 2005 (D.C. Law 16-33; § 50-921.10), is amended as follows:

Note,
§ 50-921.10

(a) Subsection (a)(2) is amended by striking the phrase "Excluding monies collected in the current year, any money deposited in the DDOT Fund in the year prior to the current year and the interest earned on that money remaining" and inserting the phrase "Excluding revenues collected in the current year, any revenue, including accrued revenue, deposited in the DDOT Fund in the year prior to the current year and the interest earned on those revenues remaining" in its place.

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

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

"(A) One hundred percent of revenue collected by the District for rental of public space that is derived from:

- "(i) Sidewalk cafes;
- "(ii) Surface and subsurface fuel oil space; and
- "(iii) Vaults;

(2) Subparagraph (B) is repealed.

(3) Subparagraph (C) is amended by striking the word "proceeds" and inserting the word "revenue" in its place.

Sec. 4. Fiscal impact statement.

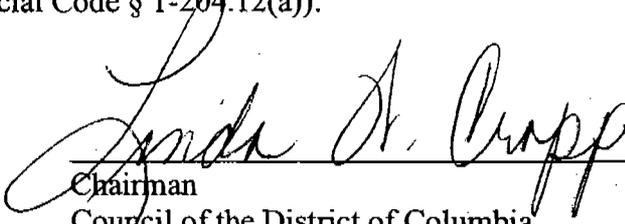
(a) The Council adopts the fiscal impact statement for the Highway Trust Fund and District Department of Transportation Temporary Amendment Act of 2005, signed by the Mayor on December 22, 2005 (D.C. Act 16-228; 53 DCR 37), as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

(b) The use of funds allocated in this act are already incorporated into the District's budget and financial plan and, therefore, this legislation has no fiscal impact.

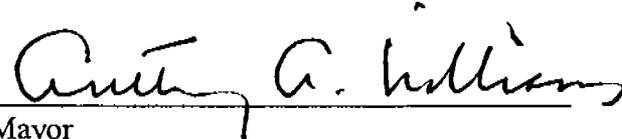
ENROLLED ORIGINAL

Sec. 5. Effective date.

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
February 27, 2006

AN ACT
 D.C. ACT 16-282

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
 FEBRUARY 27, 2006

*Codification
 District of
 Columbia
 Official Code*

2001 Edition

2006 Spring
 Supp.

West Group
 Publisher

To provide, on an emergency basis, due to Congressional review, funds from the windfall tax collections from sales of heating oil and artificial gas for the Low Income Home Energy Assistance Program and Utility Discount Programs administered by the District of Columbia Office of Energy.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Heating Oil and Artificial Gas Consumer Relief Congressional Review Emergency Act of 2006".

Sec. 2. Increased funding for the Low-Income Home Energy Assistance Program and Utility Discount Programs.

Except for the funds that are deposited in the Ballpark Revenue Fund under D.C. Official Code § 47-2501(a-2) for fiscal year 2006, the portion of the funds collected for the sales of heating oil and natural or artificial gas under D.C. Official Code § 47-2501(a) that exceed the amount, as of the September 2005 revised estimates, to be collected for these sales in the budget and financial plan, shall be used for the Low-Income Home Energy Assistance Program and Utility Discount Programs administered by the District of Columbia Office of Energy.

Sec. 3. Applicability.

This act shall apply as of January 26, 2006.

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)).

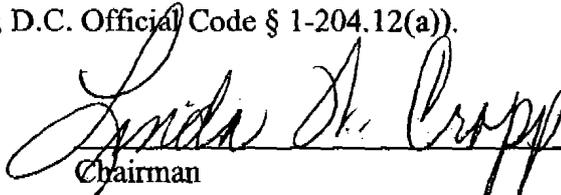
Sec. 5. This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia

MAR 10 2006

DISTRICT OF COLUMBIA REGISTER

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
February 27, 2006

AN ACT
D.C. ACT 16-283

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
FEBRUARY 27, 2006

*Codification
 District of
 Columbia
 Official Code*

2001 Edition

2006 Spring
 Supp.

West Group
 Publisher

To amend, on an emergency basis, due to Congressional review, section 47-3701(4) of the District of Columbia Official Code to clarify that the estate tax filing threshold of \$1 million applies to decedents whose death occurs on or after January 1, 2003.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Estate and Inheritance Tax Clarification Congressional Review Emergency Act of 2006".

Sec. 2. Section 47-3701(4) of the District of Columbia Official Code is amended as follows:

Note,
 § 47-3701

(a) Subparagraph (B) is amended to read as follows:

“(B) For a decedent whose death occurs on or after January 1, 2002:

“(i) The maximum amount of credit for state death taxes allowed by section 2011 of the Internal Revenue Code;

“(ii) Any scheduled increase in the unified credit provided in section 2010 of the Internal Revenue Code or thereafter shall not apply and the amount of the unified credit shall be \$675,000; and

“(iii) An estate tax return shall not be required to be filed if the decedent's gross estate does not exceed \$675,000.”.

(b) A new subparagraph (C) is added to read as follows:

“(C) For a decedent whose death occurs on or after January 1, 2003:

“(i) The maximum amount of credit for state death taxes allowed by section 2011 of the Internal Revenue Code;

“(ii) Any scheduled increase in the unified credit provided in section 2010 of the Internal Revenue Code or thereafter shall not apply and the amount of the unified credit shall be \$345,800; and

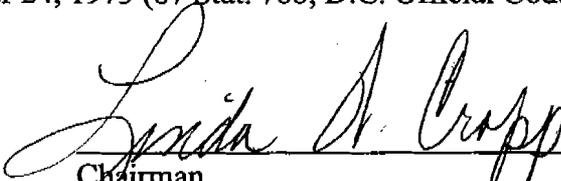
“(iii) An estate tax return shall not be required to be filed if the decedent's gross estate does not exceed \$1 million.”.

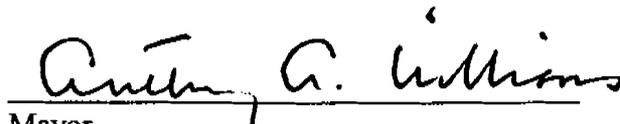
Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, beginning February 15, 2006, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).


Chairman
Council of the District of Columbia


Mayor
District of Columbia
APPROVED
February 27, 2006

ENROLLED ORIGINAL

AN ACT

D.C. ACT 16-284

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 27, 2006

*Codification
District of
Columbia
Official Code*

2001 Edition

2006 Spring
Supp.

West Group
Publisher

To require, on an emergency basis, the Director of the Department of Health to select and contract with a vendor to conduct an air-quality study of Lamond Riggs.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this bill may be cited as the "Lamond-Riggs Air Quality Study Emergency Act of 2006".

Sec. 2. Notwithstanding 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.*), the Director of the Department of Health shall within 30 days of the effective date of this act select and contract with a vendor to conduct an air quality study of Lamond-Riggs, also known as Riggs Park, which shall be paid for from the \$300,000 that is available from the Environmental Health Administration within the Department of Health and has been appropriated for the purpose of Lamond Riggs Environmental Remediation by the District of Columbia Appropriations Act, 2006, approved November 30, 2005 (Pub. L. No. 109-115; 119 Stat. 2396).

Sec. 3. Fiscal impact statement.

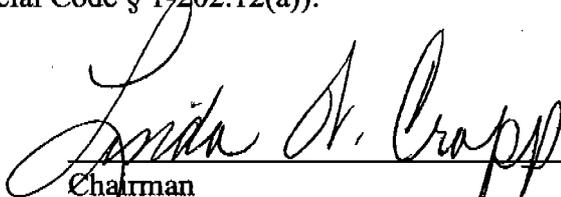
The Council adopts the fiscal impact statement of the Budget Director for the Council of the District of Columbia as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D. C. Official Code § 1-206.02(c)(3)).

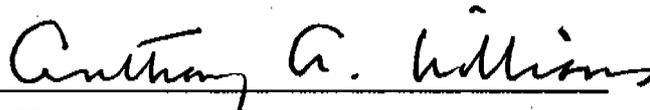
Sec. 4. Effective date.

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

ENROLLED ORIGINAL

412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-202.12(a)).


Chairman
Council of the District of Columbia


Mayor
District of Columbia
APPROVED
February 27, 2006

AN ACT
D.C. ACT 16-285

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
FEBRUARY 27, 2006

*Codification
District of
Columbia
Official Code*

2001 Edition

2006 Spring
Supp.

West Group
Publisher

To amend, on an emergency basis, An Act Authorizing the sale of certain real estate in the District of Columbia no longer needed for public purposes to authorize the Board of Education to sell and convey a portion of the School Without Walls property and density rights to the George Washington University for the purpose of renovating and expanding the School Without Walls pursuant to a development partnership.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "School Without Walls Development Project Emergency Amendment Act of 2006".

Sec. 2. Section 1 of An Act Authorizing the sale of certain real estate in the District of Columbia no longer needed for public purposes, approved August 5, 1939 (53 Stat. 1211; D.C. Official Code § 10-801), is amended by adding a new subsection (n) to read as follows:

Note,
§ 10-801

"(n) Notwithstanding any other provision of law, or any rule of law, the Board is authorized to sell and convey to the George Washington University ("GWU") approximately 8,600 square feet of land located on a portion of the property identified as Lot 829 in Square 80 and known as the School Without Walls public high school ("School Without Walls") that is currently used as a parking lot, to sell and convey to GWU certain density rights not used by the District of Columbia Public Schools ("DCPS") at Lot 829, Square 80, and to enter into and execute all agreements necessary to consummate these sales; provided, that DCPS reports to the Mayor and Council on the design, budget, and spending plan prior to commencement of the renovation project and DCPS and GWU have entered into a development partnership agreement, approved by the Board, to renovate and expand the School Without Walls. The terms of the agreement shall include:

"(1) GWU shall purchase a portion of the School Without Walls property currently used as a parking lot and comprising approximately 8,600 square feet of land area from DCPS along with density rights not used by DCPS;

"(2) GWU and DCPS shall agree to a purchase price of the density rights, including the School Without Walls parking lot, which shall be expressed as the value per square foot of residential gross floor area, both as determined pursuant to an appraisal process agreed upon by both parties;

"(3) The Board is responsible for all costs associated with the development project incurred by DCPS for the renovation and expansion of the School Without Walls that exceed the purchase price and are not covered by GWU pursuant to the agreement; and

"(4) All proceeds of the sale of the portion of the School Without Walls property and the density rights shall remain with DCPS and be used to renovate and expand the existing

ENROLLED ORIGINAL

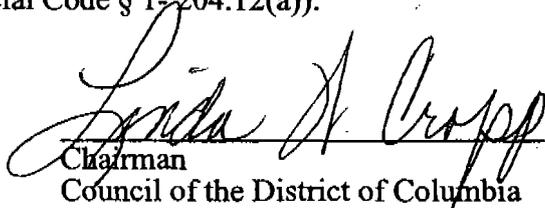
school building on the remaining School Without Walls property.”

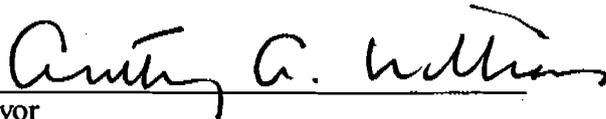
Sec. 3. Fiscal impact statement.

The Council adopts the February 3, 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 § 1-206.02(c)(3)).

Sec. 4. Effective date.

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


Chairman
Council of the District of Columbia


Mayor
District of Columbia
APPROVED
February 27, 2006

AN ACT

D.C. ACT 16-286

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 27, 2006

Codification
District of
Columbia
Official Code

2001 Edition

2006 Spring
Supp.West Group
Publisher

To amend, on an emergency basis, the District of Columbia Unemployment Compensation Act to comply with the federal SUTA Dumping Prevention Act of 2004 by preventing the manipulation of employer contribution rates.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Unemployment Compensation Contributions Federal Conformity Emergency Amendment Act of 2006".

Sec. 2. The District of Columbia Unemployment Compensation Act, approved August 28, 1935 (49 Stat 947; D.C. Official Code § 51-101 *et seq.*), is amended as follows:

(a) Section 3 (D.C. Official Code § 51-103) is amended as follows:

(1) Subsection (c)(7) is amended as follows:

(A) Subparagraph (A) is amended as follows:

(i) Strike the phrase "If all or substantially all of the business of any employer is transferred" and inserting the phrase "If an employer transfers all or a portion of its trade or business to another employer" in its place.

(ii) Subparagraph (i) is amended by striking the phrase "whether or not all or substantially all" and inserting the phrase "what portion" in its place.

(iii) Subparagraph (ii) is amended by striking the phrase "all or substantially all" and inserting the phrase "a portion" in its place.

(B) Subparagraph (C) is amended by striking the phrase "payroll assignable" and inserting the phrase "payroll or assets assignable" in its place.

(2) A new subsection (m) is added to read as follow:

"(m) Notwithstanding any other provision of this act, all assignments of contribution rates and transfers of experience in any year commencing after December 31, 2005 shall be in accordance with the following:

"(1) If an employer transfers all or a portion of its trade or business to another employer and, and at the time of transfer there exists any common ownership, management, or control of the 2 employers, the unemployment experience for that trade or business shall be transferred to the employer receiving the trade or business. The contribution rates of both employers shall be recalculated and made effective on the 1st day of the next rating year. Any penalties that may be imposed on the transfer under section 4 shall be retroactive to the beginning of the year in which the transfer occurred.

"(2) If a person is not subject to this act at the time it acquires the trade or business of an employer subject to this act, the unemployment experience of that trade or business shall not be transferred if the Director determines that the acquisition was solely or

Note,
§ 51-103

ENROLLED ORIGINAL

primarily for purpose of obtaining a lower contribution rate. Instead, that person shall be assigned a new employer rate under subsection (c)(3)(A) of this section. The Director shall use objective criteria to determine whether the trade or business was acquired solely or primarily for the purpose of obtaining a lower contribution rate, including:

“(A) The cost of acquiring the trade or business enterprise;

“(B) Whether the trade or business was continued by the person after acquisition; and

“(C) How long the trade or business was continued or whether a substantial number of new employees were hired to perform duties unrelated to the trade or business activity prior to the acquisition.

“(3) The Director shall establish procedures to identify the transfer or acquisition of a trade or business for purposes of this act.”

(b) Section 4 (D.C. Official Code § 51-104) is amended by adding a new subsection (p) to read as follows: Note,
§ 51-104

“(p)(1) For purposes of this subsection, the term:

“(A) “Knowingly” means having actual knowledge of or acting with deliberate ignorance or reckless disregard of the prohibitions under this subsection.

“(B) “Person” means an individual, a trust, estate, partnership, association, company, or corporation.

“(C) “Trade or business” includes the employer’s workforce.

“(D) “Violates or attempts to violate” includes acts evidencing an intent

to

evade, misrepresentation, or willful nondisclosure of material information.

“(2) Any person that knowingly violates or attempts to violate any provision of this act related to the calculation, determination, or assignment of contribution rates, or knowingly advises another person in a way that results in a violation of any of those provisions, shall be subject to the following penalties:

“(A) If the person is an employer subject to this act, the highest rate shall be assigned for the duration of the rate year in which the violation or attempted violation occurred and for the following 3 consecutive years; provided, that, if the employer is already subject to the highest rate for the year that the violation or attempted violation occurred or if the increased rate would be less than 2% for that year, and additional 2% of taxable wages shall be imposed for that year and for the following 3 consecutive years.

“(B) If the person is not an employer subject to this act, a fine shall be imposed in the amount of \$5,000 for the 1st violation, and up to \$25,000 for each additional violation. Fines shall be enforced by civil action brought by the Director and shall be deposited in the Special Administrative Expense Fund established by section 14(b).

“(3) Any violation of this subsection may also be prosecuted on information brought by the Attorney General for the District of Columbia in the Superior Court. Any person that is convicted shall be guilty of a misdemeanor and shall be subject to a fine not to exceed \$5,000 or imprisoned not more than 180 days or both, together with the cost of prosecution.

“(4) This subsection shall be interpreted and applied in such a manner as to meet the minimum requirements contained in any guidance or regulations issued by the Secretary of Labor.”

Sec. 3. Applicability.

This act shall apply as of January 1, 2006.

MAR 10 2006

DISTRICT OF COLUMBIA REGISTER

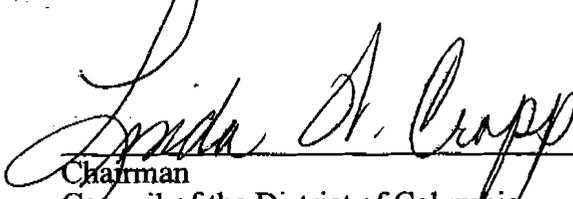
ENROLLED ORIGINAL

Sec. 4. Fiscal impact statement.

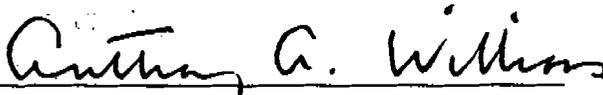
The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602 (c) (3) of the District of Columbia Home Rule Act, approved December 24, 1973 (84 Stat. 813; D.C. Official Code § 1-206.02 (c)(3)).

Sec. 5. Effective date.

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
February 27, 2006

ENROLLED ORIGINAL

AN ACT
D.C. ACT 16-287

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 27, 2006

*Codification
District of
Columbia
Official Code*

2001 Edition

2006 Spring
Supp.

West Group
Publisher

To symbolically designate the 2700 block of F Street, N.W., as National Opera Street, in Ward 2.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "National Opera Street Designation Act of 2006".

Sec. 2. Pursuant to sections 401 and 403a of the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code §§ 9-204.01 and 9-204.03a), the Council symbolically designates the 2700 block of F Street, N.W., as "National Opera Street".

Note,
§ 9-204.01

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

primarily for purpose of obtaining a lower contribution rate. Instead, that person shall be assigned a new employer rate under subsection (c)(3)(A) of this section. The Director shall use objective criteria to determine whether the trade or business was acquired solely or primarily for the purpose of obtaining a lower contribution rate, including:

“(A) The cost of acquiring the trade or business enterprise;

“(B) Whether the trade or business was continued by the person after acquisition; and

“(C) How long the trade or business was continued or whether a substantial number of new employees were hired to perform duties unrelated to the trade or business activity prior to the acquisition.

“(3) The Director shall establish procedures to identify the transfer or acquisition of a trade or business for purposes of this act.”

(b) Section 4 (D.C. Official Code § 51-104) is amended by adding a new subsection (p) to read as follows:

Note,
§ 51-104

“(p)(1) For purposes of this subsection, the term:

“(A) “Knowingly” means having actual knowledge of or acting with deliberate ignorance or reckless disregard of the prohibitions under this subsection.

“(B) “Person” means an individual, a trust, estate, partnership, association, company, or corporation.

“(C) “Trade or business” includes the employer’s workforce.

“(D) “Violates or attempts to violate” includes acts evidencing an intent

to

evade, misrepresentation, or willful nondisclosure of material information.

“(2) Any person that knowingly violates or attempts to violate any provision of this act related to the calculation, determination, or assignment of contribution rates, or knowingly advises another person in a way that results in a violation of any of those provisions, shall be subject to the following penalties:

“(A) If the person is an employer subject to this act, the highest rate shall be assigned for the duration of the rate year in which the violation or attempted violation occurred and for the following 3 consecutive years; provided, that, if the employer is already subject to the highest rate for the year that the violation or attempted violation occurred or if the increased rate would be less than 2% for that year, and additional 2% of taxable wages shall be imposed for that year and for the following 3 consecutive years.

“(B) If the person is not an employer subject to this act, a fine shall be imposed in the amount of \$5,000 for the 1st violation, and up to \$25,000 for each additional violation. Fines shall be enforced by civil action brought by the Director and shall be deposited in the Special Administrative Expense Fund established by section 14(b).

“(3) Any violation of this subsection may also be prosecuted on information brought by the Attorney General for the District of Columbia in the Superior Court. Any person that is convicted shall be guilty of a misdemeanor and shall be subject to a fine not to exceed \$5,000 or imprisoned not more than 180 days or both, together with the cost of prosecution.

“(4) This subsection shall be interpreted and applied in such a manner as to meet the minimum requirements contained in any guidance or regulations issued by the Secretary of Labor.”

Sec. 3. Applicability.

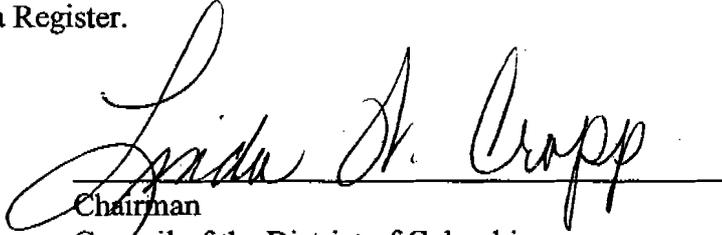
This act shall apply as of January 1, 2006.

MAR 10 2006

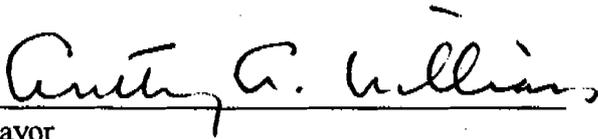
DISTRICT OF COLUMBIA REGISTER

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
February 27, 2006

ENROLLED ORIGINAL

AN ACT

D.C. ACT 16-288

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 27, 2006

*Codification
District of
Columbia
Official Code*

2001 Edition

2006 Spring
Supp.

West Group
Publisher

To provide sellers of goods of services with a right of action that includes minimum damages against a drawer of a check, draft, order, or other instrument for the payment of money when the drawer fraudulently negotiates the check, draft, order, or other instrument for the payment of money to obtain goods and services and the check draft, order, or other instrument for the payment of money is subsequently dishonored.

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

Sec. 2. Definitions.

For the purposes of this act, the term "merchant" means a person who does or would sell, lease, or transfer, either directly or indirectly, consumer goods or services, or a person who does or would supply the goods or services which are or would be the subject matter of a trade practice.

Sec. 3. Merchant's civil recovery for dishonored checks.

(a) Any person who, for himself or herself, or for another person, with intent to defraud, makes, draws, utters, or delivers any check, draft, order, or other instrument for the payment of money for goods or services upon any bank or other depository and knows or should have known that payment of the check, draft, order, or other instrument for the payment of money for goods or services will be refused by the drawee bank or other depository, either because the drawer does not have sufficient funds in or credit with the bank or other depository, or the drawer, with intent to defraud, has ordered a stop payment on the check, draft, order, or other instrument for the payment of money for goods or services, shall be civilly liable to the payee who has presented the check, draft, order, or other instrument for the payment of money as provided in this section.

(b) A person shall be liable under subsection (a) of this section only if the check, draft, order, or other instrument for payment of money is dishonored and the drawer fails to pay the face amount of that check, draft, order, or other instrument for payment of money within 30

days following the mailing by the merchant of a written demand for payment as provided in subsection (f) of this section.

(c) Any person liable under subsection (a) of this section shall be liable to the merchant for the face amount of the check, and:

(1) Additional damages in the amount of 2 times the amount of the check, draft, order, or other instrument for the payment of money, or \$100, whichever is greater;

(2) Costs; and

(3) Reasonable attorney fees.

(d) The refusal of the drawee bank or other depository to make payment on a check, draft, order, or other instrument because the drawer does not have sufficient funds in or credit with the bank or other depository shall be prima facie evidence of the drawer's intent to defraud and of knowledge of insufficient funds in or credit with such bank or other depository.

(e) The additional damages authorized under subsection (c)(1) of this section shall only be available to those merchants that post or otherwise give conspicuous notice at their place of business of the additional damages, including reference to the section of law authorizing the additional damages.

(f) The written demand for payment of the dishonored check, draft, order, or other instrument for the payment of money required by subsection (b) of this section shall be in the form prescribed in subsection (g) of this section and shall be sent to the drawer's last known residence address and the last known place of business, if any, by first-class mail and by certified mail, return receipt requested with delivery restricted to the drawer, on or after the date the merchant received notice that the check, draft, order, or other instrument for the payment of money has been dishonored.

(g) The written demand for payment required by subsection (f) of this section shall be in substantially the following form and shall be printed in at least 10-point type:

"DEMAND FOR PAYMENT OF DISHONORED CHECK, DRAFT, ORDER, OR OTHER
INSTRUMENT FOR THE PAYMENT OF MONEY

Notice: You may be sued 30 days after this notice if you don't
make payment within 30 days of this notice

DATE:

TO: Name of Drawer
Last known residence address
or place of business

YOUR CHECK, DRAFT, ORDER, OR OTHER INSTRUMENT FOR THE PAYMENT OF MONEY IN THE AMOUNT OF \$ _____, DATED _____, PAYABLE TO THE ORDER OF _____ HAS BEEN DISHONORED BY THE BANK/DEPOSITORY UPON WHICH IT WAS DRAWN, BECAUSE:

- YOU HAD NO ACCOUNT WITH THAT BANK/DEPOSITORY
- YOU HAD INSUFFICIENT FUNDS OR CREDIT WITH THAT BANK/DEPOSITORY
- A STOP PAYMENT ORDER WAS ISSUED
- OTHER (specify)

IF YOU DO NOT MAKE PAYMENT, YOU COULD BE SUED UNDER SECTION OF THE DISTRICT OF COLUMBIA OFFICIAL CODE TO RECOVER PAYMENT. IF JUDGMENT IS RENDERED AGAINST YOU IN COURT, IT MAY ALSO INCLUDE NOT ONLY THE ORIGINAL FACE AMOUNT OF THE CHECK, BUT ALSO ADDITIONAL DAMAGES, AS FOLLOWS:

- (1) TWO TIMES THE FACE AMOUNT OF THE CHECK, OR \$100, WHICHEVER IS GREATER;
- (2) COSTS; AND
- (3) REASONABLE ATTORNEY FEES.

NAME OF PAYEE:

(PHONE NUMBER)

ADDRESS TO WHICH PAYMENT SHOULD BE DELIVERED

IF YOU DISPUTE ANY OF THE FACTS LISTED ABOVE, CONTACT THE PAYEE IMMEDIATELY."

(h) The remedies provided by this act are in addition to civil remedies otherwise provided by law.

(i) The recovery of damages from the alleged offender shall not prohibit criminal prosecution of the alleged offender under section 1 of An Act Regulating the issuance of checks, drafts, and orders for the payment of money within the District of Columbia, approved July 1, 1922 (42 Stat. 820; D.C. Official Code § 22-1510) ("the Act").

(j) The recovery of civil damages by a merchant or a finding of liability under this act

MAR 10 2006

DISTRICT OF COLUMBIA REGISTER

ENROLLED ORIGINAL

shall not be admissible in a criminal proceeding.

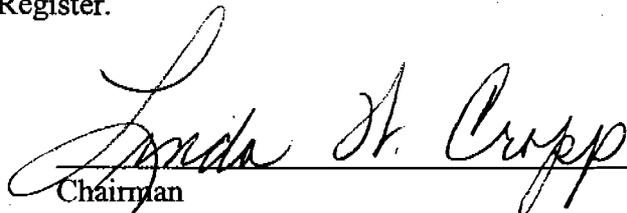
(k) A conviction or plea of guilty of making, drawing, or uttering a check, draft, order, or other instrument for payment of money with the intent to defraud under section 1 of the Act is not a prerequisite to the maintenance of a civil action under this act.

Sec. 4. Fiscal impact statement.

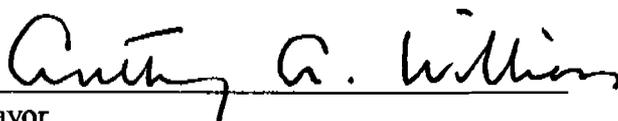
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
February 27, 2006

AN ACT

D.C. ACT 16-289

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 27, 2006

*Codification
District of
Columbia
Official Code*

2001 Edition

2006 Spring
Supp.

West Group
Publisher

To amend Chapter 20 of Title 47 of the District of Columbia Official Code to impose a retail sales tax at a rate of 12% on tobacco products other than cigarettes.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Other Tobacco Products Tax Act of 2006".

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

(a) Section 47-2001 is amended by adding a new subsection (v-1) to read as follows:

"(v-1)(1) "Tobacco products other than cigarettes" means:

"(A) Any cigar or roll for smoking, other than a cigarette or premium cigar, made in whole or in part of tobacco; or

"(B) Any other tobacco or product made primarily from tobacco, other than a cigarette, premium cigar, or pipe tobacco that is intended for consumption by smoking, by chewing, or as snuff.

"(2) For the purposes of this subsection, the term "premium cigar" means any individual cigars with a retail cost of \$2.00 or more, or packaged units of cigars averaging \$2.00 or more per packaged cigar at retail."

(b) Section 47-2002 is amended as follows:

(1) Paragraph (3A) is amended by striking the phrase "; and" at the end of the paragraph and inserting a semi-colon in its place.

(2) Paragraph (4) is amended by striking the period at the end of the paragraph and inserting the phrase "; and" in its place.

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

"(5) The rate of tax shall be 12% of the gross receipts from the sale of or charges for tobacco products other than cigarettes."

Amend
§ 47-2001

Amend
§ 47-2002

ENROLLED ORIGINAL

Sec. 3. Program funding.

(a) The amount of \$120,000 in funds generated by the taxation of tobacco products other than cigarettes under D.C. Official Code § 47-2202(5) in the second half of fiscal year 2006 shall be allocated and expended as follows:

(1) The amount of \$17,500 to the Metropolitan Police Department for the Boys and Girls Clubs of Greater Washington for Camp Brown capital improvements;

(2) The amount of \$17,500 to D.C. Public Libraries for the Francis Gregory Library in Ward 7;

(3) The amount of \$17,500 to the Sports and Entertainment Commission to be granted to the Washington D.C. Sports Alliance; and

(4) The amount of \$17,500 to the Department of Youth Rehabilitation Services to be granted to Peaceholics.

(5) The amount of \$50,000 to the Office of Tax and Revenue for one-time programming changes and other administrative costs necessary to implement section 2.

(b) The program allocations and expenditures, set forth in subsection (a) of this section, shall be included in the earlier of the next supplemental appropriations request or the Fiscal Year 2007 Budget Request Act of 2006.

(c) This section shall be subject to appropriations by Congress.

Sec. 4. Applicability.

Section 2 shall apply as of April 1, 2006.

Note,
§§ 47-2001,
47-2002

Sec. 5. Fiscal impact statement.

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

Sec. 6. Effective date.

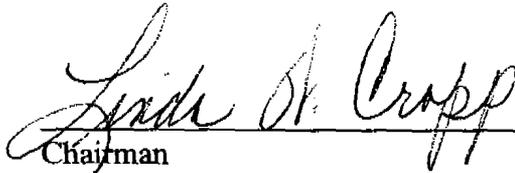
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

MAR 10 2006

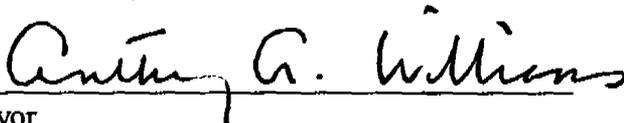
DISTRICT OF COLUMBIA REGISTER

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
February 27, 2006

ENROLLED ORIGINAL

AN ACT
D.C. ACT 16-290

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 27, 2006

*Codification
District of
Columbia
Official Code*

2001 Edition

2006 Spring
Supp.

West Group
Publisher

To enact the Uniform Environmental Covenants Act in the District of Columbia, to provide clear rules for a perpetual real estate interest, called an environmental covenant, in order to regulate the use of brownfields, including when real estate is transferred from one owner to another; and to amend the Brownfield Revitalization Amendment Act of 2000 to authorize the issuance and execution of environmental covenants.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Uniform Environmental Covenants Act of 2006".

TITLE I

Sec. 101. Definitions.

For the purposes of this title, the term:

- (1) "Activity and use limitations" means restrictions or obligations created under this act with respect to real property.
- (2) "Common-interest community" means a condominium, cooperative, or other real property with respect to which a person, by virtue of the person's ownership of a parcel of real property, is obligated to pay property taxes or insurance premiums, or for maintenance, or improvement of other real property described in a recorded covenant that creates the common-interest community.
- (3) "Environmental agency" means the District of Columbia's Environment Health Administration, or its successor, or a federal agency that determines or approves the environmental response project pursuant to which the environmental covenant is created.
- (4) "Environmental covenant" means a servitude arising under an environmental response project that imposes activity and use limitations.
- (5) "Environmental response project" means a plan or work performed for environmental remediation of real property and conducted:
 - (A) Under a District or federal program governing environmental remediation of real property, including a cleanup action plan under section 303 of the

covering real property or in a separate record. If the environmental covenant covers commonly owned property in a common-interest community, the record may be signed by any person authorized by the governing board of the owners' association.

(4) An agreement by a person to subordinate a prior interest to an environmental covenant affects the priority of that person's interest but does not by itself impose any affirmative obligation on the person with respect to the environmental covenant.

(e) The Environmental Health Administration, or its successor, shall have regulatory authority over real property transfers from the federal government or a federal agency to a non-federal owner.

Sec. 103. Contents of environmental covenant.

(a) An environmental covenant must:

- (1) State that the instrument is an environmental covenant executed pursuant to this act;
- (2) Contain a legally sufficient description of the real property subject to the covenant;
- (3) Describe the activity and use limitations on the real property;
- (4) Identify every holder;
- (5) Be signed by the environmental agency, every holder, and, unless waived by the environmental agency, every owner of the fee simple of the real property subject to the covenant; and
- (6) Identify the name and location of any administrative record for the environmental response project reflected in the environmental covenant.

(b) In addition to the information required by subsection (a) of this section, an environmental covenant may contain other information, restrictions, and requirements agreed to by the persons who signed it, including any:

- (1) Requirements for notice following transfer of a specified interest in, or concerning proposed changes in use of, applications for building permits for, or proposals for any site work affecting the contamination on, the property subject to the covenant;
- (2) Requirements for periodic reporting describing compliance with the covenant;
- (3) Rights of access to the property granted in connection with implementation or enforcement of the covenant;
- (4) A brief narrative description of the contamination and remedy, including the contaminants of concern, the pathways of exposure, limits on exposure, and the location and extent of the contamination;
- (5) Limitation on amendment or termination of the covenant in addition to those contained in sections 108 and 109; and
- (6) Rights of the holder in addition to its right to enforce the covenant pursuant to section 110.

(c) In addition to other conditions for its approval of an environmental covenant, the environmental agency may require those persons specified by the environmental agency who have interests in the real property to sign the covenant.

Sec. 104. Validity; effect on other instruments.

(a) An environmental covenant that complies with this act runs with the land.

(b) An environmental covenant that is otherwise effective is valid and enforceable even

if:

- (1) It is not appurtenant to an interest in real property;
- (2) It can be or has been assigned to a person other than the original holder;
- (3) It is not of a character that has been recognized traditionally at common law;
- (4) It imposes a negative burden;
- (5) It imposes an affirmative obligation on a person having an interest in the real property or on the holder;
- (6) The benefit or burden does not touch or concern real property;
- (7) There is no privity of estate or contract;
- (8) The holder dies, ceases to exist, resigns, or is replaced; or
- (9) The owner of an interest subject to the environmental covenant and the holder are the same person.

(c) An instrument that creates restrictions or obligations with respect to real property that would qualify as activity and use limitations except for the fact that the instrument was recorded before the effective date of this act is not invalid or unenforceable because of any of the limitations on enforcement of interests described in subsection (b) of this section or because it was identified as an easement, servitude, deed restriction, or other interest. This act does not apply in any other respect to such an instrument.

(d) This act does not invalidate or render unenforceable any interest, whether designated as an environmental covenant or other interest, that is otherwise enforceable under the law of the District of Columbia.

Sec. 105. Relationship to other land-use law.

This act does not authorize a use of real property that is otherwise prohibited by zoning, by law other than this act regulating use of real property, or by a recorded instrument that has priority over the environmental covenant. An environmental covenant may prohibit or restrict uses of real property which are authorized by zoning or by law other than this act.

Sec. 106. Notice.

(a) A copy of an environmental covenant shall be provided by the persons designated by the agency and in the manner required by the environmental agency to:

- (1) Each person that signed the covenant;
- (2) Each person holding a recorded interest in the real property subject to the

ENROLLED ORIGINAL

covenant;

- (3) Each person in possession of the real property subject to the covenant;
 - (4) Each municipality or other unit of local government in which real property subject to the covenant is located; and
 - (5) Any other person the environmental agency requires.
- (b) The validity of a covenant is not affected by failure to provide a copy of the covenant as required under this section.

Sec. 107. Recording.

(a) An environmental covenant and any amendment or termination of the covenant must be recorded with District of Columbia Recorder of Deeds. For purposes of indexing, a holder shall be treated as a grantee.

(b) Except as otherwise provided in section 108(c), an environmental covenant is subject to the laws of the District governing recording and priority of interests in real property.

Sec. 108. Duration; amendment by court action.

- (a) An environmental covenant is perpetual unless it is:
- (1) By its terms limited to a specific duration or terminated by the occurrence of a specific event;
 - (2) Terminated by consent pursuant to section 109;
 - (3) Terminated pursuant to subsection (b) of this section;
 - (4) Terminated by foreclosure of an interest that has priority over the environmental covenant; or
 - (5) Terminated or modified in an eminent domain proceeding, but only if:
 - (A) The environmental agency that signed the covenant is a party to the proceeding;
 - (B) All persons identified in section 109(a) and (b) are given notice of the pendency of the proceeding; and
 - (C) The court determines, after hearing, that the termination or modification will not adversely affect human health or the environment.

(b) If the environmental agency that signed an environmental covenant has determined that the intended benefits of the covenant can no longer be realized, a court, under the doctrine of changed circumstances, in an action in which all persons identified in section 109(a) and (b) have been given notice, may terminate the covenant or reduce its burden on the real property subject to the covenant. The environmental agency's determination or its failure to make a determination upon request is subject to review pursuant to the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*).

(c) Except as otherwise provided in subsections (a) and (b) of this section, an environmental covenant may not be extinguished, limited, or impaired through issuance of a tax

deed, foreclosure of a tax lien, or application of the doctrine of adverse possession, prescription, abandonment, waiver, lack of enforcement, or acquiescence, or a similar doctrine.

Sec. 109. Amendment or termination by consent.

(a) An environmental covenant may be amended or terminated by consent only if the amendment or termination is signed by:

- (1) The environmental agency;
- (2) Unless waived by the environmental agency, the current owner of the fee simple of the real property subject to the covenant;
- (3) Each person that originally signed the covenant, unless the person waived in a signed record the right to consent or a court finds that the person no longer exists or cannot be located or identified with the exercise of reasonable diligence; and
- (4) Except as otherwise provided in subsection (d)(2) of this section, the holder.

(b) If an interest in real property is subject to an environmental covenant, the interest is not affected by an amendment of the covenant unless the current owner of the interest consents to the amendment or has waived in a signed record the right to consent to amendments.

(c) Except for an assignment undertaken pursuant to a governmental reorganization, assignment of an environmental covenant to a new holder is an amendment.

(d) Except as otherwise provided in an environmental covenant:

- (1) A holder may not assign its interest without consent of the other parties;
- (2) A holder may be removed and replaced by agreement of the other parties specified in subsection (a) of this section; and
- (3) A court of competent jurisdiction may fill a vacancy in the position of holder.

Sec. 110. Enforcement of environmental covenant.

(a) A civil action for injunctive or other equitable relief for violation of an environmental covenant may be maintained by:

- (1) A party to the covenant;
- (2) The Attorney General of the District of Columbia;
- (3) Any person to whom the covenant expressly grants power to enforce;
- (4) A person whose interest in the real property or whose collateral or liability may be affected by the alleged violation of the covenant; or
- (5) A municipality or other unit of local government in which the real property subject to the covenant is located.

(b) This act does not limit the regulatory authority of the environmental agency or the Environmental Health Administration, or its successor, under law other than this act with respect to an environmental response project.

(c) A person is not responsible for or subject to liability for environmental remediation solely because it has the right to enforce an environmental covenant.

ENROLLED ORIGINAL

Sec. 111. Registry; substitute notice.

(a) The Environmental Health Administration shall establish and maintain a registry that contains all environmental covenants and any amendment or termination of those covenants. The registry may also contain any other information concerning environmental covenants and the real property subject to them which the Environmental Health Administration considers appropriate. The registry is a public record for purposes of section 742 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 831; D.C. Official Code § 1-207.42).

(b) After an environmental covenant or an amendment or termination of a covenant is filed in the registry established pursuant to subsection (a) of this section, a notice of the covenant, amendment, or termination that complies with this section may be recorded in the land records in lieu of recording the entire covenant. Any such notice must contain:

(1) A legally sufficient description and any available street address of the real property subject to the covenant;

(2) The name and address of the owner of the fee simple interest in the real property, the environmental agency, and the holder if other than the environmental agency;

(3) A statement that the covenant, amendment, or termination is available in a registry at the Environmental Health Administration, which discloses the method of any electronic access; and

(4) A statement that the notice is notification of an environmental covenant executed pursuant to this act.

(c) A statement in substantially the following form, executed with the same formalities as a deed in this state, satisfies the requirements of subsection (b) of this section:

"1. This notice is filed in the land records of the District of Columbia pursuant to, the Uniform Environmental Covenants Act of 2006, passed on 2nd reading on February 7, 2006 (Enrolled version of Bill 16-147).

"2. This notice and the covenant, amendment, or termination to which it refers may impose significant obligations with respect to the property described below.

"3. A legal description of the property is attached as Exhibit A to this notice. The address of the property that is subject to the environmental covenant is [insert address of property] [not available].

"4. The name and address of the owner of the fee simple interest in the real property on the date of this notice is [insert name of current owner of the property and the owner's current address as shown on the tax records of the District of Columbia].

"5. The environmental covenant, amendment, or termination was signed by [insert name and address of the agency].

"6. The environmental covenant, amendment, or termination was filed in the registry on [insert date of filing].

"7. The full text of the covenant, amendment, or termination and any other information required by the environmental agency is on file and available for inspection and copying in the

registry maintained for that purpose by the Environmental Health Administration at [insert address and room of building in which the registry is maintained]. [The covenant, amendment or termination may be found electronically at [insert web address for covenant].”

Sec. 112. Rules.

The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), may issue rules to implement the provisions of this act.

Sec. 113. Uniformity of application and construction.

In applying and construing this uniform act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

Sec. 114. Relation to Electronic Signatures in Global and National Commerce Act.

This act modifies, limits, or supersedes the federal Electronic Signatures in Global and National Commerce Act, approved June 30, 2000 (114 Stat. 467; 15 U.S.C. § 7001 *et seq.*), but does not modify, limit, or supersede section 101 of that act (15 U.S.C. § 7001(a)) or authorize electronic delivery of any of the notices described in section 103 of that act (15 U.S.C. § 7003(b)).

TITLE II

Sec. 201. Section 501 of the Brownfield Revitalization Amendment Act of 2000, effective June 13, 2001 (D.C. Law 13-312; D.C. Official Code § 8-635.01), is amended as follows:

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

(1) Paragraph (3) is amended by striking the word “and” at the end.

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

“(3A) Environmental covenant signed by the EHA in accordance with the Uniform Environmental Covenants Act of 2006, passed on 2nd reading on February 7, 2006 (Enrolled version of Bill 16-147); and”

(3) Paragraph (4) is amended by striking the word “Orders” and inserting the phrase “Other orders” in its place.

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

“(d) Any instruments issued pursuant to this section shall run with the land and may not be declared unenforceable under any circumstances, including lack of property interest, lack of privity of estate or contract, lack of benefit to a particular property, or any rule against restraints on transfer of property. EHA may execute, modify, or terminate environmental covenants entered into pursuant to this section in accordance with the Uniform Environmental Covenants Act of 2005. EHA may modify, rescind, or extinguish any other instrument issued pursuant to this section for good cause consistent with the objectives of this act; provided, that the public is

notified and given the opportunity to comment on the proposed action.”.

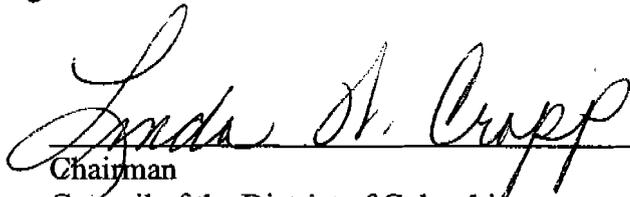
TITLE III

Sec. 301. Fiscal impact statement.

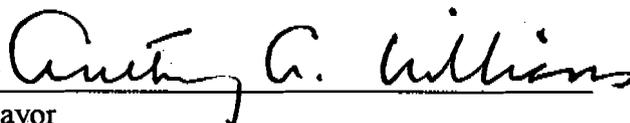
The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 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
February 27, 2006

AN ACT

D.C. ACT 16-291

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 27, 2006*Codification
District of
Columbia
Official Code*

2001 Edition

2006 Spring
Supp.West Group
Publisher

To amend the Illegal Dumping Enforcement Act of 1994 to increase the fines for unlawfully disposing solid waste, hazardous waste, or medical waste on any public or private area in the District of Columbia.

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

Sec. 2. Section 3 of the Illegal Dumping Enforcement Act of 1994, effective May 20, 1994 (D.C. Law 10-117; D.C. Official Code § 8-902), is amended as follows:

Amend
§ 8-902

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

(1) Strike the phrase "\$1,000 for each offense," and insert the phrase "\$5,000 for the first offense and \$10,000 for each subsequent offense," in its place.

(2) Strike the phrase "not to exceed \$25,000," wherever it appears and insert the phrase "not to exceed \$40,000," in its place.

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

(1) Strike the phrase "a civil fine up to \$5,000" and insert the phrase "a civil fine up to \$10,000" in its place.

(2) Strike the phrase "not to exceed \$25,000," and insert the phrase "not to exceed \$40,000," in its place.

(c) Subsection (g) is amended as follows:

(1) Strike the phrase "or not renew" and insert the phrase "or not renew, for a period of not less than 30 days," in its place.

(2) Strike the phrase "or reissued" and insert the phrase "or reissued for a period not less than 30 days and" in its place.

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)).

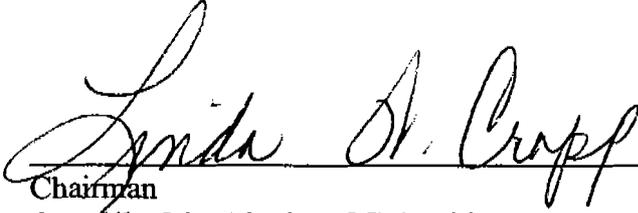
MAR 10 2006

DISTRICT OF COLUMBIA REGISTER

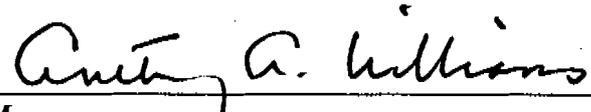
ENROLLED ORIGINAL

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
February 27, 2006

AN ACT

D.C. ACT 16-292

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 27, 2006*Codification
District of
Columbia
Official Code*

2001 Edition

2006 Spring
Supp.West Group
Publisher

To amend Chapter 18 of Title 47 of the District of Columbia Official Code to authorize an income tax credit for homeowners and tenants who purchase or install energy conservation devices for their residences and for new home construction.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Residential Energy Conservation Tax Credit Act of 2006".

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

(a) The table of contents for Chapter 18 is amended by a new section designation "§ 47-1806.11. Tax on residents and nonresidents – Credits - energy conservation credit." after the section designation "§ 47-1806.10. Income averaging–employment discrimination."

(b) Chapter 18 is amended by adding a new section 47-1806.11 to read as follows:

"§ 47-1806.11. Tax on residents and nonresidents – Credits – energy conservation credit.

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

"(1) "Energy conservation expenses" means the cost for the purchase and installation of a device in a taxpayer's residence intended to reduce energy consumption or the cost of the purchase and installation of an alternative energy source, which device or source has been certified by the United States Department of Energy as meeting or exceeding the established energy efficiency standards.

"(2) "High energy efficient" means a device or material in a taxpayer's residence that meets or exceeds the applicable energy savings requirements developed by the U.S. Environmental Protection Agency and the U.S. Department of Energy for the ENERGY STAR program.

"(3) "Major home appliance" means a refrigerator, stove, clothes washer, dryer, clothes washer/dryer, dishwasher, microwave, freezer, room air conditioner, humidifier, refrigerator, or ventilating fan.

"(b)(1) A taxpayer shall be allowed a credit against the tax imposed by § 47-1806.03 in the following amounts:

"(A) Twenty-five percent of the taxpayer's energy conservation expenses

New
§ 47-1806.11

for double pane thermal storm windows, insulation for exterior and interior doors of a residence, and the caulking and weather-stripping of any windows and doors;

“(B) Twenty percent of the taxpayer’s energy conservation expenses for the purchase and installation of high energy efficient water, heating, or cooling system, or insulation for existing hot water heaters, or insulation of existing duct work, or piping in non-heated areas;

“(C) Twenty percent of the taxpayer’s energy conservation expenses for the purchase and installation of insulation for floors, walls, and ceilings;

“(D) Twenty percent of the taxpayer’s energy conservation expenses for the purchase and installation of high energy efficient major home appliances or for ceiling fans;

“(E) Fifteen percent of the taxpayer’s energy conservation expenses for the replacement of energy inefficient lighting fixtures with permanent high energy efficient light fixtures; and

“(F) Ten percent of the taxpayer’s energy conservation expenses for the purchase and installation of any programmable or set-back thermostat or lighting switch.

“(2) The annual credit claimed under this subsection shall not exceed \$500. Any unused credit may be carried over, subject to the \$500 annual limit, for 4 years tax years.”.

“(c) A taxpayer who purchases a new residence shall be allowed a credit against the tax imposed by § 47-1806.03, not to exceed \$2,000, equal to 5% of the purchase price of the residence if the residence is certified by an agency or organization approved by the Office of Tax and Revenue to be 50% or more energy efficient than the 1995 model energy code at closing.”.

Sec. 3. Section 2 shall apply as of January 1, 2006.

Note,
§ 47-1806.11

Sec. 4. Inclusion in the budget and financial plan.

This act shall take effect subject to the inclusion of its fiscal effect in an approved budget and financial plan.

Sec. 5. Fiscal impact statement.

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

Sec. 6. Effective date.

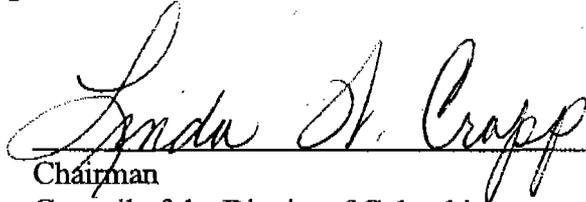
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24,

MAR 10 2006

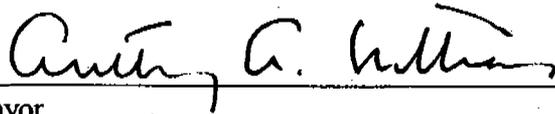
DISTRICT OF COLUMBIA REGISTER

ENROLLED ORIGINAL

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
February 27, 2006