

ENROLLED ORIGINAL

AN ACT

D.C. ACT 15-700

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 29, 2004

Codification
District of
Columbia
Official Code

2001 Edition

2005 Winter
Supp.West Group
Publisher

To authorize the Mayor to require the owner of a multiple dwelling, upon written request by a rental tenant or owner-occupant of that dwelling, to order a water lead level test kit for that tenant or owner-occupant within 15 calendar days of receiving the written request to allow the tenant or owner-occupant to collect a sample of his or her tap water and have it tested for lead, to ensure that the water sample is tested for lead and that the result is provided to the tenant or owner-occupant and any other rental tenant or owner-occupant of the dwelling who requests a copy and that the result is conspicuously posted on the premises; and to establish a penalty for failure to comply with the provisions of this act.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Multiple Dwelling Residence Water Lead Level Test Act of 2004".

Sec. 2. Definitions.

"For the purposes of this act, the term:

- (1) "Dwelling unit" means any habitable room or group of habitable rooms located within a residential building and forming a single unit which is used or intended to be used for living, sleeping, and the preparation and eating of meals; including a bachelor apartment.
- (2) "Multiple Dwelling" means any residential building containing 3 or more dwelling units, 3 or more rooming units, or any combination of dwelling or rooming units totaling 3 or more.
- (3) "Owner" means any individual, corporation, association, or partnership listed as the legal title holder of record and any owners' association legally incorporated in accordance with the District of Columbia Cooperation Association Act, approved June 19, 1940 (54 Stat. 480; D.C. Official Code § 29-901 *et seq.*), or the Condominium Act of 1976, effective March 29, 1977 (D.C. Law 1-89; D.C. Official Code § 42-1901.01 *et seq.*), that is the recognized representative of the households in a condominium or cooperative housing building.
- (4) "WASA" means the District of Columbia Water and Sewer Authority established by section 202 of the Water and Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996, effective April 18, 1996 (D.C. Law 11-111; D.C.

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Official Code § 34-2202.02).

Sec. 3. Testing.

(a) The Mayor shall require the owner of a multiple dwelling to order a water lead level test kit from WASA to sample the tap water in a dwelling or rooming unit for the presence of lead within 15 calendar days of a written request to do so by a rental tenant or owner-occupant of the unit. The rental tenant or owner-occupant shall also send a copy of this written request to the Mayor.

(b)(1) The owner shall order a water lead level test kit for each rental tenant and owner-occupant of the dwelling who requests a test, up to a maximum of 2% of the total units in the multiple dwelling or 6 units, whichever is less. In multiple dwellings of less than 50 units, the owner shall order at least one water lead level test kit if requested to by a rental tenant or owner-occupant of the dwelling.

(2) An owner shall be required to order a water lead level test kit pursuant to this act no more than once in a 6-month period for each unit whose rental tenant or owner-occupant requests a test kit.

(c) WASA shall send a water lead level test kit to each owner upon request. At the time WASA sends a water lead level test kit to an owner in response to a request pursuant to this act, WASA shall also send written notice to the Mayor that it has sent the water lead level test kit.

(d) Within 15 calendar days of receiving the water lead level test kit from WASA, the owner shall provide the water lead level test kit to an occupant of each unit being tested and send written certification to the Mayor that the owner has provided the kit.

(e) The rental tenant or owner-occupant of the unit being tested shall send a sample of the water it collects from the unit to WASA to have it tested for the lead level.

(f) WASA shall ensure the conducting of a lead level test of the water sample at its expense and shall mail the result of the water lead level test to both the dwelling owner and to the rental tenant or owner-occupant of the unit in which the water sample was collected when the result is available.

(g) Within 15 calendar days of receiving the water lead level test result from WASA, the owner shall:

(1) Provide a written copy of the water lead level test result to any rental tenant or owner-occupant of the multiple dwelling who requests a copy of the test result and post the test result in a conspicuous place on the dwelling's premises; and

(2) Send written certification to the Mayor that the owner has provided a written copy of, and posted, the water lead level test result in the manner prescribed by this subsection.

Sec. 4. Violations.

(a) Whenever the Mayor finds reasonable grounds to believe that a violation of any provision of this act exists, he or she shall give notice of the alleged violation to the person or

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persons responsible for that violation. Each notice of violation shall be in writing and shall meet the following requirements:

- (1) State the nature of the violation;
- (2) Indicate the provision of this act being violated;
- (3) Allow a reasonable time for the performance of any corrective action required by the notice; and

- (4) Be signed by the Mayor or the Mayor's authorized agent.

(b) Each notice shall be served upon the persons responsible for correcting the violation described in the notice.

(c) The notice shall be to be properly served upon the person to be notified if served by any of the following means:

- (1) By serving a copy of the notice upon the person personally;
- (2) By leaving a copy of the notice at the person's usual place of business or at the person's usual residence with a person over the age of 16 years;
- (3) If no residence or place of business can be found in the District following a reasonable search, by leaving a copy of the notice with any agent of the person to be notified who has any authority or duty with reference to the premises to which the notice relates, or by leaving a copy of the notice at the office of that agent with any person employed in that office;
- (4) By mailing a copy of the notice with a receipt of notice included, postage prepaid, to the last known address of the person to be notified; or
- (5) By publishing a copy of the notice on 3 consecutive days in a daily newspaper of general circulation published in the District.

(d) Failure of an owner to comply with the provisions of this act upon a determination by the Mayor that a violation has occurred shall be punishable by a fine of \$100 for each day of noncompliance.

Sec. 5. Rules and procedures.

The Mayor is authorized to promulgate rules and to establish procedures to implement this act.

Sec. 6. Fines and penalties.

Civil fines, penalties, and fees may be imposed as sanctions for any infraction of the provisions of this act, or the rules.

Sec. 7. Fiscal impact statement.

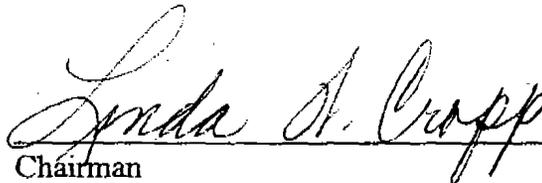
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

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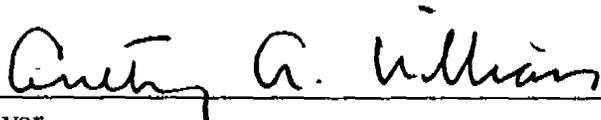
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Sec. 8. Effective date.

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
December 29, 2004

AN ACT

D.C. ACT 15-701

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 29, 2004

*Codification
District of
Columbia
Official Code*

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To amend the Distracted Driving Safety Act of 2004 to clarify that no points shall be assessed for a violation of this act that does not contribute to an accident.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Distracted Driving Safety Revised Amendment Act of 2004".

Sec. 2. Section 6(b) of the Distracted Driving Safety Act of 2004, effective March 30, 2004 (D.C. Law 15-124; D.C. Official Code § 50-1731.06(b)), is amended to read as follows:

Amend
§ 50-1731.06

"(b) A violation of the provisions of section 3, 4, or 5 shall be processed and adjudicated under the provisions applicable to moving violations set forth in Title II of the District of Columbia Traffic Adjudication Act of 1978, effective September 12, 1978 (D.C. Law 2-104; D.C. Official Code § 50-2302.01 *et seq.*); provided, that no points shall be assessed for a violation of this act that does not contribute to an accident."

Sec. 3. Fiscal impact statement.

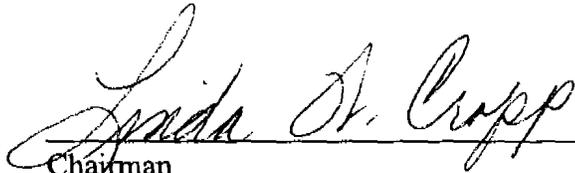
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

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

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
December 29, 2004

AN ACT

D.C. ACT 15-702

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
JANUARY 4, 2004

To order the closing of an unimproved portion of the public alley in Square 2032, bounded by 36th Street, N.W., Garrison Street, N.W., 34th Street, N.W., and Broad Branch Terrace, N.W., in Ward 3.

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 2032, S.O. 02-5133, Act of 2004".

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 2032, as shown on the surveyor's plat filed under S.O. 02-5133, is unnecessary for alley purposes and orders it closed, with title to the land to vest as shown on the surveyor's plat. The approval of the Council of this closing is contingent upon the satisfaction of all conditions set forth in the official file of S.O. 02-5133.

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 Office of the Surveyor of the District of Columbia 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
January 4, 2005

AN ACT

D.C. ACT 15-703

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 28, 2004

*Codification
District of
Columbia
Official Code*

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To order the closing of a portion of a public alley in square 317, bounded by 11th Street, N.W., K Street, N.W. 12th Street, N.W., and I 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 317, S.O. 04-7832, Act of 2004".

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 the portion of a public alley in Square 317, as shown on the Surveyor's plat filed under S.O. 04-7832, is unnecessary for alley purposes and orders it closed, with title to the land to vest as shown on the Surveyor's plat.

Note,
§ 9-202.01.

(b) The approval of the Council of this closing is contingent upon the satisfaction of the:

(1) Conditions of the District of Columbia Office of Planning as set forth in the Office's memorandum, dated October 15, 2004, to the Surveyor and all other conditions set forth in the official file of S.O. 04-7832;

(2) Provision, by the Applicant, of:

(A) Commercial trash storage and disposal services within its proposed building for use by the buildings on Lots 22 and 835 in Square 317 and at no cost to the owners of Lots 22 and 835;

(B) Automatic panic bar egress at the exit points of the proposed 10-foot wide, east-west pedestrian easement ("easement") to be provided through the Applicant's proposed building for persons exiting from the buildings located on Lots 22 and 835 in Square 317;

(C) Automated access from 11th Street at the entry to the easement to the occupants of the building located on Lots 22 and 835 in Square 317;

(D) A Commercial video screening and access mechanism at the entry to the easement from 11th Street to the occupants of the building on Lot 835 in Square 317;

(E) Key access to the easement to the District of Columbia Fire and

Emergency Medical Services Department; and

(F) A building design for the proposed building that includes a garage ventilation discharge with an elevation at a minimum of 6 feet, 6 inches above grade and an exhaust velocity that will exchange the air in the garage no less than 7 times per hour; and

(3) Incorporation of the conditions described in paragraphs (1) and (2) of this subsection in a recorded covenant.

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, each to the Office of the Mayor, the Office of the Surveyor of the District of Columbia, the Office of Planning, the Building and Land Regulation Administration of the Department of Consumer and Regulatory Affairs, 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, 2004
Codification District of Columbia Official Code, 2001 Edition

AN ACT

D.C. ACT 15-704

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 29, 2004

*Codification
District of
Columbia
Official Code*

2001 Edition

2005 Winter
Supp.

West Group
Publisher

To establish a process for identifying and titling damaged vehicles and penalties for failure to notify of a vehicle's damaged status; to amend 47-2862 of the District of Columbia Code to prohibit the issuance of a licence or permit to a person who has outstanding parking fines or penalties in excess of \$100 owed to the District; to amend section 5 of the Motor Vehicle Safety and Responsibility Act of the District of Columbia to authorize the Attorney General for the District of Columbia to certify operating record abstracts; to amend section 2 of the District of Columbia Revenue Act of 1937 to allow the Director to establish dealer registration eligibility requirements that are more stringent than business license requirements; to amend the District of Columbia Traffic Act, 1925 to establish procedures regarding notice of infractions and to clarify enforcement responsibilities for tinted windows laws; to amend section 902 of the Fiscal Year 1997 Budget Support Act of 1996 to require a vehicle owner to submit a valid driver's license number to transfer liability for an automated traffic enforcement ticket, unless the vehicle was in the temporary control of a business; to amend the District of Columbia Traffic Adjudication act of 1978 to eliminate the liability exemption for lessors receiving parking tickets and to expand the fleet adjudication program to include a broader range of participants and to cover automated traffic enforcement tickets; to amend section 9 of the Motor Vehicle Services Fees and Driver Education Support Act of 1982 to revise the process of administering the driver education program fund and to require an annual audit of expenditures; to amend section 7 of the International Registration Plan Agreement Act of 1997 to establish a new International Registration Plan trip permit fee and revise the International Registration Plan Fund to reflect the plan's requirements; to amend the District of Columbia Revenue Act of 1937 to clarify that out-of-state companies may register their vehicles for use by an employee in the District if that employee is domiciled in the District, allow members of Congress to register their vehicles in the District, increase the duration of a special identification tag to 45 days, allow the Director to prorate registration fees and to synchronize inspection and registration due dates; to amend section 6 of the District of Columbia Traffic Act, 1925 to exempt certain vehicles from the excise tax for the issuance of a certificate of title; and to amend Title 18 of the District of Columbia Municipal Regulations to require a person to pay for a scheduled driving test even though he or she failed to appear for the test, extend the special identification card expiration to 5 years, exempt recently incarcerated persons from the special identification card fee, re-institute the discretionary suspension of a driver's license after the accumulation of 8 or 9 points, remove the requirement that a change to the point system schedule be published in a District newspaper, require proof of District residency on an application for a certificate of title

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with exceptions for certain out-of-state lessors and insurance companies, move vehicles for hire from the passenger vehicle registration category to commercial vehicle registration category, establish a new penalty and fine for a person who operates a motor vehicle with foreign material or substance covering the tag, to establish fees for an eligible person to access information from a Department of Motor Vehicle database, establish a fine for a person convicted of operating a motor vehicle with an open container of alcohol, simplify the definition of commercial vehicle, eliminate the requirement of a physician's report for some disabled parking tag and placard applicants, establish a short term disabled parking placard, extend the validity of a disabled parking placard to 5 years, limit the number of replacement disabled parking tags or placards that may be issued to a person in one year, and allow organizations that transport disabled persons to apply for a disabled parking tag or placard; to amend section 2 of the District of Columbia Revenue Act of 1937 to require the Mayor to notify an owner of the expiration date of the owner's motor vehicle or trailer registration; to amend the District of Columbia Traffic Act of 1925 to require the Mayor to notify an owner of the expiration date of the owner's operator's permit; and to amend An act to provide for annual inspection of all motor vehicles in the District of Columbia to require the Mayor to notify an owner of the expiration date of the owner's vehicle inspection sticker.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this Act may be cited as the "Department of Motor Vehicles Reform Amendment Act of 2004".

Title I. SALVAGE, FLOOD, AND NON-REPAIRABLE VEHICLES

Part A

Sec. 101. Definitions

- (1) "Department" means the Department of Motor Vehicles.
- (2) "Director" means the Director of the Department of Motor Vehicles.
- (3) "Flood Vehicle" means a motor vehicle that has been submerged to the point that water entered the passenger or trunk compartments.
- (4) "Motor Vehicle" means any vehicle propelled by an internal combustion engine, electricity, or steam, including any non-operational vehicle that is being restored or repaired. The term "motor vehicle" shall not include road rollers, farm tractors, vehicles propelled only upon stationary rails or tracks, electric personal assistive mobility devices, as defined by section 2(12) of the District of Columbia Traffic, 1925, approved March 3, 1925 (43 Stat. 1119; D.C. Official Code § 50-2201.02(12), and battery-operated wheelchairs when operated by a handicapped person at speeds not exceeding 10 miles per hour.
- (5) "Non-repairable Vehicle" means any motor vehicle that is incapable of safe operation for use on roads or highways.
- (6) "Non-Repairable Vehicle Certificate" means a certificate issued by the Department designating a vehicle as a Non-repairable Vehicle.
- (7) "Owner" means a person, other than a lessor, who holds legal title to a motor vehicle required to be registered in the District of Columbia.
- (8) "Person" means an individual, partnership, corporation, or association.
- (9) "Rebuilt Salvage Title" means a certificate of title issued by the Department

designating a vehicle as a Rebuilt Salvage Vehicle.

(10) "Rebuilt Salvage Vehicle" means any motor vehicle previously issued a Salvage Title that has passed safety inspections.

(11) "Salvage Title" means a certificate of title issued by the Department designating a motor vehicle as a Salvage Vehicle.

(12) "Salvage Vehicle" means a motor vehicle that:

(A) Has been damaged, destroyed, wrecked, or submerged in water ("damaged") to the extent that the total estimated or actual cost of parts and labor to rebuild or reconstruct the vehicle to its pre-damaged condition and for legal operation on the roads or highways exceeds 75 percent of the retail value of the vehicle prior to such damage, as that value is set forth in a current edition of any nationally recognized compilation of retail values, including automated databases, that has been approved by the Director; or

(B) The owner voluntarily designates as a salvage vehicle pursuant to this title.

Sec. 102. Duty to Apply for Salvage Vehicle Title, Non-Repairable Vehicle Certificate.

(a) An owner of a Salvage Vehicle shall apply to the Department for a Salvage Title before the vehicle is repaired and within 30 days of the vehicle being damaged.

(b) An owner of a Non-repairable Vehicle shall apply for a Non-repairable Vehicle Certificate before ownership is transferred and within 30 days of the vehicle being damaged.

(c) A lessor of a Salvage Vehicle or Non-repairable vehicle shall apply for a Salvage Title or Non-repairable Vehicle Certificate, whichever is applicable, in the same manner as an owner, as described in subsections (a) and (b) of this section, except that an application shall be made within 30 days of being notified of the vehicle's damaged status.

(d)(1) Notwithstanding subsections (a) and (b) of this section, any insurance company that, pursuant to a damage settlement, acquires ownership of a Salvage Vehicle or Non-repairable Vehicle shall apply to the Department for a Salvage Title or Non-repairable Vehicle Certificate, whichever is applicable, within 30 days of the date the title is delivered to the insurance company.

(2) An insurance company that makes a damage settlement for a Salvage Vehicle or Non-repairable Vehicle, but does not acquire ownership of the vehicle, shall, within 30 days of the settlement, notify:

(A) The vehicle's owner or lessor of his or her obligation to apply to the Department for a Salvage Title or Non-repairable Vehicle Certificate, whichever is applicable; and

(B) The Department, in accordance with procedures established by the Department.

(e) A lessee of a Salvage or Non-repairable Vehicle shall notify the lessor within 30 days of the date the damage occurred and shall not repair the vehicle prior to the issuance of a Salvage Title to the lessor.

(f) A person acquiring a Salvage or Non-repairable Vehicle for which a Salvage Title or Non-repairable Vehicle Certificate has not been issued shall apply to the Department for the required document prior to any further transfer of the vehicle and within 30 days of acquisition.

Sec. 103. Duty to Notify Lessors, Purchasers, Department, of Flood Vehicle Status

(a) An owner or lessor of a Flood Vehicle transferring ownership of the Flood Vehicle shall:

(1) Prior to the transfer, give the transferee written notice that the vehicle is a Flood Vehicle; and

(2) Notify the Department that the vehicle is a Flood Vehicle, in accordance with procedures established by the Department.

(b) A lessee of a vehicle that becomes a Flood Vehicle shall, within 30 days of the damage, give the lessor written notice that the vehicle is a Flood Vehicle.

Sec. 104. Department Authority to Designate Vehicles Salvage, Non-repairable, and Flood and to include certain information on a title.

(a) Upon application by the owner or lessor, or upon an inspection and determination by the Department that a motor vehicle is a Salvage Vehicle or Non-repairable Vehicle, the Department shall issue a Salvage Title or Non-repairable Vehicle Certificate, whichever is applicable.

(b) Upon notification by the owner or lessor, or upon an inspection and determination by the Department that a motor vehicle is a Flood Vehicle, the Department shall indicate on the vehicle's title that the vehicle is a Flood Vehicle.

(c) If a title from another jurisdiction indicates that a vehicle is damaged or that its use is restricted in any way, the Director may include this information on any new title issued by the Department for the vehicle, including the jurisdiction previously recording the information.

Sec. 105. Restrictions on Use and Transfer of Salvage Vehicles.

(a) No Salvage Vehicle may be registered under the District of Columbia Revenue Act of 1937, approved August 17, 1937 (50 Stat. 679; D.C. Official Code § 50-1501.01 *et seq.*).

(b) Ownership of a Salvage Vehicle shall be transferred only through the use of a Salvage Title.

Sec. 106. Titling Rebuilt Salvage Vehicles.

(a) The Department shall issue a Rebuilt Salvage Title if the owner has been issued a Salvage Title and passed inspection.

(b) Ownership of a Rebuilt Salvage Vehicle shall be transferred only through the use of a Rebuilt Salvage Title.

Sec. 107. Restrictions on Use and Transfer of Non-repairable Vehicles.

(a) No motor vehicle for which a Non-repairable Vehicle Certificate has been issued shall be titled or registered by the Department.

(b) Ownership of a motor vehicle for which a Non-repairable Vehicle Certificate has been issued may only be transferred once.

(c) Whenever a motor vehicle has been flattened, baled, shredded, or otherwise destroyed, the motor vehicle title or Non-repairable Vehicle Certificate for the vehicle shall be surrendered to the Department within 30 days of the destruction. If the destroyed vehicle is titled in another state, the Department shall inform the titling state of the surrender of the title or Non-repairable Vehicle Certificate and of the vehicle's destruction.

Sec. 108. Penalties.

(a) It shall be unlawful to:

- (1) Make or cause to be made any false statement:
 - (A) On an application for a title or duplicate title; or
 - (B) In conjunction with any disclosure required under this title;
- (2) Alter, forge, or counterfeit:
 - (A) A motor vehicle title or an assignment thereof;
 - (B) A Non-repairable Vehicle Certificate; or
 - (C) A certificate verifying a safety inspection;
- (3) Falsify the results of, or provide false information in the course of, an inspection conducted in conjunction with obtaining a Rebuilt Salvage Title;
- (4) Represent any Salvage Vehicle or Non-repairable Vehicle as a Rebuilt Salvage Vehicle;
- (5) Fail to comply with any provision of this title requiring:
 - (A) Application for a title or certificate;
 - (B) Notification of specified parties; or
 - (C) Surrender of a title or certificate; or
- (6) Conspire to commit any of the unlawful acts enumerated in this section.

(b) A person who commits an unlawful act as described in subsection (a) of this section shall upon conviction be fined not more than \$ 2,000 or imprisoned not more than 180 days, or both. All such prosecutions shall be in the Superior Court of the District of Columbia upon information filed by the Attorney General for the District of Columbia or any of his assistants in the name of the District of Columbia.”.

Sec. 109. Rules and regulations.

The Mayor, pursuant to Title I of the District of Columbia Administrative Procedures Act, approved October 21, 1968 (82 Stat.1204; D.C. Official Code § 2-501 *et seq.*), shall make such regulations and establish such fees as in the Mayor’s judgment are necessary for the administration of this title. The Mayor may issue any rules or regulations or amend any existing rules or regulations or provisions of this title as needed to comply with the requirements of federal laws and regulations or with federal grant eligibility requirements.

Part B

Sec. 150. Conforming amendment.

DCMR

Section 412.1 of Title 18 of the District of Columbia Municipal Regulations is amended by adding a new paragraph (n) to read as follows:

“(n) Has been issued a Salvage Title or Non-Repairable Vehicle Certificate.”.

Title II. ENFORCEMENT AND LIABILITY

Sec. 201. D.C. Official Code § 47-2862(a) is amended by adding a new paragraph (7) to read as follows:

Amend
§ 47-2862

“(7) Parking fines or penalties assessed by another jurisdiction; provided, that a reciprocity agreement is in effect between the jurisdiction and the District.”.

“(8) Fines assessed to car dealers pursuant to section 2(i) of the District of

Columbia Revenue Act of 1937, approved August 17, 1937 (50 Stat. 679; D.C. Official Code § 50-1501.02(i)).

"(9) Fines assessed to pursuant to the Taxicab and Limousine Commission Establishment Amendment Act of 2004, as approved by the Committee on Public Works and the Environment on December 6, 2004 (Committee print of Bill 15-1085)."

Sec. 202. Section 5(a) of the Motor Vehicle Safety and Responsibility Act of the District of Columbia, approved May 25, 1954 (68 Stat. 122; D.C. Official Code § 50-1301.05(a)), is amended as follows:

Amend § 50-1301.05

- (a) Designate the existing text as paragraph (1).
- (b) Add a new paragraph (2) to read as follows:

"(2) The Department of Motor Vehicles and the Office of the Attorney General for the District of Columbia are authorized to certify, for any purpose, an operating record abstract."

Sec. 203. Section 2 of the District of Columbia Revenue Act of 1937, approved August 17, 1937 (50 Stat. 680; D.C. Official Code § 50-1501.02), is amended by adding new subsections (h) and (i) to read as follows.

Amend § 50-1501.02

"(h) The Mayor may amend Chapters 4 and 5 of Title 18 of the District of Columbia Municipal Regulations ("DCMR") and may establish dealer registration eligibility requirements that are more stringent than the business licensing requirements in Title 16 of the DCMR; provided, that the proposed rules shall be submitted to the Council for a 45-day period of review, excluding Saturdays, Sundays, holidays, and days of Council recess. If the Council does not disapprove the proposed rules by resolution, within the 45-day review period, the proposed rules shall be deemed approved. The Council may approve or disapprove the proposed rules by resolution prior to the expiration of the 45-day review period."

"(i) A dealer violating any provision of Chapters 4 or 5 of Title 18, DCMR, shall be subject to a fine of up to \$1000. Notices of infractions shall be issued by the Mayor and adjudicated by the Department of Motor Vehicles, pursuant to Chapter 10 of Title 18, DCMR, and subject to following provisions:

"(1) A notice of infraction shall be mailed to the dealer's address on record at the Department of Motor Vehicles, personally served on the dealer, or left with an employee at the dealer's place of business.

"(2) A person to whom a notice of infraction has been issued must answer by either requesting a hearing or by paying the fine due within 30 calendar days of the date of receipt of the notice of infraction.

"(3) If a person fails to answer the notice within the 30-day period, the person's dealer registration may be suspended until the person pays the fine amount due.

"(4) An infraction pursuant to this subsection shall be established by the government by a preponderance of evidence."

Sec. 204. Section 1825 of the Department of Motor Vehicles Establishment Act of 1998, effective March 26, 1999 (D.C. Law 12-175; D.C. Official Code § 50-904), is amended as follows:

Amend § 50-904

- (a) Paragraph (2)(E) is amended by striking the word "and" at the end of the sentence.

(b) Paragraph (3) is amended by striking the period at the end of the sentence and inserting the phrase “; and” in its place.

(c) Add a new paragraph (4) to read as follows:

“(4) Take enforcement action, including the issuance of fines, for car dealers’ violations of Chapters 4 and 5 of Title 18, DCMR.”.

Sec. 205. The District of Columbia Traffic Act, 1925, effective March 3, 1925 (43 Stat. 1119; D.C. Official Code § 50-2201.01 *passim*), is amended as follows:

(a) Section 7(a)(2A)(B)(ii) (D.C. Official Code § 50-1401.01(a)(2A)(B)(ii)) is amended by adding the phrase “in the last 6 months” after the word “assessed”.

Amend
§ 50-1401.01

(b) Section 11a (D.C. Official Code § 50-2207.02) is amended by adding new subsections (k), (l), (m), (n), (o), and (p) to read as follows:

Amend
§ 50-2207.02

“(k) Notice of an infraction issued pursuant to subsections (d)(2) or (e)(2) of this section shall be mailed by U.S. mail to the owner’s last known address in the Department of Motor Vehicles’ records.

“(l) Violations of subsections (d)(2) and (e)(2) of this section shall be adjudicated as moving violations.

“(m) Answers to notices sent pursuant to subsection (k) of this section shall be in accordance with section 205(a), (b), (c), and (e) of the District of Columbia Traffic Adjudication Act of 1978, effective September 12, 1978 (D. C. Law 2-104; D.C. Official Code § 50-2302.05(a), (b), (c), and (e)), and subsection (n) of this section.

“(n)(1) A person to whom a notice of infraction has been issued shall answer within 30 calendar days of the date the notice was mailed or within a greater period of time as prescribed by the Director by regulation.

“(2) If a person fails to answer the notice within the 30-day period or within the period of time prescribed by the Director, the person’s registration certificate shall be suspended. The notice of the suspension shall be mailed by U.S. mail to the person’s address on the Department’s records. Suspension shall take effect 15 days after the date the notice of suspension was mailed.

“(3) The possession by the Department of a copy of the notice of suspension addressed to a person or a copy of the certificate or affidavit provided for in 18 DCMR § 307.7 shall establish a rebuttable presumption that the notice of suspension was received by the person by the date the suspension became effective.

“(4) A suspension resulting from a failure to answer shall remain in effect until the person answers the notice, except that once the offense is deemed admitted the suspension may be lifted only by payment of the fine for the offense and any additional penalties imposed pursuant to section 105 of the District of Columbia Traffic Adjudication Act of 1978, effective September 12, 1978 (D.C. Law 2-104; D.C. Official Code § 50-2301.05), for failure to answer within the time required by paragraph (1) of this subsection.

“(o) The Director shall reject any vehicles appearing for inspection pursuant to An Act to provide for the annual inspection of all motor vehicles in the District of Columbia, approved February 18, 1938 (52 Stat. 78; § 50-1101), whose window tint violates subsections (a) or (b) of this section.

“(p) No points shall be assessed for any violation of this section.”.

Sec. 206. Section 902(a) of the Fiscal Year 1997 Budget Support Act of 1996, effective April 9, 1997 (D.C. Law 11-198; D.C. Official Code § 50-2209.02(a)), is amended by striking the phrase "the name and address of the person who leased, rented, or otherwise had care, custody, or control of the vehicle." and inserting after the the phrase "the name, driver's license number, and address of the person who leased, rented, or otherwise had care, custody, or control of the vehicle; except that if the vehicle was in the temporary care, custody, or control of a business, the owner need only provide the name and address of that business." in its place.

Amend § 50-2209.02

Sec. 207. The District of Columbia Traffic Adjudication Act of 1978, effective September 12, 1978 (D.C. Law 2-104; D.C. Official Code § 50-2301.01 *et seq.*), is amended as follows:

(a) Section 205(f) (D.C. Official Code § 50-2302.05(f)) is amended by striking the figure "307.6" and inserting the figure "307.7" in it's place.

Amend § 50-2302.05
Amend § 50-2303.04

(b) Section 304 (D.C. Official Code § 50-2303.04) is amended to read as follows:

"(a)(1) The operator of a vehicle shall be primarily liable for the civil penalties imposed pursuant to this title. The owner or lessee of the vehicle, even if not the operator thereof, shall also be liable, unless the owner or lessee can show that the vehicle was used without the owner's or lessee's express or implied permission.

"(2) An owner or lessee who pays a civil fine or penalties pursuant to this title shall have the right to seek recovery of the amount of the fines and penalties from the operator and shall have a cause of action against the operator of the vehicle for those amounts.

"(b) Where a lessor of a vehicle has paid a fine or penalty for which the lessor is liable and the Department thereafter collects from the person to whom the vehicle was rented or leased the amount of the scheduled fine and penalties, or any portion thereof, the lessor shall be entitled to reimbursement from the Department of the amount of the fines and penalties paid by the lessee, less the Department's cost of collection.

"(c) Where a lessor of a vehicle is liable for an infraction, the lessor's answers to the notice of the infraction mailed to the lessor shall be consistent with section 205. The lessor's failure to answer the notice of infraction within 30 days after mailing shall result in the imposition of monetary penalties established by section 205, in addition to the potential civil fine for the infraction. If the lessor fails to answer the notice of infraction within 60 days, the lessor shall be deemed liable for the violation and the civil fine shall also be imposed."

(c) Section 304a (D.C. Official Code § 50-2303.04a) is amended as follows:

Amend § 50-2303.04a

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

(A) Paragraph (1) is amended by striking the phrase "engaged in commercial activity".

(B) Paragraph (2) is amended by striking the phrase "engaged in the regular course of business in the District of Columbia".

(2) Subsection (b) is amended by striking the phrase "notices of infraction" and inserting the phrase "notices of infraction for parking violations and for violations detected by an automated traffic enforcement system," in its place.

(3) Subsection (d) is amended as follows:

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

"(1) Register its fleet with the Department of Motor Vehicles."

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

"(3) Satisfy all outstanding parking infractions and all outstanding

moving

infractions under section 902 of the Fiscal Year 1997 Budget Support Act of 1996, effective April 9, 1997 (D.C. Law 11-198; D.C. Official Code § 50-2209.02) ("Fiscal Year 1997 Budget Support Act of 1996") prior to registration in the program."

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

"(e) A fleet owner participating in the fleet adjudication program shall answer the monthly fleet infraction report within 30 days of its receipt, which sets forth the date and time of the infraction and other information contained in the original notice of infraction. Answers shall be consistent with section 205 and with section 902(b) of the Fiscal Year 1997 Budget Support Act of 1996, whichever is applicable. The Director may suspend program participation for more than one violation of this subsection."

Title III. REVISIONS TO DRIVER EDUCATION AND INTERNATIONAL REGISTRATION PLAN FUNDS

Sec. 301. Section 9(c), (d), (e), (f), and (g) of the Motor Vehicle Services Fees and Driver Education Support Act of 1982, effective April 3, 1982 (D.C. Law 4-97; D.C. Official Code § 50-1405.01(c), (d), (e), (f) and (g)), is amended to read as follows:

Amend
§ 50-1405.01

"(c) Amounts allocated to, or deposited in, the Driver Education Program Fund shall be used by a District of Columbia agency, including the Department of Motor Vehicles, for the purposes of offering driver education programs approved by the Department of Motor Vehicles.

"(d) An agency other than the Department of Motor Vehicles seeking to use monies from the Driver Education Program Fund shall apply to the Department of Motor Vehicles. Applications shall include a description of the program to be offered and any other information required by the Director.

"(e) The Department of Motor Vehicles shall maintain an accounting of the monies accumulated in the Driver Education Program Fund and the costs of operating the programs that use monies from the fund.

"(f) The District of Columbia Auditor shall conduct an annual audit of the Driver Education Program Fund. The Auditor shall provide the Council with a report on the status of the fund not later than January 31 of each year.

"(g) The Driver Education Program Fund shall be used solely for the purposes set forth in this section. All monies collected under subsection (b) of this section, and all interest earned on those monies, shall be deposited into the Driver Education Program Fund without regard to fiscal year limitation pursuant to an act of Congress. All monies 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 section, subject to authorization by Congress."

Sec. 302. Section 7 of the International Registration Plan Agreement Act of 1997, effective September 5, 1997 (D.C. Law 12-14; D.C. Official Code § 50-1507.06), is amended to read as follows:

Amend
§ 50-1507.06

"(a) The fee for a trip permit shall be \$50.

"(b) Vehicle registration fees for IRP registrants, and all interest earned on those fees, shall be deposited into the IRP Fund and shall be used, first, to reimburse IRP member jurisdictions and, second, to offset the costs of implementing this act. The IRP Fund shall be used solely for the purposes set forth in this section. All monies collected under this section and

all interest earned on those monies, shall be deposited into the IRP Fund without regard to fiscal year limitation pursuant to an act of Congress. All monies 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 section, subject to authorization by Congress."

Title IV. REGISTRATION AND TITLING

Sec. 401. The District of Columbia Revenue Act of 1937, approved August 17, 1937 (50 Stat. 679; D.C. Official Code § 50-1501.01 et seq.), is amended as follows:

(a) Section 2 (D.C. Official Code § 50-1501.02) is amended as follows:

Amend § 50-1501.02

(1) Subsection (c)(5) is amended to read as follows:

"(5) Is domiciled in the District of Columbia; except that the person need not be domiciled in the District of Columbia if:

"(A)(i) The owner is a partnership, corporation, association, or government entity;

"(ii) The vehicle is housed in the District of Columbia;

"(iii) The vehicle is provided to an employee of the owner

for his or her use;

"(iv) The employee is domiciled in the District of Columbia; and

"(v) The owner submits an affidavit affirming compliance with this paragraph and agreeing that the address on the registration certificate and in the Department of Motor Vehicles' records shall be the address of the operator and that the employee's address shall be considered the owner's address for the purpose of sending any notices required by any statute or regulation for that vehicle.

"(B) The owner is a member of Congress and has a District of Columbia residence; or

"(C) The owner is a lessor and the vehicle is leased to a person domiciled in the District of Columbia."

(2) Subsection (d)(5)(A) is amended by striking the figure "30" and inserting the figure "45" in its place.

(b) Section 3 (D.C. Official § 50-1501.03(c)) is amended as follows:

Amend § 50-1501.03

(1) Subsection (c) amended by striking the figure "11" and inserting the figure "23" in its place.

(2) Add new subsections (h), (i), (j), and (k) to read as follows:

"(h) To synchronize inspection and registration due dates, the Mayor may declare that a vehicle's inspection or registration shall expire prior to the date originally established; provided, that the Mayor shall reduce the fee for the vehicle's next registration or inspection renewal by a percentage equal to the percentage of the reduction of the original time period.

"(i) The Mayor may require a 2 year registration period for any registrant.

"(j) The Mayor may refund any portion of the registration fee if the registrant does not maintain the registration for the entire registration period established.

"(k) The Mayor may allow any person to pay registration fees in installments, as determined by the Mayor."

Sec. 402. Section 6(j) of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1121; D.C. Official Code § 50-2201.03(j)), is amended as follows:

Amend § 50-2201.03

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

"(1) In addition to the fees and charges levied under other provisions of this part, there is hereby levied and imposed an excise tax on the issuance of every original certificate of title for a motor vehicle or trailer in the District of Columbia and, in the case of a sale, resale, gift or other transfer thereof, on the issuance of every subsequent certificate of title, except in the case of a bona fide gift between spouses, parent and child, or domestic partners as that term is defined in section 2(3) of the Health Care Benefits Expansion Act of 1992, effective June 11, 1992 (D.C. Law 9-114; D.C. Official Code § 32-701(3)), at the following percentage of the fair market value of the motor vehicle or trailer at the time the certificate of title is issued:

Weight Class	Registration Fee
Class I (3,499 pounds or less)	6%
Class II (3,500 - 4,999 pounds)	7%
Class III (5,000 pounds or greater).....	8%".

(b) Paragraph (3) is amended by adding new subparagraphs (J), (K), (L), and (M) to read as follows:

"(J) A clean-fuel vehicle or electric vehicle determined by the United States Internal Revenue Service to be eligible for a federal tax deduction or credit pursuant to 26 U.S.C. §§ 30 and 179A for the tax year during which it is being titled.

"(K) Motor vehicles following the death of one co-owner; provided, that the title is issued to a surviving owner.

"(L) Motor vehicles whose ownership is determined by a decree of divorce or separation or pursuant to a written instrument incident to such divorce or separation; or, in the case of former domestic partners, ownership is either determined by a court order or one co-owner transfers his or her interest to the other co-owner provided that the applicant also submits the termination statement provided for in section 2 of the Health Care Benefits Expansion Act of 1992, effective June 11, 1992 (D.C. Law 9-114; D.C. Official Code § 32-702).

"(M) Motor vehicles re-titled by an insurance company in connection with an insurance claim or pursuant to Title I."

Title V. FEES FOR EXISTING SERVICES

Sec. 501. Section 3 of the District of Columbia Revenue Act of 1937, approved August 17, 1937 (50 Stat. 681; D.C. Official Code § 50-1501.03) is amended as follows:

Amend § 50-1501.03

(a) Subsection (a) is amended by adding a new paragraph (3) to read as follows:

"(3) The application fee for an organization seeking approval of an organization tag shall be \$100, which may be modified by the Mayor to cover administrative costs."

(b) Subsection (b)(1), (2), and (3) is amended to read as follows:

"(b)(1) Class A. For each passenger vehicle, except for passenger vehicles licensed under D.C. Official Code § 47-2829, based upon the manufacturer's shipping weight, as follows:

Weight Class	Registration Fee
Class I (3,499 pounds or less).....	\$ 72
Class II (3,500 - 4,999 pounds).....	\$115

Class III (5,000 pounds or greater).....\$155

Class IV (A clean fuel or electric vehicle determined by the United States Internal Revenue Service to be eligible for a federal tax deduction or credit pursuant to 26 U.S.C. §§ 30 and 179A for the tax year during which it is being registered).....\$ 36

“(2) Class B. For each commercial vehicle, tractor, and passenger carrying vehicle for hire, including vehicles licensed under D.C. Official Code § 47-2829, based upon the manufacturer’s shipping weight, as follows:

Fee	Weight Class	Registration
	Class I (3,499 pounds or less).....	\$125
	Class II (3,500 – 4,999 pounds).....	\$160
	Class III (5,000 – 6,999 pounds).....	\$220
	Class IV (7,000 – 9,999 pounds).....	\$300
	Class V (10,000 or greater).....	\$575 plus \$25 per each additional 1,000 pounds over 10,000 pounds.

“(3) Class C. For each trailer, based upon the manufacturer’s shipping weight, as follows:

Weight Class	Registration Fee
Class I (1,499 pounds or less).....	\$ 50
Class II (1,500 – 3,499 pounds).....	\$125
Class III (3,500 – 4,999 pounds).....	\$250
Class IV (5,000 – 6,999 pounds).....	\$400
Class V (7,000 – 9,999 pounds).....	\$500
Class VI (10,000 pounds or greater).....	\$500 plus \$50 per each additional 1,000 pounds over 10,000 pounds.”.

Title VI. REGULATORY AMENDMENTS

Sec. 601. Title 18 of the District of Columbia Municipal Regulations is amended as follows:

DCMR

(a) Section 103 is amended by adding new subsections 103.9 and 103.10 to read as follows:

“103.9 An applicant who fails to appear for a scheduled road test shall be required to pay a penalty of ten dollars (\$10), unless the applicant cancels the road test at least 2 business days prior to the scheduled road test.

“103.10 An applicant shall pay any outstanding road test penalties due pursuant to §103.9 prior to receiving a road test.”.

(b) Section 112 is amended as follows:

(1) Subsection 112.7 is amended by striking the phrase “four (4)” and inserting the phrase “up to five (5) years, as determined by the Director,” in its place.

(2) Subsection 112.12 is amended to read as follows:

"112.12 Fees for non-driver identification cards shall be as follows:

"(a) Each original or renewal card.....\$20;

"(b) Each duplicate card.....\$7;

"(c) For residents sixty-five (65) years of age or older... No Charge;

"(d) Residents released from a federal or state correctional or detention facility within the previous six (6) months..... No charge."

(c) Section 303 is amended as follows:

(1) Add a new subsection 303.4 to read as follows:

"303.4 The Director or hearing examiner may order the suspension of a person's license when the number of points accumulated reached a total of eight (8) or nine (9) points."

(2) Add a new subsection 303.16 to read as follows:

"303.16 The Director is authorized to make changes to the point system schedule, in accordance with Title 1 of the District of Columbia Administrative Procedures Act, approved October 21, 1986 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*)."

(d) Subsection 306.5 is amended by striking the phrase "pursuant to § 301 of this chapter,".

(e) Subsection 401.1 is amended by adding a new paragraph (f) to read as follows:

"(f) Proof of District of Columbia residency for at least one owner; except that a vehicle owned by an out-of-state lessor and leased to a District of Columbia resident may apply and an out-of-state insurance company may apply in connection with an insurance claim if the vehicle is located in the District."

(f) Section 422 is amended by adding new subsections 422.8 and 422.9 to read as follows:

"422.8 No person shall operate a vehicle where the identification tag's identifying numbers or letters are covered with glass, plastic, or any other type of material or substance.

"422.9 A person operating a vehicle in violation of § 422.8 shall be subject to a fine of five hundred dollars (\$500)."

(g) Section 801 is amended as follows:

(1) The section title is amended to read "801 FEES FOR RECORDS".

(2) Add new subsections 801.6 through 801.10 to read as follows:

"801.6 The annual fee for electronic access to Department of Motor Vehicle driver records shall be one hundred dollars (\$100).

"801.7 The annual fee for periodic receipt of electronic files containing customers' registration-related information shall be one thousand two hundred dollars (\$1,200).

"801.8 The fees in this section may be modified by the Director of the Department of Motor Vehicles to cover administrative costs.

"801.9 Persons seeking information under §§ 801.6 or 801.7 shall apply pursuant to procedures established by the Director.

"801.10 A person seeking information identified under this section must be eligible to receive the information pursuant to District of Columbia and federal privacy laws."

(h) Section 2224 is amended by adding a new subsection 2224.4 to read as follows:

"2224.4 A person operating a vehicle in violation of this section shall be subject to a fine of one hundred dollars (\$100)."

(i) Subsection 2600.1 is amended by adding the following fines to the list of fines provided:

“Open Container of alcohol
 Operating motor vehicle with [§ 2224.4] \$100
 “Tags
 Covering [§ 422.8] \$500”

(j) Chapter 2700 is amended as follows:

(1) Subsection 2702.3 is amended to read as follows:

“2702.3 An applicant for special license tags or a special parking permit, other than the one-week permit provided for in § 2702.4, shall submit a licensed physician’s certification on a form provided by the Director establishing his or her eligibility under 2701.1(a) through (e), except that persons applying in person may not be required to submit such a certification if the Director can determine through observation that they meet the requirements of § 2701.1(a) or (b). A physician’s certification shall contain the physician’s name, medical license number, signature, address, and telephone number.”.

(2) Subsection 2702.4 is amended to read as follows:

“2702.4 The Director may issue a one-week special parking permit, one (1) time per year per applicant; provided the applicant establishes, to the Director’s satisfaction, that:

“(a) The applicant’s special license tags are on a vehicle that is being repaired;

or

“(b) The applicant has, or will have, a temporary disability that substantially impairs his or her mobility and the applicant has not been issued a District of Columbia special license tag.”.

(3) Subsection 2704.6 is amended to read as follows:

“2704.6 The special license tags shall be renewed at the time of registration; the special parking permit issued to a person qualifying under 2701.1(a) through (d) shall be renewed every five (5) years, except that the Director may issue a permit of greater duration, not to exceed six (6) years, so that the permit shall expire at the same time that the person’s District driver’s license or special identification card expires.”.

(4) Subsection 2704.7 is repealed.

(5) Add a new subsection 2705.2 to read as follows:

“2705.2 After each report of a lost or stolen tag or permit as provided in § 2705.1, a person may apply for a duplicate tag or permit, up to two (2) times in a one (1) year period.”.

(6) Add a new section 2707 to read as follows:

“2707 ORGANIZATIONS TRANSPORTING DISABLED PERSONS.

“2707.1 An organization that regularly transports persons who meet one or more of the requirements in § 2701.1 may apply to the Director for special license tags or a special parking permit.

“2707.2 The application shall include proof, as required by the Director, as to the nature and activities of the organization.

“2707.3 A vehicle displaying special license tags issued pursuant to § 2707.1 shall meet all District of Columbia vehicle registration eligibility requirements.

“2707.4 Only one special parking permit may be issued for each vehicle used by the organization in the transport of persons as provided by § 2707.1.

“2707.5 The following provisions shall also apply to organizations issued permits or tags pursuant to §§ 2704.2, 2704.3, 2704.4, 2704.5, 2704.6, 2704.8, 2705, 2706, and 2718.

“2707.6 A vehicle displaying a special license tag or permit issued pursuant to this

section may only utilize the special parking privileges provided for in this chapter in connection with the transport of disabled persons who meet one or more of the requirements in § 2701.1.

“2707.7 The Director may modify this section by rulemaking.”.

(k) The definition of “Commercial Vehicle” in section 9901 is amended to read as follows:

“COMMERCIAL VEHICLE – any vehicle with more than three (3) wheels and:

“(a) Greater than twenty-two (22) feet in length; or

“(b) Used or maintained for transporting freight, merchandise, or other commercial loads or property.”.

Title VII. NOTICE TO OWNER REQUIREMENTS

Sec. 701. Section 2(b) of the District of Columbia Revenue Act of 1937, approved August 17, 1937 (50 Stat. 680; D.C. Official Code § 50-1501.02(b)), is amended as follows:

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

(b) Add a new paragraph (2) to read as follows:

“(2) The Mayor shall notify an owner of the expiration date of the owner’s motor vehicle or trailer registration. The required notice shall be mailed to the named owner at the address of record at least 30 days prior to the date of expiration. If the Director does not deliver the notice as required, the first of any tickets issued for failure to display current registration for that registration period may be dismissed through mail or in-person adjudication.”.

Sec. 702. The District of Columbia Traffic Act, 1925, effective March 3, 1925 (43 Stat. 1119; D.C. Official Code § 50-2201.01 *passim*), is amended by adding a new section 7a to read as follows:

“Sec. 7a. Notification of operator’s permit expiration.

“The Mayor shall notify an owner of the expiration date of the owner’s operator’s permit. The required notice shall be mailed to the named owner at the address of record at least 30 days prior to the date of expiration.”.

Sec. 703. An Act To provide for annual inspection of all motor vehicles in the District of Columbia, approved February 18, 1938 (52 Stat. 78; D. C. Official Code § 50-1101 *et seq.*), is amended by adding a new section 9 to read as follows:

“Sec. 9. Notification of inspection sticker expiration.

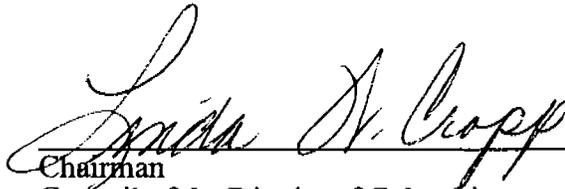
“The Mayor shall notify an owner of the expiration date of the owner’s vehicle inspection sticker. The required notice shall be mailed to the named owner at the address of record at least 30 days prior to the date of expiration. If the Director does not deliver the notice as required, the first of any tickets issued for failure to display a current inspection sticker for that inspection period may be dismissed through mail or in-person adjudication.”.

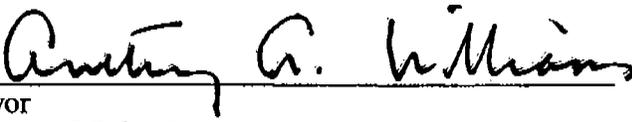
Title VIII. FISCAL IMPACT STATEMENT.

Sec. 801. 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)).

Title IX. EFFECTIVE DATE.

Sec. 901. 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 29, 2004

AN ACT
D.C. ACT 15-705

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
JANUARY 4, 2005

To amend Chapter 12H of Title 12A of the District of Columbia Municipal Regulations to allow candles in restaurants without a permit.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Restaurant Candles Permission Amendment Act of 2004".

Sec. 2. Chapter 12H of Title 12A of the District of Columbia Municipal Regulations (12A DCMR § F-101 *et seq.*), is amended as follows:

DCMR

(a) Subsection F-107.10.29 (12A DCMR § F-107.10.29) is amended as follows:

(1) Strike the phrase ", dining areas of restaurants or drinking establishments".

(2) Strike the phrase "Exception: Religious Occupancies" and insert the phrase "Exception: Religious Occupancies, candles in restaurants" in its place.

(b) Subsection F-308.3 (12A DCMR § F-308.3) is amended by striking the phrase "Exception: Religious Occupancies" and inserting the phrase "Exception: Religious Occupancies, candles in restaurants" in its place.

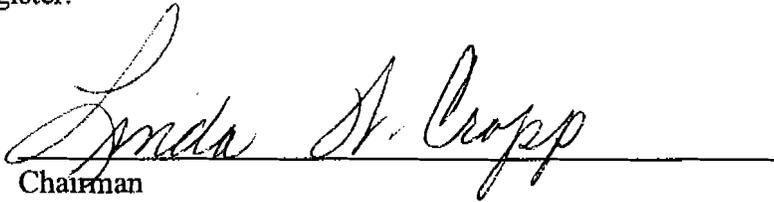
Sec. 3. Fiscal impact statement.

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)).

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
January 4, 2005

AN ACT

D.C. ACT 15-706

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 4, 2005

*Codification
District of
Columbia
Official Code*

2001 Edition

2005 Winter
Supp.

West Group
Publisher

To amend the Human Rights Act of 1977 to extend the protection of the act to domestic partnerships.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may cited as the "Domestic Partnership Protection Amendment Act of 2004".

Sec. 2. Section 102(q) of the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 2-1401.02(17)), is amended by striking the phrase "single, divorced" and inserting the phrase "in a domestic partnership, single, divorced" in its place.

Amend
§ 2-1401.02

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement in the subcommittee 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)).

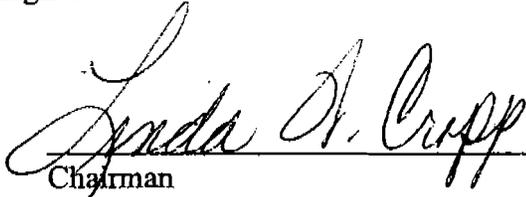
Sec. 4. Effective date.

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

FEB 25 2005

ENROLLED ORIGINAL

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


Chairman
Council of the District of Columbia


Mayor
District of Columbia
APPROVED
January 4, 2005

AN ACT

D.C. ACT 15-707

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 4, 2004

Codification
District of
Columbia
Official Code

2001 Edition

2005 Winter
Supp.

West Group
Publisher

To accept the dedication of land for public street purposes in Ward 6, to designate the dedicated land as New Jersey Avenue, S.E., 4th Street, S.E., and Tingey Street, S.E., to authorize improvement of the dedicated land for street purposes, and to authorize modifications to the permanent system of highways to facilitate development of a new headquarters building for the U.S. Department of Transportation in the Southeast Federal Center, as shown on the Surveyor's plat filed under S.O. 03-1420.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Dedication and Designation of Portions of New Jersey Avenue, S.E., 4th Street, S.E., and Tingey Street, S.E., S.O. 03-1420, Act of 2004".

Sec. 2.(a) Pursuant to section 302 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 § D.C. Official Code § 9-203.02) ("Act"), and notwithstanding the requirements set forth in sections 303 and 304 of the Act, the Council accepts:

Note,
§ 9-203.02

(1) The dedication of land in fee for street purposes from the General Services Administration of portions of New Jersey Avenue, Tingey Street, and 4th Street; provided, that the General Services Administration, on behalf of the United States and its successors in interests, reserves by perpetual easement the right to:

(A) Use the below-grade space of the right-of-way without charge from the District and without the requirement for public-space permits, subject to the District's right to:

(i) Inspect the proposed plans to insure the integrity of the streets;
and

(ii) Install utilities in the below-grade space; and

(B) Construct street improvements at grade, such as curb cuts and lay-bys, within the area dedicated for street purposes, pursuant to the District Department of Transportation's standards governing such improvements;

(2) The dedication of land in fee for street purposes from JBG/SEFC Venture,

L.L.C., of portions of New Jersey Avenue, Tingey Street, and 4th Street;

(3) The dedication of land by easement for public space purposes from JBG/SEFC Venture, L.L.C., of a portion of New Jersey Avenue; and

(4) The dedication of below-grade space by easement for utility purposes from JBG/SEFC Venture, L.L.C., of a portion of New Jersey Avenue.

(b) The Council's acceptance of the dedication of land described in subsection (a) of this section is contingent upon the filing of covenants in the Land Records for the District of Columbia and the filing of the dedication plat in the Office of the Surveyor for the District of Columbia.

Sec. 3. 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; provided, that the District Department of Transportation confirms that the streets have been constructed in accordance with District Department of Transportation standards;

(2) Accept improvements to public space within the proposed 4th Street right-of-way as shown in the plans approved by the Zoning Commission in Order No.03-05C; and

(3) Waive all deposits related to paragraphs (1) and (2) of this section.

Sec. 4. Notwithstanding An Act To provide a permanent system of highways in that part of District of Columbia lying outside of cities, approved March 2, 1893 (27 Stat. 532; D.C. Official Code § 9-103.01 *et. seq*) and section 6 of An Act Making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, eighteen hundred and ninety-nine, and for other purposes, approved June 28, 1898 (30 Stat. 520; D.C. Official Code § 9-101.06), the Council approves the development of the Southeast Federal Center, including the new headquarters building for the U.S. Department of Transportation, by adding the area of land shown on the Surveyor's plat filed under S.O. 03-1420.

Sec. 5. Pursuant to section 401 and notwithstanding section 402 of the Act, the dedication of land as described in section 2 and on the Surveyor's plat filed under S.O. 03-1420, shall be designated as follows:

(1) The southern extension of New Jersey Avenue, S.E., shall be designated as New Jersey Avenue, S.E.

(2) The southern extension of 4th Street, S.E., shall be designated as 4th Street, S.E.

(3) The southern most street running east-west created by the dedication of land shall be designated as Tingey Street, S.E.

FEB 25 2005

ENROLLED ORIGINAL

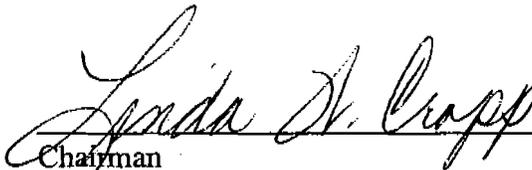
Sec. 6. Fiscal impact statement.

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)).

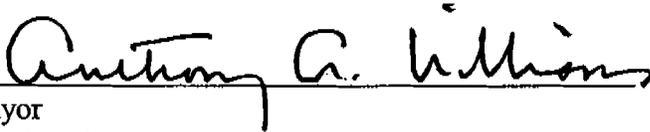
Sec. 7. The Secretary to the Council shall transmit a copy of this act, upon its effective date, each to the Office of the Mayor, the Office of the Surveyor of the District of Columbia, the Office of Planning, the Building and Land Regulation Administration of the Department of Consumer and Regulatory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

Sec. 8. Effective date.

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
January 4, 2005

AN ACT
D.C. ACT 15-708

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
JANUARY 4, 2005

*Codification
 District of
 Columbia
 Official Code*

2001 Edition

2005 Winter
 Supp.

West Group
 Publisher

To authorize the Mayor to provide up to \$2 million to The Studio Theatre, Inc., to assist in financing costs associated with acquiring, constructing, rehabilitating, maintaining, furnishing, and equipping The Studio Theatre in Washington, D.C.

BE IT ENACTED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Studio Theatre, Inc. Economic Assistance Act of 2004".

Sec. 2. Findings.

The Council finds:

- (1) The Studio Theatre, Inc. ("Studio") is an important cultural and economic asset of the District.
- (2) Studio is a not-for-profit organization and the largest actor training program in the District.
- (3) Studio moved to the 14th Street corridor in 1975, less than a decade after the area was hard hit by the riots of 1968. At the time of Studio's relocation, the 14th Street corridor was full of empty storefronts and littered with hypodermic needles and condoms.
- (4) Studio's relocation to the 14th Street corridor and its active involvement in the community has contributed significantly to the corridor's physical and economic revitalization.
- (5) In 2001, Studio announced a major plan to ensure the theatre's continued survival and vibrancy on 14th Street.
- (6) Studio purchased 2 adjacent, dilapidated buildings and announced plans for a 4-theatre performance and training complex.
- (7) Studio is currently engaged in a capital campaign to finance the costs of acquiring, constructing, rehabilitating, furnishing, and equipping the additional space.
- (8) The capital campaign — although having already raised \$10 million — has produced lower than expected contributions from corporations and individuals.
- (9) Financial assistance from the District is necessary to avoid a funding shortfall and to ensure the successful completion and operation of the project.
- (10) Studio's expansion will provide significant cultural, social, educational, and economic benefits to residents of the District of Columbia and contribute to community improvements.

Sec. 3. Authority to provide funds.

The Mayor may provide up to \$2 million to The Studio Theatre, Inc., a not-for-profit District of Columbia corporation, to assist in financing the costs of expanding, rehabilitating,

maintaining, furnishing, equipping, and making other capital improvements to The Studio Theatre. For the purposes of this paragraph, the term "The Studio Theatre" means the facilities located at 1507 and 1509 14th Street, N.W., Washington, D.C. listed in the land records as Lots 830, 834, and 835 in Square 241, that are operated by The Studio Theatre, Inc.

Sec. 4. Fiscal impact statement.

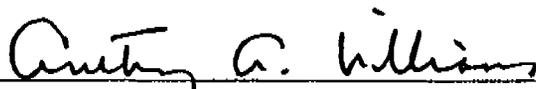
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
January 4, 2005

AN ACT
D.C. ACT 15-709

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 4, 2005

*Codification
District of
Columbia
Official Code*

2001 Edition

2005 Winter
Supp.

West Group
Publisher

To amend, on a temporary basis, the District of Columbia Traffic Act, 1925 to add domestic partners to the list of individuals exempted from paying an excise tax for the issuance of a subsequent certificate of title for a motor vehicle or trailer.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Certificate of Title Excise Tax Exemption Temporary Amendment Act of 2004".

Sec. 2. Section 6(j)(1) of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1121; D.C. Official Code § 50-2201.03(j)(1)), is amended by striking the phrase "spouses or between parent and child)" and inserting the phrase "spouses, parent and child, or domestic partners as that term is defined in section 2(3) of the Health Care Benefits Expansion Act of 1992, effective June 11, 1992 (D.C. Law 9-114; D.C. Official Code § 32-701(3)))" in its place.

Note,
§ 50-2201.03

Sec. 3. Fiscal impact statement.

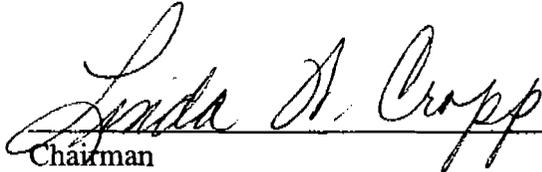
The Council adopts the attached fiscal impact statement as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

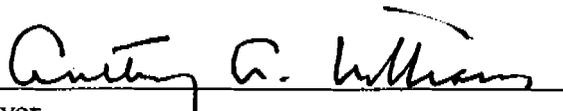
(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

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

(b) This act shall expire after 225 days of its having taken effect.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
January 4, 2005

AN ACT
D.C. ACT 15-710

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
JANUARY 4, 2004

*Codification
District of
Columbia
Official Code*

2001 Edition

2005 Winter
Supp.

West Group
Publisher

To amend, on a temporary basis, An Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes to require the Mayor to include as part of a proposed resolution for the disposition of real property an analysis of economic factors and a description of how economic factors will be weighted and evaluated, and in the case of any property to be disposed of through a request for proposal or competitive sealed proposal, to require the Mayor to use economic factors as one of the criteria for evaluating the request for proposal or competitive sealed proposal.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Real Property Disposition Economic Analysis Second Temporary Amendment Act of 2004".

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

Note,
§ 10-801

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

“(b-1)(1) A proposed resolution for the disposition of real property transmitted to the Council after January 29, 2004 pursuant to subsection (b) of this section shall be accompanied by an analysis prepared by the Mayor of the economic factors and other stated policy objectives to be considered in disposing of the real property, including, when appropriate to the chosen method of disposition, how competition may be maximized.

“(2) The analysis shall describe how economic factors and other stated policy objectives will be weighted and evaluated in the disposition process, and shall include, as appropriate, estimates, with supporting documentation, of the monetary benefits and costs to the District that will result from the disposition. The benefits analyzed shall include revenues, fees, and other payments to the District, as well as the creation of jobs.”.

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

“(e-1) In the case of any real property to be disposed of pursuant to this section through a request for proposal or competitive sealed proposal, the Mayor shall include economic factors and other policy objectives, if any, including revenues, fees, and other payments to the District, as part of the evaluation criteria that will be used to evaluate the request for proposal or competitive sealed proposal.”.

Sec. 3. Fiscal impact statement.

This legislation will not have an adverse impact on the District of Columbia’s financial

plan and budget because the only changes it would make to current law would be (1) to require an economic analysis to be part of a proposed real property disposition, (2) to require the Mayor to explain how economic factors will be weighted and evaluated in the disposition process, and (3) in the case of a request for proposal or competitive sealed proposal, to require the Mayor to use economic factors as one of the evaluation criteria in evaluating proposals. The legislation is prospective in its application, and would not affect any real property disposition resolutions that have already been transmitted to the Council. By increasing the emphasis on economic factors while giving the Mayor considerable latitude in weighing other factors, such as economic and community development, the legislation would either have a positive or neutral fiscal impact.

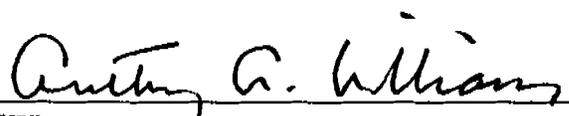
Sec. 4. Effective date.

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

(b) This act shall expire after 225 days of its having taken effect.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
January 4, 2005

AN ACT
D.C. ACT 15-711

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
DECEMBER 29, 2004

*Codification
District of
Columbia
Official Code*

2001 Edition

2005 Winter
Supp.

West Group
Publisher

To amend, on a temporary basis, the Public Congestion and Venue Protection Temporary Act of 2004 to prohibit the Metropolitan Police Department from charging not-for-profit events for police details.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Public Congestion and Venue Protection Temporary Amendment Act of 2004".

Sec. 2. The Public Congestion and Venue Protection Temporary Act of 2004, signed by the Mayor on July 19, 2004 (D.C. Act 15-475; 51 DCR 7606), is amended as follows:

(a) Section 2(4) is amended by striking the phrase "or not-for-profit".

(b) Section 3 is amended by striking the word "function" and inserting the phrase "function for profit" in its place.

(c) Section 4 is amended as follows:

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

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

"(b) Nothing in this section shall be construed as authorizing the Metropolitan Police Department to charge operators of not-for-profit events for MPD details at a venue or within the police service area where the venue is located."

Sec. 3. Fiscal impact statement.

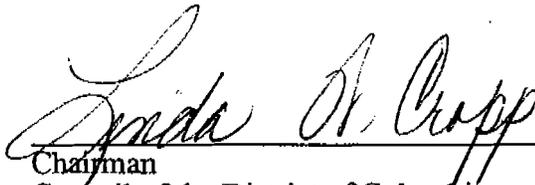
The Council adopts the attached fiscal impact statement as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

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

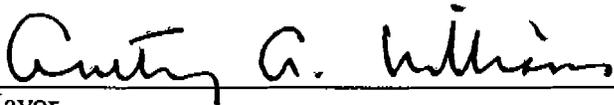
December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.



Handwritten signature of Linda A. Crapp in cursive script, positioned above a horizontal line.

Chairman
Council of the District of Columbia



Handwritten signature of Anthony A. Williams in cursive script, positioned above a horizontal line.

Mayor
District of Columbia
APPROVED
December 29, 2004

AN ACT
D.C. ACT 15-712

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
JANUARY 4, 2004

*Codification
District of
Columbia
Official Code*

2001 Edition

2005 Winter
Supp.

West Group
Publisher

To amend, on a temporary basis, 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 Temporary Act of 2004".

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.”.

FEB 25 2005

DISTRICT OF COLUMBIA REGISTER

ENROLLED ORIGINAL

Sec. 3. Fiscal impact statement.

The Council adopts the attached fiscal impact statement 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)).

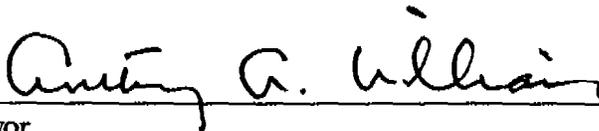
Sec. 4. Effective date.

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

(b) This act shall expire after 225 days of its having taken effect.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
January 4, 2005

FEB 25 2005

ENROLLED ORIGINAL

AN ACT
D.C. ACT 15-713

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
JANUARY 4, 2005

*Codification
District of
Columbia
Official Code*

2001 Edition

2005 Winter
Supp.

West Group
Publisher

To amend, on a temporary basis, section 47-1803.03 of the District of Columbia Official Code to de-couple District of Columbia law from the bonus depreciation provisions added to the Internal Revenue Code of 1986 by the Job and Growth Tax Relief Reconciliation Act of 2003.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Bonus Depreciation De-Coupling Temporary Act of 2004".

Sec. 2. Section 47-1803.03 of the District of Columbia Official Code is amended as follows:

Note,
§ 47-1803.03

(a) Subsection (a)(7) is amended by striking the phrase "September 11, 2004" and inserting the phrase "December 31, 2005" in its place.

(b) Subsection (b)(6) is amended by striking the phrase "September 11, 2004" and inserting the phrase "December 31, 2005" in its place.

Sec. 3. Fiscal impact statement.

The Council adopts the attached fiscal impact statement 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.

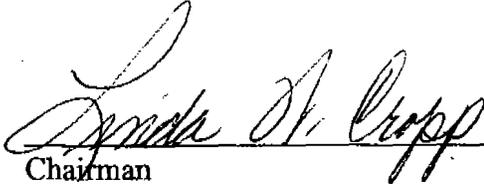
(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved

FEB 25 2005

ENROLLED ORIGINAL

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

(b) This act shall expire after 225 days of its having taken effect.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
January 4, 2005

AN ACT
D.C. ACT 15-714

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
DECEMBER 29, 2004

*Codification
District of
Columbia
Official Code*

2001 Edition

2005 Winter
Supp.

West Group
Publisher

To amend, on a temporary basis, the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to allow former District government employees who are reemployed annuitants the option of continuing to receive a reduction in pay.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA,
That this act may be cited as the "District Government Reemployed Annuitant Offset Alternative Temporary Amendment Act of 2004".

Sec. 2. Section 1103(b) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code §1-611.03(b)), is amended by adding a sentence at the end to read as follows:
"Any employee who receives retirement benefits pursuant to 5 U.S.C. § 8331 may elect to continue to receive a reduction in pay under this subsection. The District Government Reemployed Annuitant Offset Alternative Temporary Amendment Act of 2004 shall not apply to employees hired on or after November 30, 2004."

Note,
§ 1-611.03

Sec. 3. Fiscal impact statement.

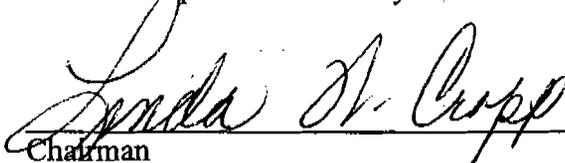
The Council adopts the attached fiscal impact statement as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

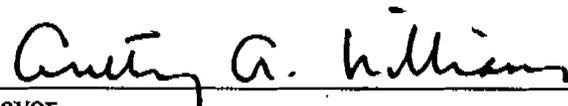
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30 day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved

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

(b) This act shall expire after 225 days of its having taken effect.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
December 29, 2004

AN ACT
D.C. ACT 15-715

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
DECEMBER 29, 2004

*Codification
District of
Columbia
Official Code*

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2005 Winter
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To establish, on a temporary basis, a Metropolitan Police Department School Safety Division that will be responsible for providing security to District of Columbia Public Schools, to provide that the School Safety Division shall be directed by a Director appointed by the Chief of the Metropolitan Police Department, to require the Metropolitan Police Department to create a training curriculum for school resource officers and school security guards who will provide security to District of Columbia Public Schools, to require the Metropolitan Police Department and the District of Columbia Public Schools to enter into a Memorandum of Agreement for the provision of school security services; to require the Mayor to submit a deployment recommendation and a comprehensive implementation plan to the Council and the Board of Education, to immediately transfer the responsibility for issuing an RFP for security services to begin January 1, 2005, from the DCPS to the MPD; and to make conforming amendments to the District of Columbia Procurement Practices Act of 1985.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "School Safety and Security Contracting Procedures Temporary Act of 2004".

Sec. 2. Definitions.

For the purposes of this act, the term:

- (1) "DCPS" means the District of Columbia Public Schools.
- (2) "MPD" means the Metropolitan Police Department.
- (3) "School resource officer" means a sworn MPD officer assigned to DCPS for

the purpose of working in collaboration with DCPS and community-based organizations to:

- (A) Prevent crime through community-oriented policing strategies;
- (B) Address crime and disorder, gang, and drug activity problems

affecting or occurring in or around the schools to which the school resource officer is assigned; and

(C) Ensure that DCPS schools and grounds are safe environments for students, teachers, and staff.

(4) "School security guards" means un-armed personnel, trained and hired by the MPD School Safety Division.

(5) "School security personnel" means school resource officers and school security guards.

(6) "Superintendent" means the Superintendent of the District of Columbia Public Schools.

Sec. 3. Establishment of the Metropolitan Police Department School Safety Division; functions of the School Safety Division.

(a) There is established within the Metropolitan Police Department a School Safety Division that shall provide security for the District of Columbia Public Schools.

(b) The School Safety Division shall be directed by a Director appointed by and reporting to the chief of police with rank equal to an assistant chief.

(c) The School Safety Division shall:

(1) Hire all school security personnel for DCPS;

(2) Deploy school security personnel to DCPS;

(3) Provide oversight over school security personnel, and be responsible for administering all disciplinary actions related to school security personnel, including termination;

(4) Execute, approve, monitor and provide oversight over any contract for school security personnel; and

(5) Create and implement security and emergency operations plans for DCPS in concert with the Superintendent.

Sec. 4. Training for school security personnel.

The School Safety Division shall develop a training curriculum for all school security personnel providing security for DCPS. The curriculum shall focus on training supervisory and on-site personnel so that they will provide appropriate security procedures for the various socioeconomic conditions at each educational facility. The curriculum shall include training in the following areas:

(1) Child development;

(2) Effective communication skills;

(3) Behavior management;

(4) Conflict resolution;

(5) Substance abuse and its effect on youth;

(6) Availability of social services for youth;

(7) District of Columbia laws and regulations, including Board of Education regulations; and

(8) Constitutional standards for searches and seizures conducted by school security personnel on school grounds.

Sec. 5. Comprehensive plan on school security; Memorandum of Agreement.

(a) By March 1, 2005, the Mayor shall recommend to the Council whether the school security guards shall be employees of the MPD, employees of DCPS, or contracted for by the MPD for Fiscal Year 2006 and beyond.

(b) By June 1, 2005, the Mayor, in coordination with the Superintendent, DCPS administrators, parents, students and teachers, shall develop a comprehensive plan to implement this act and submit the plan to the Board of Education and the Council. The plan shall contain the following:

(1) The qualifications and hiring process for school security personnel;

(2) The transfer of personnel, property, funds, and records including an ongoing procedure for allocating DCPS capital funds to MPD for security needs; and

(3) Lines of authority, supervision, and communication between the MPD and DCPS, including a process for resolving disagreements between DCPS and MPD at all levels, accepted by both the Mayor and the Superintendent.

(c) The plan required by subsection (b) of this section shall be submitted to the Council for a 45-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed plan, in whole or in part, by resolution within this 45-day period, the proposed plan shall be deemed approved.

(d) MPD and DCPS shall enter into a Memorandum of Agreement that shall specify security terms and responsibilities as outlined in the recommendation and plan submitted by the Mayor pursuant to subsections (a) and (b) of this section.

(e) Both the comprehensive implementation plan and the Memorandum of Agreement required by this section shall describe in detail the following:

(1) How school security personnel deployed at each school will provide security in coordination with the school's principal; provided, that during emergencies, incident command shall be consistent with the District of Columbia response plan as defined by section 2(1A) of the District of Columbia Public Emergency Act of 1980, effective March 5, 1981 (D.C. Law 3-149; D.C. Official Code § 7-2301(1A)); and

(2) How the operating and capital funds, positions, personnel, property, records, and unexpended balances of appropriations, allocations, and other funds available or to be made available to DCPS that support the provision of security to DCPS will be utilized to carry out the provisions of this act.

Sec. 6. Authority to issue RFP's for school security related contracts.

The responsibility for and issuance of a Request for Proposals for any security guard or security related contract for DCPS for a contract term to begin January 1, 2005, or later shall transfer to the MPD as of August 2, 2004. The awarding and funding for a contract issued pursuant to any RFP under this section shall be the subject of the Memorandum of Agreement between DCPS and MPD.

Sec. 7. Applicability of sections 3 and 4.

Sections 3 and 4 shall apply as of the first day of October 1, 2005, or upon the submission by the Mayor to the Council of a supplemental budget to effect the transfer of funds from DCPS to the MPD, whichever occurs first, and Council approval pursuant to section 5(c).

Sec. 8. Section 104(d) of the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85, D.C. Official Code § 2-301.04(d)), is amended to read as follows:

“(d)(1) Except as provided in this subsection, this act shall apply to the Board of Education.

“(2) The Board of Education shall have no authority to solicit, award, and execute contracts for the provision of security for the District of Columbia Public Schools.

“(3) Regarding contracts not prohibited by paragraph (2) of this subsection, the Board of Education shall have the authority to solicit, award, and execute contracts independently of the Office of Contracting and Procurement and the Chief Procurement Officer.”.

Sec. 9. Fiscal impact statement.

The Council adopts the attached fiscal impact statement 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. 10. Effective date.

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

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

(b) This act shall expire after 225 days of its having taken effect.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
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To amend, on a temporary basis, the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to establish a mandatory drug and alcohol testing program for certain District of Columbia applicants and employees; to establish a criminal background check program for employees and unsupervised volunteers of certain providers that provide direct services to children or youth; to establish uniform health screening requirements and the use of uniform health forms for all District of Columbia children; to authorize the Director of the Department of Human Services to take a child into custody when a child committed to the legal custody of the Department absconds from a community-based placement or violates any of the terms of his or her placement; to establish an Early Intervention Program to provide early intervention services for infants and toddlers from birth to 2 years of age and their families; to amend the District of Columbia Public School Nurse Assignment Act of 1987 to require that nurses be assigned to public charter schools; and to amend the District of Columbia Uniform Controlled Substances Act of 1981 to designate all areas within 1000 feet of public charter schools as drug free zones.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Child and Youth, Safety and Health Omnibus Second Temporary Amendment Act of 2004".

TITLE I. MANDATORY DRUG AND ALCOHOL TESTING PROGRAM.

Sec. 101. Short title.

This title may be cited as the "Mandatory Drug and Alcohol Testing for the Protection of Children Second Temporary Amendment Act of 2004".

Sec. 102. The District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-601.01 *et seq.*), is amended by adding a new title XX-C to read as follows:

"TITLE XX-C
"MANDATORY DRUG AND ALCOHOL TESTING FOR
CERTAIN EMPLOYEES WHO SERVE CHILDREN.

"Sec. 2031. Definitions.

"For the purposes of this title, the term:

"(1) "Applicant" means any person who has filed any written employment application forms to work as a District employee, or has been tentatively selected for employment.

"(2) "Children" means individuals 12 years of age and under.

"(3) "District employee" means a person employed by the District of Columbia government.

"(4) "Drug" means an unlawful drug and does not include over-the-counter prescription medications.

"(5) "Employee" means any person employed in a position for which he or she is paid for services on any basis.

"(6) "Post-accident employee" means an employee of the District of Columbia, who, while on-duty, is involved in a vehicular or other type of accident resulting in personal injury or property damage, or both, in which the cause of the accident could reasonably be believed to have been the result in whole or in part from the use of drugs or alcohol on the part of the employee.

"(7) "Probable cause" or "reasonable suspicion" means a reasonable belief by a supervisor that an employee in a safety-sensitive position is under the influence of an illegal drug or alcohol to the extent that the employee's ability to perform his or her job is impaired.

"(8) "Random testing" means drug or alcohol testing conducted on an District employee in a safety-sensitive position at an unspecified time for purposes of determining whether any District employee subject to drug testing has used drugs or alcohol and, as a result, is unable to satisfactorily perform his or her employment duties.

"(9) "Reasonable suspicion referral" means referral of an employee in a safety-sensitive position for testing by the District for drug or alcohol use.

"(10) "Safety-sensitive position" means:

"(A) Employment in which the District employee has direct contact with children or youth;

"(B) Is entrusted with the direct care and custody of children or youth;
and

"(C) Whose performance of his or her duties in the normal course of employment may affect the health, welfare, or safety of children or youth.

"(11) "Youth" means individuals between 13 and 17 years of age, inclusive.

"Sec. 2032. Employee testing.

"(a) The following individuals shall be tested by the District government for drug and alcohol use:

"(1) Applicants for employment in safety-sensitive positions;

"(2) District employees who have had a reasonable suspicion referral;

"(3) Post-accident District employees, as soon as reasonably possible after the accident; and

"(4) District employees in safety-sensitive positions.

"(b) The District shall only subject employees in subsection(a)(4) of this section to random testing, unless a District agency has additional requirements for drug testing of its employees, in which case the stricter requirements apply.

"(c) Supervisors shall be trained in substance abuse recognition and shall receive a second opinion from another supervisor prior to making a reasonable suspicion referral.

"(d) District employees shall be given at least a 30-day (calendar) written notice that the District is implementing a drug and alcohol testing program. Upon receipt of a written notice of the program, each employee shall be given one opportunity to seek treatment, if he or she has a drug or alcohol problem.

"(e) Following the issuance of the 30-day written notice required by subsection (d) of this section, the Mayor shall procure a testing vendor and testing shall be implemented as described in this title.

"Sec. 2033. Motor vehicle operators.

"Any District government employee who operates a motor vehicle in the performance of his or her employment within the District of Columbia shall be deemed to have given his or her consent, subject to the conditions in this title, to the testing of the employee's urine or breath for the purpose of determining drug or alcohol content whenever a supervisor has probable cause or a police officer arrests such person for a violation of the law and has reasonable grounds to believe such person to have been operating or in physical control of a motor vehicle within the District while that person's breath contains .08 percent or more, by weight, of alcohol, or while under the influence of an intoxicating liquor or any drug or combination thereof, or while that person's ability to operate a motor vehicle is impaired by the consumption of intoxicating liquor.

"Sec. 2034. Testing methodology.

"(a) Testing shall be performed by an outside contractor at a laboratory certified by the United States Department of Health and Human Services ("HHS") to perform job-related drug and alcohol forensic testing.

"(b) For random testing of District employees, the contractor shall, at a location designated by the District to collect urine specimens on-site, split each sample and perform enzyme-multiplied-immunosay technique ("EMIT") testing on one sample and store the split of that sample. Any positive EMIT test shall be then confirmed by the contractor, using the gas chromatography/mass spectrometry ("GCMS") methodology.

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"(c) Any District employee found to have a confirmed positive urinalysis shall be notified of the result. The employee may then authorize that the stored sample be sent to another HHS-certified laboratory of his or her choice, at his or her expense, for a confirmation, using the GCMS testing method.

"(d) Reasonable suspicion and post-accident employee testing shall follow the same procedures set forth in subsections (a) through (c) of this section. In such cases, the employee shall be escorted by a supervisor to the contractor's test site for specimen collection or a breathalyser.

"(e) A breathalyser shall be deemed positive by the District's testing contractor if the contractor determines that 1 milliliter of the employee's breath (consisting of substantially alveolar air) contains .38 micrograms or more of alcohol.

"(f) Prior to testing, a physician must sit down with the employee and ask what medications he or she might have been taking to rule out any false positives in the drug screening results.

"Sec. 2035. Procedure and employee impact.

"(a) A drug and alcohol testing policy shall be issued in advance of implementing the drug and alcohol program to inform District employees of the requirements of the program and to allow each employee one opportunity to seek treatment, if he or she has a drug or alcohol program. Thereafter, any confirmed positive drug test results, positive breathalyser test, or a refusal to submit to a drug test or breathalyser shall be grounds for termination of employment in accordance with this act. This testing program shall be implemented as a single program. The results of a random test shall not be turned over to any law enforcement agency without the employee's written consent.

"(b) An applicant described in section 2031(1) may be offered employment contingent upon receipt of a satisfactory drug testing result, and may begin working in a position that is not a safety-sensitive setting prior to receiving the results.

"Sec. 2036. Coverage of private contractual providers and private licensed providers.

"Each private provider that contracts with the District of Columbia to provide employees to work in safety-sensitive positions and each private entity licensed by the District government that has employees who work in safety-sensitive positions shall establish mandatory drug and alcohol testing policies and procedures that are consistent with the requirements of this title.

"Sec. 2037. 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.*), shall issue rules to implement the provisions of this title."

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TITLE II. CRIMINAL BACKGROUND CHECKS.

Sec. 201. Short title.

This title may be cited as the "Criminal Background Checks for the Protection of Children Second Temporary Act of 2004".

Sec. 202. Definitions.

For the purposes of this title, the term:

"(1) "Applicant" means an individual who has filed a written application for employment with covered child or youth services provider or an individual who has made an affirmative effort through a written application or a verbal request to serve in an unsupervised volunteer position with any covered child or youth services provider.

"(2) "Children" means individuals 12 years of age and under.

"(3) "Covered child or youth services provider" means any District government agency providing direct services to children or youth and any private entity that contracts with the District to provide direct services to children or youth, or for the benefit of children or youth, that affect the health, safety, and welfare of children or youth, including individual and group counseling, therapy, case management, supervision, or mentoring. The term "covered child or youth services provider" does not include foster parents or grantees.

"(4) "Criminal background check" means the investigation of a person's criminal history through the record systems of the Federal Bureau of Investigation and the District of Columbia Metropolitan Police Department.

"(5) "Employee" means an individual who is employed on a full-time, part-time, temporary, or contractual basis by any covered child or youth services provider.

"(6) "FBI" means Federal Bureau of Investigation.

"(7) "MPD" means the Metropolitan Police Department.

"(8) "Supervised" means any person who is under the direct supervision, at all times, of an employee or a volunteer who has received a current, satisfactory background check.

"(9) "Volunteer" means any individual who works without any monetary or any other financial compensation for any covered child or youth services provider.

"(10) "Youth" means individuals between 13 and 17 years of age, inclusive.

Sec. 203. Criminal background checks required for certain individuals.

(a) The following individuals shall apply for criminal background checks in accordance with the requirements of section 205:

(1) Each applicant who is under consideration for paid employment, and each applicant who is under consideration for voluntary service in an unsupervised position, by any covered child or youth services provider, as defined by regulations promulgated pursuant to section 208.

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(2) Each person who is employed by any covered child or youth services provider, and each volunteer who serves a covered child or youth services provider in an unsupervised position, as defined by regulations promulgated pursuant to section 208.

(b) Private entities licensed by the District to provide direct services to children and youth may be required by the Mayor to apply for criminal background checks in accordance with the requirements of section 205 through the formal rulemaking process of section 208.

Sec. 204. Authorization to obtain records.

(a) The Mayor may obtain criminal history records maintained by the Federal Bureau of Investigation and the Metropolitan Police Department, and traffic records maintained by the Department of Motor Vehicles, to investigate a person applying for employment, in either a compensated position or an unsupervised volunteer position, with any covered child or youth services provider, and to investigate each current employee and unsupervised volunteer serving any covered child or youth services provider.

(b) Before any applicant for employment, in either a compensated position or an unsupervised volunteer position, with any covered child or youth services provider may be offered such a position, the Mayor or the covered child or youth services provider shall inform the applicant that a criminal background check must be conducted on him or her, and, in the case of an employee or volunteer who is required to drive a motor vehicle to transport children in the course of performing his or her duties, that a traffic record check must also be conducted.

Sec. 205. Criminal background checks required before working for any covered child or youth services provider in an unsupervised setting.

(a) An individual described in section 203 may be offered employment contingent upon receipt of a satisfactory background check, and may begin working in a supervised setting prior to receiving the results. The individual shall submit to a criminal background check by means of fingerprint and National Criminal Information Center checks conducted by the Mayor and the FBI. The individual shall provide a complete set of legible fingerprints on a fingerprint card, in a form approved by the FBI. These fingerprints shall be available for use by the Mayor and the FBI to conduct a local and national criminal history record check of the individual.

(b) A volunteer serving any covered child or youth services provider shall not be allowed to begin volunteering in an unsupervised setting until the requirements of subsection (a) of this section have been completed.

(c) A volunteer at any covered child or youth services provider who has only supervised contact with children or youth is not required to submit to a background check, but such person may be required to submit to a traffic check pursuant to section 204(b).

(d) The Mayor shall conduct a criminal background check once the applicant has provided:

- (1) A set of qualified fingerprints;

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(2) Written approval authorizing the Mayor to conduct a criminal background check;

(3) A confirmation that he or she has been informed by the Mayor or the covered child or youth services provider that the Mayor is authorized to conduct a criminal background check on the applicant;

(4) Any additional identification that is required, including name, social security number, birth date, and gender;

(5) A signed affirmation that he or she has not been convicted of a crime, has not pleaded nolo contendere, is not on probation before judgment or placement of a case upon a stet docket, and has not been found not guilty by reason of insanity, for any sexual offenses or intra-family offenses in the District of Columbia or in any other state or territory, or for any of the following felony offenses or their equivalent in another state or territory:

(A) Murder, attempted murder, manslaughter or arson;

(B) Assault, battery, assault and battery, assault with a dangerous weapon, mayhem, or threats to do bodily harm;

(C) Burglary;

(D) Robbery;

(E) Kidnapping;

(F) Theft, fraud, forgery, extortion, or blackmail;

(G) Illegal use or possession of a firearm;

(H) Trespass or injury to property;

(I) Sexual offenses, including indecent exposure; promoting, procuring, compelling, soliciting, or engaging in prostitution; corrupting minors (sexual relations with children); molesting; voyeurism; committing sex acts in public; incest; rape; sexual assault; sexual battery; or sexual abuse;

(J) Child abuse or cruelty to children; or

(K) Unlawful distribution or possession of, or possession with intent to distribute, a controlled substance.

(6) An acknowledgment that the Mayor or the covered child or youth services provider has notified the applicant of the applicant's right to obtain a copy of the criminal background check report and to challenge the accuracy and completeness of the report; and

(7) An acknowledgment that the Mayor or the covered child or youth services provider may choose to deny the applicant employment or a volunteer position based on the outcome of the criminal background check.

(e) Each employee or unsupervised volunteer shall be required to submit to periodic criminal background checks while employed by or volunteering at any covered child or youth services provider in an unsupervised setting.

(f) A volunteer may use the same criminal background check for a period of 2 years when applying to volunteer for multiple positions, if the volunteer provides a signed affirmation

that he or she has not been convicted of a crime, has not pleaded nolo contendere, is not on probation before judgment or placement of a case upon a stet docket, and has not been found not guilty by reason of insanity, for any sexual offenses or intra-family offenses in the District of Columbia or in any other state or territory, or for any of the felony offenses listed in section 205(d)(5), or their equivalent in any other state or territory, since the date of the most recent criminal background check conducted on him or her.

Sec. 206. The Mayor or the appropriate personnel authority shall conduct criminal background checks.

The Mayor or the appropriate personnel authority shall conduct criminal background checks, including the fingerprinting of individuals required by section 205, in accordance with FBI policies and procedures in an FBI-approved environment.

Sec. 207. Confidentiality of information to be maintained.

All criminal background records received by the Mayor shall be confidential and are for the exclusive use of making employment-related determinations under this title. The records shall not be released or otherwise disclosed to any person except when:

- (1) Required as one component of an application for employment with any covered child or youth services provider under this title;
- (2) Requested by the Mayor or his or her designee during an official inspection or investigation;
- (3) Ordered by a court;
- (4) Authorized by the written consent of the person being investigated; or
- (5) Utilized for a corrective, adverse, or administrative action in a personnel proceeding.

Sec. 208. 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.*), shall issue rules to implement the provisions of this title. The rules shall include:

- (1) Standards for determining which District agencies and private entities are considered to be covered child or youth services providers that are required to comply with the requirements of this title;
- (2) Procedures for covered child or youth services providers to challenge the determination that they are required to comply with this title;
- (3) Procedures for an applicant or employee to challenge allegations that he or she committed a proscribed offense; and
- (4) A description of the corrective or adverse actions that may be taken against

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any covered child or youth services provider that, or any employee of a covered child or youth services provider who, is found to have violated the provisions of this title.

Sec. 209. Submission of names of covered child or youth services providers.

Each District government agency shall submit to the Mayor the positions it has designated as subject to the criminal background check requirements of this title within 30 days of December 1, 2004. Each agency shall submit an updated list of the positions subject to the criminal background check requirements on an annual basis by December 1 of each year.

Sec. 210. Assessment of information on covered child or youth services providers .

The Mayor shall review the information on all proposed covered child or youth services providers submitted pursuant to section 209, and any other available information, to make a decision regarding the applicability of this title to each child or youth services provider.

Sec. 211. Notice to covered child or youth services providers for employees and volunteers to obtain criminal background checks.

(a) The Mayor shall publish in the District of Columbia Register a notice that applicants for employment with, and employees and unsupervised volunteers of clearly identified covered child or youth services providers are required to apply for criminal background checks within 45 days from the date of publication of the notice.

(b) The notice shall inform covered child or youth services providers subject to the requirements of this title of the location of the office in which applications for criminal background checks are to be made.

Sec. 212. Penalty for providing false information.

An applicant for employment or a volunteer position with any covered child or youth services provider who intentionally provides false information that is material to the application in the course of applying for the position shall be subject to prosecution pursuant to section 404 of the District of Columbia Theft and White Collar Crimes Act of 1982, effective December 1, 1982 (D.C. Law 4-164; D.C. Official Code § 22-2405).

Sec. 213. Penalties for disclosing confidential information.

(a) An individual who discloses confidential information in violation of section 207 is guilty of a criminal offense and, upon conviction, shall be fined not more than \$1,000 or imprisoned for not more than 180 days, or both.

(b) Prosecutions for violations of this title shall be brought in the Superior Court of the District of Columbia by the Office of the Attorney General.

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TITLE III. CHILD HEALTH REQUIREMENTS

Sec. 301. Short title.

This title may be cited as the "Uniform Child Health Screening Requirements and Reporting Form Second Temporary Act of 2004".

Sec. 302 Purpose.

The purpose of this legislation is:

(1) To establish age appropriate health screening requirements for all children, from birth to 21 years of age, in the District of Columbia, regardless of their insurance status, who:

(A) Reside in the District;

(B) Are wards of the District; or

(C) Are children with special needs who reside or are receiving services in another state;

(2) To improve the overall health status of all children by ensuring consistency in health screening and early detection of health problems and enabling children to obtain the necessary prevention, treatment, and intervention services at the earliest opportunity;

(3) To reduce parental stress and increase parental satisfaction and compliance with all child-related health, human or social services, and educational programs by using a uniform health assessment form; and

(4) To provide the Mayor with the information necessary to effectively plan, establish, and evaluate a comprehensive system of appropriate preventive services for children for early detection of potential health problems.

Sec. 303. Definitions.

For the purposes of this title, the term:

(1) "Child-related educational program" means public and private schools, including pre-kindergarten, Head Start, child care, and special education.

(2) "Child-related health program" means Medicaid, Children Health Insurance Program ("CHIP"), Healthy Start, Healthy Families, Early Intervention, and private health insurance.

(3) "Child-related human or social services program" means children in foster care and Women, Infants and Children ("WIC").

(4) "Children with special needs who reside or are receiving care in another state" means children:

(A) With physical or mental, disabilities or illnesses who reside or receive care in other states, because the District of Columbia does not have the facilities, resources, or services to appropriately treat the child's physical or mental, disability or illness; and

(B) Whose parents or legal guardians reside in the District of Columbia.

(5) "Health benefits plan" means any accident and health insurance policy or certificate, hospital and medical services corporation contract, health maintenance organization subscriber contract, plan provided by a multiple employer welfare arrangement, or plan provided by another benefit arrangement. The term "health benefit plan" does not mean accident only, credit, or disability insurance; coverage of Medicare services or federal employee health plans, pursuant to contracts with the United States government; Medicare supplemental or long-term care insurance; dental only or vision only insurance; specified disease insurance; hospital confinement indemnity coverage; limited benefit health coverage; coverage issued as a supplement to liability insurance, insurance arising out of a workers' compensation or similar law; automobile medical payment insurance; medical expense and loss of income benefits; or insurance under which benefits are payable with or without regard to fault and that is statutorily required to be contained in any liability insurance policy or equivalent self-insurance.

(6) "Health insurer" means any person that provides one or more health benefit plans or insurance in the District of Columbia, including an insurer, a hospital and medical services corporation, a fraternal benefit society, a health maintenance organization, a multiple employer welfare arrangement, or any other person providing a plan of health insurance subject to the authority of the Commissioner.

(7) "Uniform health form" means a standardized health assessment form developed by the Mayor for use when enrolling a child in child-related educational, health, and human or social services programs.

Sec. 304. Establishment of uniform health screening requirements and health assessment enrollment forms.

(a) The Mayor shall establish uniform age-appropriate health screening requirements consistent with the standards and schedules of the American Academy of Pediatrics for all children, from birth to 21 years of age, in the District of Columbia, regardless of insurance status who are:

- (1) Residents of the District;
- (2) Wards of the District; or
- (3) Children with special needs who reside in or who are receiving services in another state.

(b) The Mayor shall develop a uniform health assessment form for enrollment of children in child-related health, human or social services, and educational programs. Use of this form is not intended to supersede the enrollment requirements of child-related health, educational, and human or social services programs. This form may be supplemented by additional forms used for enrollment that are not related to health assessment.

(c) Uniform health screenings shall not be required under this title, if a minor's parent or guardian or an adult youth submits in good faith a written notarized statement to the appropriate

official affirming that the screening in question would violate the established tenets and practices of the parent's or guardian's church or religious denomination, or in the case of an adult youth, the adult youth's church or religious denomination.

Sec. 305. Payment for health screenings.

(a) A health insurer's health benefits plan shall include the uniform age-appropriate health screening requirements for children from birth to age 21 years in the District, who are:

- (1) Residents of the District;
- (2) Wards of the District; or
- (3) Children with special needs who reside or are receiving services in another

state.

(b) The enrollments for Medicaid, Head Start, Healthy Families, and CHIP are expanded to include the requirement of uniform age-appropriate health screenings for all children.

Sec. 306. Repealer.

Section 3 of the Newborn Health Insurance Act of 1979, effective October 20, 1979 (D.C. Law 3-33; D.C. Official Code § 31-3802), is repealed.

Note,
§ 31-3802

Sec. 307. 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.*), shall issue rules to implement the provisions of this title.

Sec. 308. Applicability Date.

This title shall apply to all individual and group health benefit plans issues or renewed 120 days after the issuance of rules described in Section 307.

TITLE IV. AUTHORIZATION FOR THE DEPARTMENT OF HUMAN SERVICES TO TAKE CHILDREN INTO CUSTODY.

Sec. 401. Short title.

This title may be cited as the "Juvenile Protective Custody Second Temporary Act of 2004".

Sec. 402. Section 16-2309(a) of the District of Columbia Official Code is amended as follows:

Note,
§ 16-2309

(a) Paragraph (7) is amended by striking the word "or" at the end.

(b) Paragraph (8) is amended by striking the period at the end and inserting the phrase "; or" in its place.

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

"(9) by the Director of the Department of Human Services when a child committed to the legal custody of the Department of Human Services absconds from a community-based placement or violates any of the terms of his or her aftercare placement. For the purposes of this paragraph, the term "aftercare placement" means the placing of a child who has been committed to the legal custody of the Department of Human Services in the community under the supervision of a trained social worker."

TITLE V. ESTABLISHMENT OF THE D.C. EARLY INTERVENTION PROGRAM.

Sec. 501. Short title.

This title may be cited as the "D.C. Early Intervention Program Establishment Second Temporary Act of 2004".

Sec. 502. Purpose.

The purpose of this legislation is:

- (1) To enhance the development of infants and toddlers with disabilities and to minimize their potential for developmental delay;
- (2) To reduce the educational costs to our society, including our schools, by minimizing the need for special education and related services after infants and toddlers with disabilities reach school age;
- (3) To minimize the likelihood for institutionalization of individuals with disabilities and maximize the potential for their independent living in society;
- (4) To enhance the capacity of families to meet the special needs of their infants and toddlers with disabilities;
- (5) To establish collaborative activities among agencies of the District of Columbia that administer programs relating to young children to maximize the quality of early intervention services; and
- (6) To enhance the capacity of city agencies and service providers to identify, evaluate, and meet the special needs of historically under-represented populations, particularly minorities, low-income, and inner-city populations.

Sec. 503. Establishment of Early Intervention Program and Interagency Coordinating Council.

(a) There is established in the District of Columbia an Early Intervention Program ("Program") to provide early intervention services to infants and toddlers, from birth through 2 years of age, and their families. The Program will be administered and supervised by a lead agency designated by the Mayor. The services shall be provided in accordance with the requirements of the Individuals with Disabilities Education Act, approved June 4, 1997 (111 Stat. 37; 20 U.S.C. §§ 1400 *et seq.*).

(b) There is established an Interagency Coordinating Council to advise and assist the Mayor with the implementation of the Program, including the establishment of interagency agreements.

(c) Early intervention services shall not be required under this title, if a minor's parent or guardian submits in good faith a written notarized statement to the appropriate official affirming the intervention in question would violate the established tenets and practices of the parent's or guardian's church or religious denomination.

Sec. 504. 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 title.

TITLE VI. ASSIGNMENT OF NURSES TO PUBLIC CHARTER SCHOOLS.

Sec. 601. Short title.

This title may be cited as the "Public Charter School Nurse Assignment Amendment Second Temporary Act of 2004".

Sec. 602. Section (2)(a) of the District of Columbia Public School Nurse Assignment Act of 1987, effective December 10, 1987 (D.C. Law 7-45; D.C. Official Code § 38-621(a)), is amended by adding the phrase "and public charter" after the word "public".

Note,
§ 38-621

TITLE VII. DRUG FREE ZONES WITHIN 1000 FEET OF PUBLIC CHARTER SCHOOLS.

Sec. 701. Short title.

This title may be cited as the "Public Charter Schools Drug Free Second Temporary Amendment Act of 2004".

Sec. 702. Section 407a of the District of Columbia Uniform Controlled Substances Act of 1981, effective March 21, 1995 (D.C. Law 10-229; D.C. Official Code § 48-904.07a(a)), is amended by adding after the phrase "secondary school," the phrase "public charter school,".

Note,
§ 48-904.07a

TITLE VIII. FISCAL IMPACT STATEMENT.

Sec. 801. Fiscal impact statement.

(a) The Council adopts the fiscal impact statement submitted by 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)).

(b) Title VI shall be subject to the availability of appropriations.

TITLE IX. EFFECTIVE DATE.

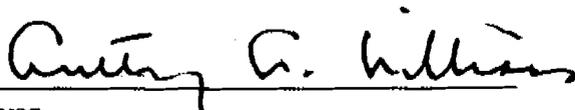
Sec. 901. Effective date.

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

(b) This act shall expire after 225 days of its having taken effect..



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
December 29, 2004

AN ACT

D.C. ACT 15-717

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 29, 2004

*Codification
District of
Columbia
Official Code*

2001 Edition

2005 Winter
Supp.

West Group
Publisher

To establish the Ballpark Revenue Fund, a nonlapsing special revenue fund, to pay or to support debt service on bonds or other evidence of indebtedness to be issued to pay certain costs of the development, construction, or renovation of a ballpark after October 1, 2004, that has, as its primary purpose, the hosting of professional athletic team events in the District of Columbia; to authorize the issuance of District of Columbia revenue bonds to pay the construction and related costs of the ballpark; to authorize and require the Mayor and the Sports and Entertainment Commission to acquire land, to develop and construct a ballpark, and to lease the ballpark; to require the solicitation of alternative, private financing proposals for the ballpark, which private financing shall constitute 50% of the cost of the construction of the stadium; to require the review of cost estimates by the Chief Financial Officer and, if the re-estimated cost exceeds \$165 million, to deem the designated site financially unavailable and to require the Mayor and the Sports and Entertainment Commission to pursue a replacement site; and to require certain provisions in the Construction Administration Agreement, the lease for the ballpark, and the lease for Robert F. Kennedy Stadium; to amend the Omnibus Sports Consolidation Act of 1994 to make a conforming amendment to require that the Sports and Entertainment Commission develop, construct, and lease the ballpark; to amend Title 47 of the District of Columbia Official Code to impose a ballpark fee on the gross receipts of certain persons doing business within the District of Columbia, to impose a sales tax at the point of sale within the District of Columbia on tickets of admission to certain events at the ballpark, and to impose a sales tax on the sale of personal property and certain services at the ballpark; to establish the Community Benefit Fund, a nonlapsing special revenue fund, to be used to pay or to support debt service bonds or other evidence of indebtedness to be issued to pay certain cost of the development, construction, or renovation of recreation centers, library improvements, local small business development incentives, job training and readiness programs, and other community benefits and to authorize the issuance of District of Columbia revenue bonds to pay the construction and related costs of such activities; and to amend the Tax Increment Financing Authorization Act of 1998 to create a tax increment financing district and allocate the incremental real property tax revenues and sales tax revenues from the District.

RE-ENROLLED ORIGINAL

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Ballpark Omnibus Financing and Revenue Act of 2004".

TITLE I. CONSTRUCTION OF BALLPARK.

Sec. 101. The Council finds that:

(1) The ownership, construction, development, or renovation of a publicly financed stadium in the District of Columbia, after October 1, 2004, for use primarily for professional athletic team events is a municipal use that is in the interest of, and for the benefit of, the citizens of the District of Columbia because such a publicly-owned stadium or arena will contribute to the social and economic well-being of the citizens of the District of Columbia and significantly enhance the economic development and employment opportunities within the District of Columbia.

(2) To further that interest, it is appropriate for the District of Columbia to pay all or a portion of the cost of constructing, developing, or renovating a stadium and, to that end, to impose a ballpark fee based upon the gross receipts of certain persons doing business within the District of Columbia; to impose a tax on the sales of tickets, or rights to admission, to certain events at the stadium; to impose a tax on sales of personal property and certain services at the stadium and to utilize the revenues derived from such fees and taxes to pay all or a portion of the cost of development, construction, or renovation of the stadium or the debt service on bonds or other evidence of indebtedness issued to finance all or a portion of the cost of the development, construction, or renovation of the stadium; to acquire real property in furtherance of these public purposes; to lease the stadium to one or more professional baseball clubs; and for the District of Columbia and any duly designated District government agency or instrumentality to enter into binding and enforceable contracts to further these purposes.

Sec. 102. Creation of Ballpark Revenue Fund.

(a) For purposes of this section, the term "ballpark" shall have the meaning specified in D.C. Official Code § 47-2002.05(a)(1).

(b) There is established within the General Fund of the District of Columbia, a segregated, nonlapsing special revenue fund to be denominated as the Ballpark Revenue Fund. Except as provided in section 307 of the Washington Convention Center Authority Act of 1994, effective September 28, 1994 (D.C. Law 10-188; D.C. Official Code § 10-1203.07), the Chief Financial Officer of the District of Columbia shall pay into the Ballpark Revenue Fund all receipts from those fees and taxes specifically identified by any provision of District of Columbia law to be paid into the fund and any rent paid pursuant to a lease of the ballpark. The Chief Financial Officer of the District of Columbia shall create a sub-account within the Ballpark Revenue Fund for each type of fee and tax that is to be paid into the fund and shall allocate the receipts from each type of fee and tax to the appropriate sub-account. The Mayor, or any District government agency or instrumentality that has been designated by the Mayor, may pledge and create a security interest in the funds in the Ballpark Revenue Fund, or any sub-

RE-ENROLLED ORIGINAL

account or sub-accounts within the fund, for the payment of the costs of carrying out any of the purposes set forth in subsection (c) of this section, for the payment of the debt service on any bonds or other evidence of indebtedness, any fees and charges incurred in connection therewith, any payments owing under any document or instrument entered into in connection with the indebtedness, including any credit enhancement agreement, insurance policy, security agreement, or other agreement or instrument establishing a swap or other derivative arrangement entered into by the District or any District government agency or instrumentality, and any of the purposes set forth in subsection (c) of this section, without further action as permitted by section 490(f) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 809; D.C. Official Code § 1-204.90(f)). If bonds or other evidence of indebtedness are issued, the payment shall be made in accordance with the provisions of the documents entered into by the District or any District agency or instrumentality in connection with the issuance of the bonds or other evidence of indebtedness. Notwithstanding Article 9 of Subtitle I of Title 28 of the District of Columbia Official Code, or any other provision to the contrary, any security interest created pursuant to this subsection shall be valid, binding, and perfected from the time that the security interest is created, with or without the physical delivery of any funds or any other property, with or without further action, and whether or not any statement, document, or instrument relating to the security interest is recorded or filed. The lien created by the security interest shall be valid, binding, and perfected with respect to any person, as defined in D.C. Official Code § 47-2001(i), having claims against the District, whether or not such person has notice of the lien.

(c) The purposes for which the funds deposited in the Ballpark Revenue Fund shall be used are as follows:

- (1) To directly pay, or to finance the reimbursement of, any fund of the General Fund of the District of Columbia which has been the source of the payment of any loan, reprogramming, or transfer of funds to any District government agency or instrumentality for the payment of any reasonable and verified predevelopment and development costs that have been borne by the District or the District government agency or instrumentality for the ballpark;
- (2) To directly pay, or to finance the reimbursement of the District or any District government agency or instrumentality for, any and all reasonable and verified predevelopment and development costs that were borne by the District or the District government agency or instrumentality for the ballpark;
- (3) To directly pay, or to finance the reimbursement of, the District or any District government agency or instrumentality for any or all costs arising out of or relating to the acquisition of real property, by purchase, lease, or condemnation in accordance with D.C. Official Code §§ 16-1311 through 16-1321, or other means of acquiring or assembling real property or interests in real property, including rights-of-way or other easements, that will serve as the site for the ballpark or are otherwise necessary to facilitate the construction of the ballpark or use of the site for the ballpark;

(4) To directly pay or finance all or any of the costs of the demolition of buildings located on the future site of the ballpark and the cost of environmental remediation of the land that is the future site of the ballpark;

(5) To directly pay or finance all or any of the costs of the design, development, construction, improvement, furnishing, and equipping of the ballpark;

(6) To directly pay or finance all or any of the costs of renovating Robert F. Kennedy Stadium for use as a ballpark until construction of the new ballpark has been completed;

(7) To directly pay or finance all or any of the costs of any future renovations, improvements, maintenance, or upgrades to Robert F. Kennedy Stadium or the new ballpark after its construction has been completed;

(8) To directly pay or finance all or any other costs of the District or any District government agency associated with the financing, development, construction, or renovation of the ballpark; and

(9) To pay debt service on bonds issued in accordance with this act.

Sec. 103. Bond issuance.

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

(1) "Ballpark Revenue Fund" means the Ballpark Revenue Fund established by section 102.

(2) "Bonds" means District of Columbia revenue bonds, notes, or other obligations (including refunding bonds, notes, and other obligations) in one or more series, authorized to be issued pursuant to section 490 of the Home Rule Act and this title.

(3) "Home Rule Act" means the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 809; D.C. Official Code § 1-201.01 *et seq.*).

(4) "Project" means:

(A) The financing, refinancing, or reimbursing of costs incurred in the site acquisition for, and the development, design, construction, improvement, furnishing, and equipping of, the ballpark as the term is defined in D.C. Official Code § 47-2002.05(a)(1);

(B) The funding of any required deposit to a debt service reserve fund or capitalized interest;

(C) The payment of certain costs of issuance, such as fees and premiums for any bond insurance or credit enhancement;

(D) The payment of any costs for which funds in the Ballpark Revenue Fund may be expended; and

(E) For which the aggregate expenditure of funds for the purposes set forth in subparagraphs (A) through (C) of this paragraph does not exceed \$534,800,000.

(b)(1) The Council authorizes the issuance by the Mayor of one or more series of bonds in a total amount not to exceed \$534,800,000 for payment of the costs of the project and to

execute one or more declarations of intent pursuant to Treas. Reg. §1.150-2 to reimburse the District for expenditures made prior to the issuance of the bonds.

(2) There is hereby allocated to the bonds the funds in the Ballpark Revenue Fund, or such portion of the funds as shall be determined in accordance with the terms of the bonds, for the payment of debt service on the bonds and the payment of such other costs as are permitted to be paid with funds from the Ballpark Revenue Fund.

(c)(1) The Mayor may take any action necessary or appropriate in accordance with this title in connection with the preparation, execution, issuance, sale, delivery, security for, and payment of the bonds of each series, including determinations of:

(A) The final form, content, designation, and terms of the bonds, including a determination that the bonds may be issued in certificated or book entry form;

(B) The principal amount of the bonds to be issued and the denominations of the bonds;

(C) The rate or rates of interest on, and the method or methods of determining the rate or rates of interest on, the bonds;

(D) The date or dates of issuance, sale, and delivery of, the payment of interest on, and the maturity date or dates of, the bonds;

(E) Whether the bonds are to be sold at a competitive or negotiated sale and the terms and conditions of the sale;

(F) The terms under which the bonds may be paid, optionally or mandatorily redeemed, accelerated, tendered, called or put for redemption, repurchase, or remarketing before their respective stated maturities;

(G) Provisions for the registration, transfer, and exchange of each series of the bonds and the replacement of mutilated, lost, stolen, or destroyed bonds;

(H) The creation of any reserve fund, sinking fund, or other fund with respect to the bonds and the determination of the priority thereof;

(I) The time and place of payment of the bonds;

(J) Whether the bonds will be taxable, tax-exempt, or a combination thereof;

(K) Procedures for monitoring the use of the proceeds received from the sale of the bonds to ensure that they are properly applied to the project and used to accomplish the purposes of this title;

(L) Actions necessary to qualify the bonds under the blue sky laws of any jurisdiction where the bonds are marketed; and

(M) The terms and types of credit enhancement under which the bonds may be secured.

(2) The bonds shall contain a legend, which shall provide that the bonds are special obligations of the District, are without recourse to the District, are not a pledge of, and do not involve, the faith and credit or the taxing power of the District (other than the payments from the Ballpark Revenue Fund or any other security authorized by this title), do not constitute

a debt of the District, and do not constitute lending of the public credit for private undertakings as prohibited by section 602(a)(2) of the Home Rule Act.

(3) The bonds shall be executed in the name of the District and on its behalf by the manual or facsimile signature of the Mayor. The Mayor's execution and delivery of the bonds shall constitute conclusive evidence of the Mayor's approval on behalf of the District of the final form and content of the bonds.

(4) The official seal of the District, or a facsimile of it, shall be impressed, printed, or otherwise reproduced on the bonds.

(5) The bonds may be issued at any time or from time to time in one or more issues and one or more series and may be sold at public or private sale. A series of bonds may be secured by a trust agreement or trust indenture between the District and a corporate trustee having trust powers, and may be secured by a loan agreement or other instrument or instruments by means of which the District may:

(A) Make and enter into any and all covenants and agreements with the trustee or the holders of the bonds that the District may determine to be necessary or desirable relating to:

(i) The application, investment, deposit, use, and disposition of the proceeds of bonds and the other funds, securities, and property of the District;
(ii) The assignment by the District of its rights in any agreement;
(iii) The terms and conditions upon which additional bonds of the District may be issued;

(iv) The appointment of a trustee to act on behalf of bondholders and abrogating or limiting the rights of the bondholders to appoint a trustee; and

(v) The vesting in a trustee for the benefit of the holders of bonds, or in the bondholders directly, such rights and remedies as the District shall determine to be necessary or desirable;

(B) Pledge, mortgage or assign monies, agreements, property or other assets of the District, either in hand or to be received in the future, or both;

(C) Provide for bond insurance, letters of credit, interest rate swaps, or other financial derivative products or otherwise enhance the credit of and security for the payment of the bonds or reduce or otherwise manage the interest costs of the bonds and provide security therefor; and

(D) Provide for any other matters of like or different character that in any way affects the security for or payment on the bonds.

(d) The bonds are declared to be issued for essential public and governmental purposes. The bonds, the interest thereon, the income therefrom, and all monies pledged or available to pay or secure the payment of the bonds, shall at all times be exempt from taxation by the District, except for estate, inheritance, and gift taxes.

(e) The District hereby pledges and covenants and agrees with the holders of the bonds that, subject to the provisions of the financing documents, the District will not limit or alter the

revenues pledged to secure the bonds or the basis on which the revenues are collected or allocated, will not impair the contractual obligations of the District to fulfill the terms of any agreement made with the holders of the bonds, will not in any way impair the rights or remedies of the holders of the bonds, and will not modify in any way, with respect to the bonds, the exemptions from taxation provided for in this title, until the bonds, together with interest thereon, with interest on any unpaid installment of interest and all costs and expenses in connection with any suit, action, or proceeding by or on behalf of the holders of the bonds, are fully met and discharged. This pledge and agreement for the District may be included as part of the contract with the holders of the bonds. This subsection shall constitute a contract between the District and the holders of the bonds. To the extent that any acts or resolutions of the Council may be in conflict with this title, this title shall be controlling.

(f) Consistent with section 490(a)(4)(B) of the Home Rule Act, and notwithstanding Article 9 of Subtitle I of Title 28 of the District of Columbia Official Code:

(1) A pledge made and security interest created in respect of the bonds or pursuant to any related financing document shall be valid, binding, and perfected from the time the security interest is created, with or without physical delivery of any funds or any property and with or without any further action;

(2) The lien of the pledge shall be valid, binding and perfected as against all parties having any claim of any kind in tort, contract or otherwise against the District, whether or not the party has notice; and

(3) The security interest shall be valid, binding, and perfected whether or not any statement, document, or instrument relating to the security interest is recorded or filed.

(g) If there shall be a default in the payment of the principal of, or interest on, any bonds of a series after the principal or interest shall become due and payable, whether at maturity or upon call for redemption, or if the District shall fail or refuse to carry out and perform the terms of any agreement with the holders of any of the bonds, the holders of the bonds, or the trustee appointed to act on behalf of the holder of the bonds, may, subject to the provisions of the financing documents, do the following:

(1) By action, writ, or other proceeding, enforce all rights of the holders of the bonds, including the right to require the District to carry out and perform the terms of any agreement with the holders of the bonds or its duties under this title;

(2) By action, require the District to account as if it were the trustee of an express trust;

(3) By action, petition to enjoin any acts or things that may be unlawful or in violation of the rights of the holders of the bonds; and

(4) Declare all the bonds to be due and payable, whether or not in advance of or at maturity and, if all defaults be made good, annul the declaration and its consequences.

(h)(1) The members of the Council, the Mayor, or any person executing any of the bonds shall not be personally liable on the bonds by reason of their issuance.

(2) Notwithstanding any other provision of this title, the bonds shall not be general obligations of the District and shall not be a debt or liability of the District within the meaning of any debt or other limit prescribed by law. The faith and credit or the general taxing power of the District (other than funds in the Ballpark Revenue Fund or any other security authorized by this title) shall not be pledged to secure the payment of the bonds.

(i) The Mayor shall select the underwriter for the bonds through a request for proposals and recommend to the underwriter a counsel that shall serve as counsel to the underwriter regarding the issuance of bonds. The bonds shall be sold to the underwriter through a negotiated process.

Sec. 104. Local, small, and disadvantaged business enterprises, First Source employment, and apprentice requirements.

(a) For purposes of this section, the term "ballpark" shall have the meaning specified in D.C. Official Code § 47-2002.05(a)(1).

(b) Notwithstanding any other provision of law, the Mayor shall take all measures as shall be reasonably necessary to assure that all contracts entered into by the District or any agency or instrumentality of the District with respect to the ballpark shall comply with the requirements of the Equal Opportunity for Local, Small, and Disadvantaged Business Enterprises Act of 1998, effective April 27, 1998 (D.C. Law 12-268; D.C. Official Code § 2-217.01 *et seq.*).

(c) The Mayor shall take all measures as shall be reasonably necessary to assure that all contracts entered into by the District or any agency or instrumentality of the District with respect to each major phase of the development and construction of the ballpark, including contracts for architectural, engineering, and construction services, shall provide that at least 50% of the work in the aggregate under such contracts shall be awarded to local business enterprises, local small business enterprises, or local disadvantaged business enterprises, as such terms are defined in section 2 of the Equal Opportunity for Local, Small, and Disadvantaged Business Enterprises Act of 1998, effective April 27, 1998 (D.C. Law 12-268; D.C. Official Code § 2-217.01); provided, that of the percentage of the work required by this section to be awarded to local business enterprises, local small business enterprises, or local disadvantaged business enterprises, 35% of the work shall be awarded to local small business enterprises or local disadvantaged business enterprises, as such terms are defined in section 2 of the Equal Opportunity for Local, Small, and Disadvantaged Business Enterprises Act of 1998, effective April 27, 1998 (D.C. Law 12-268; D.C. Official Code § 2-217.01); provided further, that if the 35% requirement is unattainable, the Mayor shall report this to the Council for reconsideration. Of the percentage of the work required by this section to be awarded to local small business enterprises or local disadvantaged business enterprises, not less than 20% of the work shall be awarded to local disadvantaged business enterprises.

(d) Notwithstanding any other provision of law, the Mayor shall take all measures as shall be reasonably necessary to assure that all contracts entered into by the District or any

agency or instrumentality of the District with respect to the development and construction of the ballpark shall comply with First Source Employment requirements of the First Source Employment Agreement Act of 1984, effective June 29, 1984 (D.C. Law 5-93; D.C. Official Code § 2-219.01 *et seq.*).

(e)(1) Notwithstanding any other provision of law, the Mayor shall take all measures as shall be reasonably necessary to assure that all contracts entered into by the District or any agency or instrumentality of the District with respect to the development and construction of the ballpark shall comply with the requirements of AN ACT To provide for voluntary apprenticeship in the District of Columbia, approved May 21, 1946 (60 Stat. 204; D.C. Official Code § 32-1401 *et seq.*).

(2)(A) Notwithstanding any other provision of law, 50% of all apprenticeship hours performed pursuant to apprenticeship programs related to the construction and operation of the ballpark shall be performed by District of Columbia residents.

(B) Any prime contractor or subcontractor that fails to make a good faith effort to comply with the requirements of this paragraph shall be subject to a monetary fine in the amount of 5% of the direct or indirect labor costs of the contract. Fines shall be imposed by the Contracting Officer and remitted to the Department of Employment Services to be applied to job training programs, subject to appropriations by Congress.

(f) The Mayor shall encourage the owner of any professional baseball franchise that operates in the ballpark to enter into broadcast media rights agreements with broadcast media companies that are local business enterprises and disadvantaged business enterprises as such terms are defined in section 2 of the Equal Opportunity for Local, Small, and Disadvantaged Business Enterprises Act of 1998, effective April 27, 1998 (D.C. Law 12-268; D.C. Official Code § 2-217.01).

Sec. 105. Ballpark development and construction.

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

(1) "Ballpark" means a baseball-specific stadium owned by the District and constructed on the ballpark site.

(2) "Ballpark site" means the site bounded by N Street, S.E., Potomac Avenue, S.E., South Capitol Street, S.E., and 1st Street, S.E., or such other site as determined in accordance with subsection (b)(2) of this section if this primary site shall be unavailable to be acquired by the Mayor.

(3) "Baseball Stadium Agreement" means the Baseball Stadium Agreement dated as of September 29, 2004 by and among the Government of the District of Columbia, the Sports and Entertainment Commission, and Baseball Expos, L.P., a Delaware limited partnership.

(4) "MLB Team" means the entity that owns the Major League Baseball franchise that will play its home games in the ballpark.

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

(A) "Ballpark" shall have the meaning specified in D.C. Official Code § 47-2002.05(a)(1)(A).

(B) "Baseball Stadium Agreement" shall have the meaning specified in subsection (a)(3) of this section.

(2) The Mayor, subject to such conditions as the Mayor shall determine, shall:

(A) Acquire and convey to the Anacostia Waterfront Corporation, for use by the Sports and Entertainment Commission to satisfy its responsibilities under this title, all necessary real property, including rights-of-way or other easements, that shall be required to develop, construct, and complete a ballpark within the site bounded by N Street, S.E., Potomac Avenue, S.E., South Capitol Street, S.E., and 1st Street, S.E.; provided, that if this site shall be unavailable or infeasible for the timely completion of a ballpark on or prior to March 1, 2008 relying only on the funding authority provided in this title, any designated alternative site in the District of Columbia, including the site for Robert F. Kennedy Stadium, as defined in section 3(4) of the Omnibus Sports Consolidation Act of 1994, effective Aug. 23, 1994 (D.C. Law 10-152; D.C. Official Code § 3-1402(4)), that the Mayor determines, subject to the approvals required in section 4.01 of the Baseball Stadium Agreement, will be available and feasible for the timely completion of a ballpark relying only on the funding authority provided in this title; provided further, that if the designated alternative site is not within the Anacostia Waterfront, as that term is defined in the Anacostia Waterfront Act of 2004, signed by the Mayor on August 5, 2004 (D.C. Act 15-527; 51 DCR 9142), the alternative site shall be conveyed directly to the Sports and Entertainment Commission; and

(B) Provide to the Sports and Entertainment Commission all funds from the Ballpark Revenue Fund or from the issuance of bonds secured by the Ballpark Revenue Fund as shall be required by the Sports and Entertainment Commission for the development, construction, completion, and leasing of the ballpark on the ballpark site in accordance with this section.

(3) The Mayor shall provide the Council with the following information associated with the ballpark:

(A) A copy of any term sheet, loan commitment, or any other material obligation executed by the District or any District government agency or instrumentality to finance the District government's costs associated with the development of the ballpark;

(B) A copy of each material contract executed by the District or any District government agency or instrumentality for goods or services associated with the development of the ballpark; and

(C) On or before July 1, 2005, and every 6 months thereafter, a semiannual report which provides an accounting and itemization of all financial obligations and expenditures of the District government and all revenues generated to the District government associated with the development of the ballpark.

(c) The Sports and Entertainment Commission shall develop and construct a ballpark on the ballpark site in accordance with the following requirements:

(1) The ballpark shall be a first-class, open air baseball stadium to be constructed on the ballpark site, having a natural grass playing field, a capacity of approximately 41,000 seats, and market-appropriate concession, entertainment, and retail areas, fixtures, furnishings, equipment, features, and amenities.

(2) The ballpark shall be designed to comply with all public safety, accessibility, and urban planning requirements generally applicable to buildings of such scale, purpose, and location in the District of Columbia.

(3)(A) The Sports and Entertainment Commission shall enter into a Construction Administration Agreement with the Mayor and the MLB Team. The Construction Administration Agreement shall require the Sports and Entertainment Commission, the Mayor, and the MLB Team to form a Project Coordination Team to perform the following functions:

(i) Make non-binding recommendations to the Sports and Entertainment Commission and the MLB Team with respect to the retention of various design, engineering, construction, consulting, and construction management firms that will assist in the development and construction of the ballpark;

(ii) Receive reports from such firms pertaining to schedule, budget and other aspects of the development and construction of the ballpark; and

(iii) Make or provide the consents, authorizations, approvals, decisions, and other actions expressly required of the Project Coordination Team, to the extent legally permitted, under the Construction Administration Agreement.

(B) The Construction Administration Agreement shall provide for periodic regular meetings of the Project Coordination Team and for special meetings upon reasonable prior notice. The Sports and Entertainment Commission and the Mayor together shall have one vote and the MLB Team shall have one vote on the Project Coordination Team, and each will have the right to appoint and replace its voting representative by written notice to the other party. The voting representative who represents the Sports and Entertainment Commission and the Mayor shall be chosen jointly by the Sports and Entertainment Commission and the Mayor. Each voting member of the Project Coordination Team may act on behalf of the party or parties it represents, and in connection with the development and construction of the ballpark, may sign documents, authorize action, and otherwise bind the party or parties that it represents in connection with matters properly before the Project Coordination Team. The Project Coordination Team shall take action only by unanimous vote of its voting members.

(4) The Sports and Entertainment Commission shall use a competitive procurement process in accordance with its procurement regulations to select and engage the design, engineering, construction, consulting, and construction management firms and shall require such firms to comply with the First Source Employment Agreement Act of 1984, effective June 29, 1984 (D.C. Law 5-93; D.C. Official Code § 2-219.01 *et seq.*).

(5) The ballpark shall be designed and constructed in a manner to promote the minimization of:

(A) The life cycle cost and environmental impact of the facility and dependence on petroleum-based fuels by utilizing energy efficiency, water conservation, or solar or other renewable energy technologies; and

(B) Waste production, water pollution, and storm water runoff from the facility, taking into account applicable criteria in effect, on the effective date of this title, of the Leadership in Energy and Environmental Design Green Building Rating System for New Construction and Major Renovation, LEED-NC version 2.1, as defined by the U.S. Green Building Council.

(d) The Sports and Entertainment Commission shall lease the ballpark, on behalf of the District, to the MLB Team pursuant to a lease agreement that has an initial term of at least 30 consecutive years, plus 5 2-year renewal options, and that is otherwise in accordance with the terms of the Baseball Stadium Agreement.

(e)(1) The Sports and Entertainment Commission and the Anacostia Waterfront Corporation shall promptly enter into a memorandum of understanding which shall address these agencies' shared responsibilities for developing the master urban site plan and exterior design guidelines for the ballpark and parcels adjacent to the ballpark site within the Anacostia Waterfront.

(2) Subtitles F and G of Title I of the Anacostia Waterfront Corporation Act of 2004, signed by the Mayor on August 5, 2004 (D.C. Act 15-527; 51 DCR 9142), shall not apply to the ballpark or the Robert F. Kennedy Stadium.

Sec. 106. Requirement to invite and evaluate private financing.

(a) For purposes of this section, the term "ballpark" shall have the meaning specified in D.C. Official Code § 47-2002.05(a)(1)(A).

(b) There is hereby established the Baseball Financing Review Fund as a segregated, nonlapsing special revenue fund in the District separate and apart from the General Fund of the District of Columbia. All fees specifically identified by subsection (c) of this section shall be deposited into the Baseball Financing Review Fund without regard to fiscal year limitation pursuant to an act of Congress. All fees deposited into the Baseball Financing Review 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, and shall be continually available to pay or reimburse the cost of services related to the evaluation and reporting of proposals as required by subsections (d) and (e) of this section, subject to authorization by Congress.

(c)(1) Within 30 days of the effective date of this title, the Chief Financial Officer shall cause to be published a notice that the District is seeking the submission of supplemental or alternative financing plans and proposals for the development and construction of the ballpark in accordance with sections 104 and 105 that would provide for a meaningful and substantial reduction in:

(A) The minimum annual amount of ballpark fees required to be collected under D.C. Official Code § 47-2762; and

(B) The principal amount of bonds that the District would otherwise need to issue under sections 103 and 105.

(2) Any party submitting a supplemental or alternative financing plan or proposal shall also submit a reasonable proposal fee, in an amount to be determined by the Chief Financial Officer, to defray the costs to the District of evaluating and reporting upon the supplemental or alternative financing plan or proposal. All proposal fees shall be deposited into the Baseball Financing Review Fund.

(d)(1) The Chief Financial Officer, in consultation with the Mayor and the Council, shall:

(A) Establish criteria for the requested supplemental or alternative financing plans and proposals, and include this criteria within the notice required by subsection (c) of this section; and

(B) Evaluate such proposals in accordance with the criteria.

(2) The criteria shall limit consideration to only bona fide supplemental or alternative financing plans and proposals that have been submitted by parties that:

(A) Are financially capable of performing the supplemental or alternative financing plan and proposal; and

(B) Substantially reduce the amount or duration of the proposed ballpark fee as set forth in D.C. Official Code § 47-2762.

(e)(1) Not later than March 15, 2005, and not less than 45 days prior to the issuance of bonds authorized by this title, the Chief Financial Officer shall deliver a report to the Mayor and the Council, describing and evaluating all supplemental or alternative financing plans and proposals that were submitted in accordance with subsections (c) and (d) of this section.

(2) If the Chief Financial Officer finds that at least one supplemental or alternative financing plan or proposal meets the criteria established pursuant to subsection (c) and (d) of this section and certifies that at least 50% of the cost of constructing the ballpark can be financed privately, the Mayor, within 15 days of the submission of the report by the Chief Financial Officer, shall submit proposed legislation to the Council to replace part or all of the public financing otherwise required by this title and thereby substantially reduce the amount or duration of the proposed ballpark fee; provided, that the private financing legislation otherwise preserves the obligations and economics of the Baseball Stadium Agreement.

(f) This section shall not create any legal obligation or liability on the part of the District to any party who submits a supplemental or alternative financing plan or proposal pursuant to this section.

Sec. 107. Requirement to review costs and pursue alternative ballpark site.

(a) For purposes of this section, the term "ballpark" shall have the meaning specified in D.C. Official Code § 47-2002.05(a)(1)(A).

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(b) For the purposes of this section, land acquisition costs shall include the following:

- (1) One separate appraisal of each parcel of land to be acquired, which shall be performed after the effective date of this title;
- (2) An estimate of the environmental remediation costs; and
- (3) Legal expenses associated with land acquisition.

(c) For purposes of this section, infrastructure costs shall include the following:

- (1) The District Department of Transportation's estimate for basic road and sidewalk improvements;
- (2) The cost of expanding the Navy Yard Metro station to accommodate the additional usage anticipated by the stadium; and
- (3) Water and sewer relocation costs.

(d) Prior to May 15, 2005, and prior to the date upon which the District enters into any obligation to acquire or purchase any property on a site bounded by N Street, S.E., Potomac Avenue, S.E., South Capitol Street, S.E., and 1st Street, S.E. ("primary ballpark site"), the Chief Financial Officer shall re-estimate the costs to the District for land acquisition and infrastructure and provide a report on this re-estimate to the Mayor and the Council.

(e) If the total amount of these re-estimated costs to the District exceeds \$165 million, the primary ballpark site shall be deemed financially unavailable by the District pursuant to this title. Pursuant to this title, the Mayor and the Sports and Entertainment Commission shall pursue replacement of the primary ballpark site with a substantially less costly site in the District, subject to the approval of Baseball Expos, L.P., or its assigns or successors, in accordance with the Baseball Stadium Agreement.

Sec. 108. Certain required provisions to be included in future agreements.

(a) The Construction Administration Agreement, referenced in section 105(c)(3), shall require a risk management program that minimizes the exposure of the Sports and Entertainment Commission and the District to cost overrun and late completion risk under section 8.04(c)(iii) of the Baseball Stadium Agreement, as defined in section 105(a)(3), including, but not limited to provisions that:

(1) Require the team to share equally with the District or the Sports and Entertainment Commission the cost of a program that includes:

(A) A mutually selected insurance consultant engaged to advise on the procurement of construction period insurance and the cost effective allocation of late completion risk in the construction documents;

(B) Mutually approved construction period insurance carried pursuant to section 4.05 of the Baseball Stadium Agreement; and

(C) A mutually selected value engineering consultant engaged to advise the project coordination team on mitigation of cost overrun risk;

(2) To the extent that the team is entitled to compensatory damages under section 8.04(c)(iii) of the Baseball Stadium Agreement as a result of a *force majeure* event for which

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there is insurance coverage under subparagraph (1)(A) of this subsection, provide that the team's recourse to the District or the Sports and Entertainment Commission for the recovery of such damages shall be limited exclusively to the proceeds of the insurance; and

(3) To the extent that the team is entitled to compensatory damages under section 8.04(c)(iii) of the Baseball Stadium Agreement with regard to a missed deadline, provide that the team's recourse to the District or the Sports and Entertainment Commission for the recovery of such damages, after giving effect to any insurance or other third party recoveries, shall be limited exclusively to:

(A) With regard to the first 12 months following the missing deadline, the right of offset against the license fees for the use of Robert F. Kennedy Stadium after March 1, 2008; and

(B) With regard to the second 12 months following the missed deadline, an amount calculated in accordance with the Baseball Stadium Agreement that shall not exceed \$19 million.

(b) The ballpark lease agreement and the license agreement for interim use of Robert F. Kennedy Stadium shall each include provisions requiring Baseball Expos, L.P., or its assigns or successors, to maintain its Major League Baseball franchise in the District for the term of the agreement, and shall each include such other provisions and remedies as shall be necessary to ensure enforcement of this obligation, including all remedies available under District law, and provisions requiring Baseball Expos, L.P., or its assigns or successors, if the team relocates from the District prior to the expiration of the term of the agreement, to directly pay, or to finance the reimbursement of the District or any other party, for any and all outstanding costs to be borne by the District or any other party related to the ballpark as set forth in section 102(c), and for any lost revenue that the District or any other party would have received if the team had completed its term.

Sec. 109. The Omnibus Sports Consolidation Act of 1994, effective August 23, 1994 (D.C. Law 10-152; D.C. Official Code § 3-1401 *et seq.*), is amended by adding a new section 19a to read as follows:

“Sec. 19a. Development, construction, and leasing of ballpark.

“The Sports and Entertainment Commission shall develop, construct, and lease the ballpark in accordance with section 105 of the Ballpark Omnibus Financing and Revenue Act of 2004, passed on reconsideration on December 21, 2004 (Re-enrolled version of Bill 15-1028).”.

Sec. 110. Title 47 of the District of Columbia Official Code is amended as follows:

(a) The table of contents for the title is amended by adding a new chapter designation “27B. Ballpark Fee.” after the chapter designation “27A. Special Public Safety Fee.”.

(b) Section 47-368.03(d)(1) is repealed.

(c) Section 47-1817.01(5)(B) is amended to read as follows:

“(B) “Qualified High Technology Company” shall not include:

Amend
§ 47-368.03
Amend
§ 47-1817.01

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“(i) An individual or entity that derives 51% or more of its gross revenues from the operation in the District of:

“(I) A retail store; or

“(II) An electronic equipment facility that is primarily occupied, or intended to be occupied, by electronic and computer equipment that provides electronic data switching, transmission, or telecommunication functions between computers, both inside and outside the facility;

“(ii) A professional athletic team, as defined in § 47-2002.05(a)(3); or

“(iii) A business entity located in the DC Ballpark TIF Area, as defined in section 12a(a) of the Tax Increment Financing Authorization Act of 1998, passed on reconsideration on December 21, 2004 (Re-enrolled version of Bill 15-1028).”

(d) Chapter 20 is amended as follows:

(1) The table of contents is amended by adding the section designation “47-2002.05. Ballpark sales taxes.” after the section designation “47-2002.04. Special event promoter obligations and penalties.”

(2) A new section 47-2002.05 is added to read as follows:

“§ 47-2002.05. Ballpark sales taxes.

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

“(1) “Ballpark” means:

“(A) A stadium constructed after October 1, 2004 to be owned by the District on a site bounded by N Street, S.E., Potomac Avenue, S.E., South Capitol Street, S.E., and 1st Street, S.E., or such other site determined pursuant to section 105 of the Ballpark Omnibus Financing and Revenue Act of 2004, passed on reconsideration on December 21, 2004 (Re-enrolled version of Bill 15-1028), if the primary site shall be infeasible, including facilities functionally related and subordinate thereto and the accompanying infrastructure, including office and transportation facilities (including parking) adjacent to or serving the stadium, that has as its primary purpose the hosting of professional athletic team events and is constructed in whole or in part with funds deposited in, or bonds or other evidence of indebtedness the debt service upon which is financed in whole or in part by monies deposited in, the Ballpark Revenue Fund; and

“(B) Until such time as the hosting of professional athletic team events for which tickets are sold has commenced at the newly-constructed stadium, Robert F. Kennedy Stadium, described as that geographic area of the District of Columbia consisting of the areas designated as A, B, C, D, or E on the revised map entitled “Map to Designate Transfer of Stadium and Lease of Parking Lots to the District,” prepared jointly by the National Park Service (National Capital Region) and the District of Columbia Department of Public Works for site development and dated October 1986 (NPS Drawing number 831/87284-A), and any other future additions thereto.

(2) “Ballpark Revenue Fund” means the fund established by section 102 of the

New
§ 47-2002.05

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Ballpark Omnibus Financing and Revenue Act of 2004, passed on reconsideration on December 21, 2004 (Re-enrolled version of Bill 15-1028).

“(3) “Professional athletic team” includes any professional baseball, basketball, football, soccer, hockey, lacrosse, or other athletic team whose members receive financial compensation from their participation in the team’s athletic exhibitions.

“(4) “Ticket” means any physical, electronic, or other form of a certificate, documents, or token showing that a fare, admission, or license fee for a revocable right to enter the ballpark, or a right to purchase future rights to enter the ballpark, has been paid.

“(b) Notwithstanding any other provision of this chapter relating to the imposition of sales tax on either a retail sale or a sale at retail, there is hereby imposed an additional sales tax of 4.25% on the gross receipts of any person from the sale of tickets to any public event referred to in § 47-2001(n)(1)(H) sponsored by the person (or any affiliate of such person) and to be performed at the ballpark, regardless of whether the ticket is sold to a person who resells the ticket to another person or to a person who uses the ticket for admission to the event; provided, that with respect to tickets to events at Robert F. Kennedy Stadium, the tax shall apply only to professional baseball games or professional baseball-related events and exhibitions.

“(c) Notwithstanding any other provision of this chapter, there is hereby imposed an additional sales tax of 4.25% on the gross receipts of any person from the sale at the ballpark during such times as shall reasonably relate to the performance of baseball games or baseball-related events and exhibitions at the ballpark of tangible personal property or services otherwise taxable under the provisions of this chapter, except the gross receipts from (1) sales of food and beverages subject to the tax imposed by § 47-2002(3), and (2) the sale of or charge for the service of parking motor vehicles; provided, that with respect to the sale of tangible personal property or services at Robert F. Kennedy Stadium, the additional tax shall apply only to professional baseball games or professional baseball-related events and exhibitions.

“(d) The following revenues shall be deposited into one or more accounts within the Ballpark Revenue Fund:

“(1) The revenues received by the District of Columbia from the taxes imposed by this section;

“(2) The portion of the sales tax imposed by § 47-2002 on the gross receipts of any person from the sale of tickets to any public event referred to in § 47-2001(n)(1)(H) sponsored by the person (or any affiliate of such person) and to be performed at the ballpark, regardless of whether any such ticket is sold to a person who resells the ticket to another person or to a person who uses the ticket for admission to the event, except that, with respect to events at Robert F. Kennedy Stadium, only the portion of the tax levied on professional baseball games or professional baseball-related events and exhibitions;

“(3) The portion of the sales tax imposed by § 47-2002 on the gross receipts of any person from the sale at the ballpark during such times as shall reasonably relate to the performance of baseball games or baseball-related events and exhibitions at the ballpark of tangible personal property or services otherwise taxable, except as otherwise provided in § 10-

1203.07; and

“(4) The portion of the sales tax imposed on the gross receipts from the sale of or charge for the service of parking motor vehicles that shall reasonably relate to the performance of baseball games or professional baseball related events and exhibitions at the ballpark.

“(e) The Chief Financial Officer or his delegate shall promulgate regulations as may be necessary and appropriate to carry out the provisions of this section, including regulations relating to the determination of District gross receipts and electronic filing and payment of sales taxes and fees. Until such time as the Chief Financial Officer or his delegate shall promulgate the regulations, any promoter of any event at which gross receipts from the sale of tickets, tangible personal property, or services are potentially subject to the taxes imposed by this section shall comply with the requirements of §47-2002.04 as if the event were a special event.”

(e) Section 47-2501 is amended as follows:

(1) Subsection (a)(2) through (4) is amended to read as follows:

“(2) Until December 31, 2004, pay to the Mayor 11% of these gross receipts from sales included in bills for a telephone company, 11% of these gross receipts from deliveries for a person who delivers heating oil to an end-user in the District, or 11% of these gross receipts from sales determined from meters for a gas company; and until December 31, 2004, pay to the Mayor 11% of the gross receipts from the sales of natural or artificial gas by a nonpublic utility person delivered, by any method, to an end-user located in the District;

“(3) After December 31, 2004, pay to the Mayor 11% of these gross receipts from sales included in bills rendered after December 31, 2004 for nonresidential customers and 10% of these gross receipts from sales included in bills rendered after December 31, 2004 for residential customers for a telephone company, 11% of these gross receipts from deliveries made after December 31, 2004 for nonresidential customers and 10% of these gross receipts from deliveries made after December 31, 2004 for residential customers for a person who delivers heating oil to an end-user in the District, or 11% of these gross receipts from sales determined from meters read after December 31, 2004 for nonresidential customers and 10% of these gross receipts from sales determined from meters read after December 31, 2004 for residential customers for a gas company; or

“(4) After December 31, 2004, pay to the Mayor 11% of the gross receipts from the sales of natural or artificial gas by a nonpublic utility person delivered after December 31, 2004, by any method, to a nonresidential end-user located in the District and 10% of the gross receipts from the sales of natural or artificial gas by a nonpublic utility person delivered after December 31, 2004, by any method, to a residential end-user located in the District.”

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

“(a-2) One-eleventh of the total tax collected pursuant to subsection (a)(3) and (4) of this section, or any successor tax, shall be deposited in the Ballpark Revenue Fund established by section 102 of the Ballpark Omnibus Financing and Revenue Act of 2004, passed on

Amend
§ 47-2501

reconsideration on December 21, 2004 (Re-enrolled version of Bill 15-1028).”

(3) Subsection (d-1)(1)(B) is amended to read as follows:

“(B)(i) Pay to the Mayor a tax of \$0.0077 for each kilowatt-hour of electricity delivered to end-users in the District of Columbia for the preceding calendar month; and

“(ii)(I) Pay to the Mayor a tax of \$0.0007 for each kilowatt-hour of electricity delivered to nonresidential end-users in the District of Columbia for the preceding calendar month.

“(II) Revenues received by the District pursuant to this sub-subparagraph shall be deposited in the Ballpark Revenue Fund established by section 102 of the Ballpark Omnibus Financing and Revenue Act of 2004, passed on reconsideration on December 21, 2004 (Re-enrolled version of Bill 15-1028). Payments under this sub-subparagraph shall be in addition to any other payments under this section.”

(f) A new Chapter 27B is added to read as follows:

“Chapter 27B. Ballpark Fee.

“Sec.

“47-2761. Definitions.

“47-2762. Ballpark fee.

“47-2763. Enforcement.

“47-2761. Definitions.

“For the purposes of this chapter, the term:

“(1) "Ballpark" shall have the same meaning as in § 47-2002.05(a)(1).

“(2) "Ballpark Revenue Fund" means the fund established by section 102 of the Ballpark Omnibus Financing and Revenue Act of 2004, passed on reconsideration on December 21, 2004 (Re-enrolled version of Bill 15-1028).

“(3) "Bonds" shall have the same meaning as in section 103(a)(2) of the Ballpark Omnibus Financing and Revenue Act of 2004, passed on reconsideration on December 21, 2004 (Re-enrolled version of Bill 15-1028).

“(4) "Chief Financial Officer" means the Chief Financial Officer of the District of Columbia.

“(5) "District gross receipts" means all income derived from any activity whatsoever from sources within the District, other than income of a feepayer derived from an ownership or beneficial interest in other feepayers subject to the ballpark fee, whether compensated in the District or not, prior to the deduction of any expense whatsoever connected with the production of the income, except that beginning with the ballpark fee that is required by this chapter to be paid in fiscal year 2005 and thereafter, the calculation of the income shall not include the collection of federal or local taxes on motor vehicle fuel.

“(6) "Feepayer" means any person, fiduciary, partnership, unincorporated business, association, corporation, or any other entity subject to:

“(A) Subchapter VII of Chapter 18;

New § 47-2761

“(B) Subchapter VIII of Chapter 18; or

“(C) Chapter 1 of Title 51 of the District of Columbia Official Code, except any employer in the employer’s capacity as a householder as distinguished from an employer in the pursuit of a trade, occupation, profession, enterprise, or vocation.

“§ 47-2762. Ballpark fee.

New
§ 47-2762

“(a)(1) For the fiscal year beginning October 1, 2004, and each fiscal year thereafter until and including the fiscal year beginning October 1, 2038, or such earlier or later date as all obligations that are payable from or secured by the ballpark fee are repaid, each feepayer shall remit, on or before June 15 of each year, a ballpark fee that shall be based upon the annual District gross receipts of the feepayer for the feepayer’s preceding tax year and computed according to the ballpark fee schedule provided in subsection (b) of this section.

“(2) A feepayer that is exempt from taxation pursuant to § 47-1802.01 shall not be subject to the ballpark fee unless, as provided in § 47-1802.01, the feepayer has unrelated business income subject to tax under section 511 of the Internal Revenue Code of 1986, approved August 16, 1954 (68A Stat. 169; 26 U.S.C. § 511). If the feepayer exempt from taxation has unrelated business income, the feepayer shall remit the ballpark fee based upon the feepayer’s annual District gross receipts that were associated with the feepayer’s unrelated business income for the feepayer’s preceding fiscal year.

“(b) The amount of the ballpark fee shall be computed according to the following schedule:

“(1) Each feepayer with annual District gross receipts of \$5,000,000 to \$8,000,000 shall pay \$5,500;

“(2) Each feepayer with annual District gross receipts of \$8,000,001 to \$12,000,000 shall pay \$10,800;

“(3) Each feepayer with annual District gross receipts of \$12,000,001 to \$16,000,000 shall pay \$14,000; and

“(4) Each feepayer with annual District gross receipts of greater than \$16,000,001 shall pay \$16,500.

“(c) On or before December 1 of each year, the Chief Financial Officer shall certify to the Council the amount of revenue received by the District from imposition of the ballpark fee during the immediately preceding fiscal year and provide an estimate of the amount of revenue expected to be received from the ballpark fee in the then current fiscal year. If the amount estimated to be collected is less than \$26 million, for the allocation of monies for payments of the bonds, as provided by section 103(b) of the Ballpark Omnibus Financing and Revenue Act of 2004, passed on reconsideration on December 21, 2004 (Re-enrolled version of Bill 15-1028), the Chief Financial Officer shall compute the amount of the ballpark fee under the schedule set forth in subsection (b) of this section needed to provide estimated revenue in the next fiscal year equal to \$26 million by applying the same percentage increase to each amount of the then-current ballpark fee under the schedule set forth in subsection (b) of this section. The Chief Financial Officer shall notify the Council, the Mayor, and the taxpayers of the new

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schedule and, upon such notice, the amount of the ballpark fee under the schedule set forth in subsection (b) of this section shall be increased as of October 1 of the following year.

“(d) The revenues received by the District from the ballpark fee imposed by this section shall be deposited into the Ballpark Revenue Fund.

“(e) Except in the case of street vendors described in § 47-2002.01, the Chief Financial Officer may require taxpayers subject to the sales taxes and fees imposed by §§ 47-2002.05 and 47-2762 and all sales taxes described in section 12a of the Tax Increment Financing Authorization Act of 1998, passed on reconsideration on December 21, 2004 (Re-enrolled version of Bill 15-1028), to make payments of those taxes electronically.

“(f) The Chief Financial Officer or his delegate shall promulgate such regulations as may be necessary and appropriate to carry out provisions of this chapter.

“§ 47-2763. Enforcement.

New
§ 47-2763

“Any feepayer who fails to file a return or pay the ballpark fee due as required by § 47-2755 shall be subject to the same enforcement provisions and administrative provisions applicable to the ballpark fee as provided in Chapter 18, Chapter 41, Chapter 42 (except §§ 47-4211(b)(1)(B), 47-4214, and 47-4215), and Chapter 43.”

(g) Section 47-3902 is amended as follows:

Amend
§ 47-3902

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

“(a) A tax shall be imposed on all toll telecommunication companies for the privilege of providing toll telecommunication service in the District. The rate for nonresidential customers shall be 11% of the monthly gross charges from the sale of toll telecommunication service that originates or terminates in the District, and for which a charge is made to a service address located in the District, regardless of where the charge is billed or paid and the rate for residential customers shall be 10% of the monthly gross charges from the sale of toll telecommunication service that originates or terminates in the District, and for which a charge is made to a service address located in the District, regardless of where the charge is billed or paid.”

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

“(b)(1) A tax shall be imposed on all wireless telecommunication companies for the privilege of providing mobile telecommunications service to a customer with a place of primary use within the District. The rate for nonresidential customers shall be 11% of the monthly gross charges from the sale of District-based wireless telecommunication services and the rate for residential customers shall be 10% of the monthly gross charges from the sale of District-based wireless telecommunication services. The tax shall be imposed and administered according to the provisions of § 47-3922. The tax under the mobile telecommunications service tax provisions of this chapter may be separately stated as a line item on the customer's bill.”

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

“(d) One-eleventh of the total tax collected pursuant to subsections (a) and (b) of this section, or any successor tax, shall be deposited in the Ballpark Revenue Fund established by section 102 of the Ballpark Omnibus Financing and Revenue Act of 2004, passed on reconsideration on December 21, 2004 (Re-enrolled version of Bill 15-1028).”

TITLE II. COMMUNITY BENEFIT FUND.

Sec. 201. The Council finds that it is appropriate that the District of Columbia seek to utilize the economic benefits that will be derived from the construction of the ballpark for the benefit and well-being of the residents of the District.

Sec. 202. Creation of Community Benefit Fund.

(a) (1) There is hereby established within the General Fund of the District of Columbia, a segregated, nonlapsing special revenue fund to be denominated as the Community Benefit Fund. The Chief Financial Officer of the District of Columbia shall pay into the Community Benefit Fund all receipts from those fees and taxes specifically identified by any provision of District of Columbia law to be paid into the fund.

(2) The Chief Financial Officer of the District of Columbia shall create a sub-account within the Community Benefit Fund for each type of fee and tax that is to be paid into the fund and shall allocate the receipts from each type of fee and tax to the appropriate sub-account. The Mayor, or any District government agency or instrumentality which has been designated by the Mayor, may pledge and create a security interest in the funds in the Community Benefit Fund, or any sub-account or sub-accounts within the fund for the payment of the costs of carrying out any of the purposes described in subsection (b) of this section, the payment of the debt service on any bonds or other evidence of indebtedness issued by the District, or any District government agency or instrumentality, or any of the purposes described in subsection (b) of this section, without further action as permitted by section 490(f) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 809; D.C. Official Code § 1-204.90(f)).

(3) If bonds or other evidence of indebtedness are issued, the payment shall be made in accordance with the provisions of the documents entered into by the District or any District agency or instrumentality in connection with the issuance of the bonds or other evidence of a security interest created pursuant to this subsection shall be valid, binding, and perfected from the time the security interest is created, with or without the physical delivery of any funds or any other property and with or without further action. The security interest shall be valid, binding, and perfected whether or not any statement, document, or instrument relating to the security interest is recorded or filed. The lien created by the security interest is valid, binding, and perfected with respect to any person (as defined in D.C. Official Code § 47-2001(i)) having claims against the District, whether or not the person has notice of the lien.

(b) The funds deposited in the Community Benefit Fund shall be used to directly pay or to finance community area priorities, including recreation centers, small business development incentives, job training and readiness programs, school athletic facilities, and such other projects that the Mayor shall find to be of benefit to any area of the District. Any working capital or operating expenses permitted by this section shall be derived from sources from which the funds may be authorized. In addition to the purpose set forth above for the funds deposited in the

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Community Benefit Fund, there shall be the following expenditures made from the Fund. All expenditures from the Fund shall be submitted to the Council, by legislation for approval.:

- (1) \$5 million shall be made available to the Department of Parks and Recreation for capital investment for a Learning and Sports Center facility to be located adjacent to Fort Greble Recreation Center;
- (2) \$5 million shall be available for school-based athletics, which funds shall be allocated to the Sports and Entertainment Commission and expended based upon a needs assessment prepared by the Superintendent of the District of Columbia Public Schools;
- (3) \$5 million shall be available for future allocation to projects located within the boundaries of Ward 6;
- (4) \$5 million shall be available for future allocation to projects located within the boundaries of Ward 7;
- (5) \$2 million shall be available for equipment and supplies at McKinley Technology High School to deliver the specialized curriculum in biotechnology, information technology, and broadcast technology;
- (6) \$10 million shall be made available to assess the feasibility of, and begin planning for, the National Capital Medical Center on the grounds of the former D.C. General Hospital;
- (7) Ten percent of the revenue generated by the bonds authorized pursuant to section 203(b) shall be allocated for commercial development in specified areas including the Good Hope Road, South Capitol Street, Martin Luther King Jr. Avenue, and Minnesota Avenue corridors; provided, that boundaries for the aforementioned development shall be designated by the Office of Planning within 120 days of the effective date of this title;
- (8) An amount not to exceed \$125 million shall be made available exclusively for school construction and modernization; and
- (9) An amount not to exceed \$45 million shall be made available for capital improvements for public neighborhood libraries in the District of Columbia.

Sec. 203. Bond issuance.

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

- (1) "Community Benefit Fund" means the Community Benefit Fund established by section 202.
- (2) "Bonds" means the District of Columbia revenue bonds, notes, or other obligations (including refunding bonds, notes, and other obligations) in one or more series, authorized to be issued pursuant to section 490 of the Home Rule Act, as implemented by this title.
- (3) "DC Ballpark TIF area" means the tax increment financing area designated and established by section 12a of the Tax Increment Financing Authorization Act of 1998, passed on reconsideration on December 21, 2004 (Re-enrolled version of Bill 15-1028).

(4) "Home Rule Act" means the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 809; D.C. Official Code § 1-201.01 *et seq.*).

(5) "Projects" means the financing, refinancing, or reimbursing of costs incurred in the site acquisition for, and the development, design, construction, improvement, furnishing, and equipping of recreation centers, libraries, small business development incentives, job training and readiness programs, school athletic facilities, and such other projects to be of benefit to any community of the District.

(b) The Council hereby authorizes the issuance of one or more series of Bonds in an aggregate amount not to exceed \$450 million for payment of the costs of the projects, of which \$50 million shall be used for infrastructure improvements in the DC Ballpark TIF Area. There is hereby allocated to the bonds the funds in the Community Benefit Fund, or such portion of the funds as shall be determined in accordance with the terms of the bonds, for the payment of debt service on the bonds and the payment of such other costs as are permitted to be paid with funds from the Community Benefit Fund. The issuance of any series of bonds shall be approved by resolution of the Council.

(c) The Mayor may take any action necessary or appropriate in accordance with this title in connection with the preparation, execution, issuance, sale, delivery, and payment of bonds, including determinations of:

- (1) The final form, content, designation, and terms of the bonds, including a determination that the bonds may be issued in certificate or book entry form;
- (2) The principal amount of the bonds to be issued and the denominations of the bonds;
- (3) The rate or rates of interest on, and the method or methods of determining the rate or rates of interest on, the bonds;
- (4) The date or dates of issuance, sale, and delivery of, the payment of interest on, and the maturity date or dates of, the bonds;
- (5) Whether the bonds are to be sold at a competitive or negotiated sale and the terms and conditions of the sale;
- (6) The terms under which the bonds may be paid, optionally or mandatorily redeemed, accelerated, called or put for redemption, repurchase, or remarketing before their respective stated maturities;
- (7) Provisions for the registration, transfer, and exchange of each series of bonds and the replacement of mutilated, lost, stolen, or destroyed bonds;
- (8) The creation of any reserve fund, sinking fund, or other fund with respect to the bonds and the determination of the priority thereof;
- (9) The time and place of payment of the bonds;
- (10) Whether the bonds will be taxable, tax-exempt, or a combination thereof;
- (11) Procedures for monitoring the use of the proceeds received from the sale of the bonds to ensure that they are properly applied to the projects and used to accomplish the purposes of this title; and

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(12) Actions necessary to qualify the bonds under the blue sky laws of any jurisdiction where the bonds are marketed.

(d) The bonds shall contain a legend, which shall provide that the bonds shall be special obligations of the District, shall be nonrecourse to the District, shall not be a pledge of, and shall not involve, the faith and credit or the taxing power of the District (other than the payments from the Community Benefit Fund or any other security authorized by this title), shall not constitute a debt of the District, and shall not constitute lending of the public credit for private undertakings as prohibited by section 602(a)(2) of the Home Rule Act.

(e) The bonds shall be executed in the name of the District and on its behalf by the manual or facsimile signature of the Mayor. The Mayor's execution and delivery of the bonds shall constitute conclusive evidence of the Mayor's approval on behalf of the District of the final form and content of the bonds.

(f) The official seal of the District, or a facsimile of it, shall be impressed, printed or otherwise reproduced on the bonds.

(g) The bonds may be issued at any time or from time to time in one or more issues and one or more series and may be sold at public or private sale. A series of bonds may be secured by a trust agreement or trust indenture between the District and a corporate trustee having trust powers, and may be secured by a loan agreement or other instrument or instruments by means of which the District may:

(1) Make and enter into any and all covenants and agreements with the trustee or the holders of the bonds that the District may determine to be necessary or desirable relating to:

(A) The application, investment, deposit, use, and disposition of the proceeds of bonds and the other monies, securities, and property of the District;

(B) The assignment by the District of its rights in any agreement;

(C) The terms and conditions upon which additional bonds of the District may be issued;

(D) The appointment of a trustee to act on behalf of bondholders and abrogating or limiting the rights of the bondholders to appoint a trustee; and

(E) The vesting in a trustee for the benefit of the holders of bonds, or in the bondholders directly, such rights and remedies as the District shall determine to be necessary or desirable;

(2) Pledge, mortgage or assign monies, agreements, property, or other assets of the District, either in hand or to be received in the future, or both;

(3) Provide for bond insurance, letters of credit, interest rate swaps, or other financial derivative products or otherwise enhance the credit of and security for the payment of the bonds or reduce or otherwise manage the interest costs of the bonds; and

(4) Provide for any other matters of like or different character that in any way affects the security for or payment on the bonds.

(h) The bonds are declared to be issued for essential public and governmental purposes. The Bonds, the interest thereon, the income therefrom, and all monies pledged or available to

pay or secure the payment of the bonds, shall at all times be exempt from taxation by the District, except for estate, inheritance, and gift taxes.

(i) The District does hereby pledge and covenant and agree with the holders of the bonds that, subject to the provisions of the financing documents, the District will not limit or alter the revenues pledged to secure the bonds or the basis on which the revenues are collected or allocated, will not impair the contractual obligations of the District to fulfill the terms of any agreement made with the holders of the bonds, will not in any way impair the rights or remedies of the holders of the bonds, and will not modify in any way, with respect to the bonds, the exemptions from taxation provided for in this title, until the bonds, together with interest thereon, with interest on any unpaid installment of interest and all costs and expenses in connection with any suit, action or proceeding by or on behalf of the holders of the bonds, are fully met and discharged. This pledge and agreement for the District may be included as part of the contract with the holders of the bonds. This subsection shall constitute a contract between the District and the holders of the bonds. To the extent that any acts or resolutions of the Council may be in conflict with this title, this title shall be controlling.

(j) Consistent with section 490(a)(4)(B) of the Home Rule Act, and notwithstanding Article 9 of Subtitle I of Title 28 of the District of Columbia Official Code:

(1) A pledge made and security interest created in respect of the bonds or pursuant to any related financing document shall be valid, binding, and perfected from the time the security interest is created, with or without physical delivery of any funds or any property and with or without any further action;

(2) The lien of the pledge shall be valid, binding, and perfected as against all parties having any claim of any kind in tort, contract, or otherwise against the District, whether or not the party has notice; and

(3) The security interest shall be valid, binding, and perfected whether or not any statement, document, or instrument relating to the security interest is recorded or filed.

(k) If there shall be a default in the payment of the principal of, or interest on, any bonds of a series after the principal or interest shall become due and payable, whether at maturity or upon call for redemption, or if the District shall fail or refuse to carry out and perform the terms of any agreement with the holders of any of the bonds, the holders of the bonds, or the trustee appointed to act on behalf of the holder of the bonds, may, subject to the provisions of the financing documents, do the following:

(1) By action, writ or other proceeding, enforce all rights of the holders of the bonds, including the right to require the District to carry out and perform the terms of any agreement with the holders of the bonds or its duties under this title;

(2) By action, require the District to account as if it were the trustee of an express trust;

(3) By action, petition to enjoin any acts or things that may be unlawful or in violation of the rights of the holders of the bonds; and

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(4) Declare all the bonds to be due and payable, whether or not in advance of or at maturity and, if all defaults be made good, annul the declaration and its consequences.

(l) The members of the Council, the Mayor, or any person executing any of the bonds shall not be personally liable on the bonds by reason of their issuance.

(m) Notwithstanding any other provision of this title, the bonds shall not be general obligations of the District and shall not be in any way a debt or liability of the District within the meaning of any debt or other limit prescribed by law. The faith and credit or the general taxing power of the District (other than monies in the Community Benefit Fund or any other security authorized by this title) shall not be pledged to secure the payment of the bonds.

Sec. 204. Community investment plan.

(a) The Mayor shall make a request for an appropriation for expenditures from the Community Benefit Fund, based on a community investment plan, which shall be:

(1) Developed with input from Advisory Neighborhood Commissions, community groups, the faith community, representatives of the labor community, representatives of the business community, and other community stakeholders;

(2) Submitted to the affected Advisory Neighborhood Commissions, community groups, the faith community, representatives of the labor community, representatives of the business community, and other community stakeholders for a comment period of one month; and

(3)(A) Submitted by the Mayor to the Council for a 30-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess.

(B) If the Council does not approve or disapprove the proposed plan, in whole or in part, by resolution within this 30-day review period, the proposed plan shall be deemed approved.

(b) The request shall be designed to ensure that expenditures from the Community Benefit Fund are used to supplement, rather than supplant, capital funds already appropriated to District of Columbia agencies for similar purposes. The plans shall also seek to coordinate the expenditures of capital funds already appropriated to District government agencies to support community investment goals.

(c) The request shall outline the manner in which funds shall be used to develop, maintain, and improve physical facilities and infrastructure owned by the District of Columbia, particularly for projects or improvements in community plans that do not qualify for capital budget funding.

Sec. 205. The Tax Increment Financing Authorization Act of 1998, effective September 11, 1998 (D.C. Law 12-143; D.C. Official Code § 2-1217.01 *et seq.*), is amended by adding a new section 12a to read as follows:

“Sec. 12a. DC Ballpark TIF Area.

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“(a) Notwithstanding any other provision of this act, there is hereby created a TIF area denominated as the DC Ballpark TIF Area, the real property tax increment revenues and the sales tax increment revenues from which shall be allocated as provided in this section. The DC Ballpark TIF Area is defined as the area starting at the intersection of Half Street, S.W., and Interstate 395, proceeding in a southerly direction until the intersection of Half Street, S.W., with Water Street, S.W.; proceeding along an east/west line in an easterly direction to the Anacostia River shoreline; proceeding northeast along the Anacostia River shoreline to 1st Street, S.E.; proceeding in a northerly direction to M Street, S.E.; proceeding in an easterly direction along M Street, S.E., to New Jersey Avenue, S.E.; proceeding in a northwesterly direction along New Jersey Avenue, S.E. to Interstate 395; proceeding in a northwesterly direction to the point of origin.

“(b) Notwithstanding any other provision of this act, with respect to the DC Ballpark TIF Area, the initial sales tax amount shall mean the available sales tax revenue from locations within the area for the tax year preceding the year in which this section becomes effective and the initial assessed value shall mean the assessed value of each lot of taxable real property on the date this section becomes effective.

“(c) Notwithstanding any other provision of this act, the real property tax increment revenues and the sales tax increment revenues from the DC Ballpark TIF Area shall be allocated and paid into the Community Benefit Fund, established by section 202(a) of the Ballpark Omnibus Financing and Revenue Act of 2004, passed on reconsideration on December 21, 2004 (Re-enrolled version of Bill 15-1028), and which is hereby declared to be a tax increment allocation account as described in section 6. The revenues so deposited in the Community Benefit Fund shall be used for any of the purposes described in section 202(b) of the Ballpark Omnibus Financing and Revenue Act of 2004, passed on reconsideration on December 21, 2004 (Re-enrolled version of Bill 15-1028).

“(d) Without limiting the generality of this act, including the ability to apply the real property tax increment revenues and the sales tax increment revenues to the payment of TIF bonds, the funds in the Community Benefit Fund may be used to secure bonds or other evidence of indebtedness issued in accordance with the provisions of section 490 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 809; D.C. Official Code § 1-204.90), without regard to any limitations contained in this act.

“(e) The \$300 million limitation on the issuance of TIF bonds contained in section 3(b) and the time limitation on the issuance of TIF bonds contained in such section shall apply to any bonds supported in whole or in part by real property tax increment revenues or sales tax increment revenues allocated to the Community Benefit Fund.”.

TITLE III. FISCAL IMPACT STATEMENT; EFFECTIVE DATE.**Sec. 301. Fiscal impact statement.**

The Council adopts the fiscal impact statement of the Chief Financial Officer, as amended December 21, 2004, as the fiscal impact statement required by section 602(c)(3) of the

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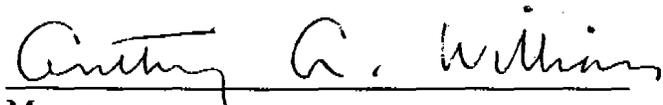
District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

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 29, 2004

RE-ENROLLED ORIGINAL

AN ACT

D.C. ACT 15-718

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 29, 2004

*Codification
District of
Columbia
Official Code*

2001 Edition

2005 Winter
Supp.

West Group
Publisher

To require, on an emergency basis, that a process be established to invite and evaluate the submission of viable private or alternative financing proposals for the construction of a ballpark that would substantially reduce the amount or duration of the ballpark fee proposed by the Ballpark Omnibus Financing and Revenue Act of 2004, and that the Chief Financial Officer re-estimate within 6 months the land acquisition and infrastructure costs of the South Capitol ballpark site, and, if the re-estimated costs exceed \$165 million, to require the Mayor and the Sports and Entertainment Commission to pursue replacement of the South Capitol ballpark site with a substantially less costly site.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Private or Alternative Stadium Financing and Cost Trigger Emergency Act of 2004".

Sec. 2. Requirement to invite and evaluate private financing.

(a) For purposes of this section, the term "ballpark" means the new baseball stadium to be constructed pursuant to the Ballpark Omnibus Financing and Revenue Act of 2004, passed on reconsideration on December 21, 2004 (Enrolled version of Bill 15-1028) ("Ballpark Act").

(b) There is hereby established the Baseball Financing Review Fund as a segregated, nonlapsing special revenue fund in the District separate and apart from the General Fund of the District of Columbia. All fees specifically identified by subsection (c) of this section shall be deposited into the Baseball Financing Review Fund without regard to fiscal year limitation pursuant to an act of Congress. All fees deposited into the Baseball Financing Review 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, and shall be continually available to pay or reimburse the cost of services related to the evaluation and reporting of proposals as required by subsections (d) and (e) of this section, subject to authorization by Congress.

(c)(1) Within 30 days of the effective date of this act, the Chief Financial Officer shall

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cause to be published a notice that the District is seeking the submission of supplemental or alternative financing plans and proposals for the development and construction of the ballpark in accordance with sections 104 and 105 of the Ballpark Act that would provide for a meaningful and substantial reduction in:

(A) The minimum annual amount of ballpark fees required to be collected under proposed D.C. Official Code § 47-2762; and

(B) The principal amount of bonds that the District would otherwise need to issue under sections 103 and 105 of the Ballpark Act.

(2) Any party submitting a supplemental or alternative financing plan or proposal shall also submit a reasonable proposal fee, in an amount to be determined by the Chief Financial Officer, to defray the costs to the District of evaluating and reporting upon the supplemental or alternative financing plan or proposal. All proposal fees shall be deposited into the Baseball Financing Review Fund.

(d)(1) The Chief Financial Officer, in consultation with the Mayor and the Council, shall:

(A) Establish criteria for the requested supplemental or alternative financing plans and proposals, and include this criteria within the notice required by subsection (c) of this section; and

(B) Evaluate such proposals in accordance with the criteria.

(2) The criteria shall limit consideration to only bona fide supplemental or alternative financing plans and proposals that have been submitted by parties that:

(A) Are financially capable of performing the supplemental or alternative financing plan and proposal; and

(B) Substantially reduce the amount or duration of the proposed ballpark fee as set forth in the Ballpark Act.

(e)(1) Not later than March 15, 2005, and not less than 45 days prior to the issuance of bonds authorized by the Ballpark Act, the Chief Financial Officer shall deliver a report to the Mayor and the Council, describing and evaluating all supplemental or alternative financing plans and proposals that were submitted in accordance with subsections (c) and (d) of this section.

(2) If the Chief Financial Officer finds that at least one supplemental or alternative financing plan or proposal meets the criteria established pursuant to subsection (c) and (d) of this section and certifies that at least 50% of the cost of constructing the ballpark can be financed privately, the Mayor, within 15 days of the submission of the report by the Chief Financial Officer, shall submit proposed legislation to the Council to replace part or all of the public financing otherwise required by the Ballpark Act and thereby substantially reduce the amount or duration of the proposed ballpark fee; provided, that the private financing legislation otherwise preserves the obligations and economics of the Baseball Stadium Agreement.

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(f) This section shall not create any legal obligation or liability on the part of the District to any party who submits a supplemental or alternative financing plan or proposal pursuant to this section.

Sec. 3. Requirement to review costs and pursue alternative ballpark site.

(a) For the purposes of this section, land acquisition costs shall include the following:

(1) One separate appraisal of each parcel of land to be acquired, which shall be performed after the effective date of this act;

(2) An estimate of the environmental remediation costs; and

(3) Legal expenses associated with land acquisition.

(b) For purposes of this section, infrastructure costs shall include the following:

(1) The District Department of Transportation's estimate for basic road and sidewalk improvements;

(2) The cost of expanding the Navy Yard Metro station to accommodate the additional usage anticipated by the stadium; and

(3) Water and sewer relocation costs.

(c) Prior to May 15, 2005, and prior to the date upon which the District enters into any obligation to acquire or purchase any property on a site bounded by N Street, S.E., Potomac Avenue, S.E., South Capitol Street, S.E., and 1st Street, S.E. ("primary ballpark site"), the Chief Financial Officer shall re-estimate the costs to the District for land acquisition and infrastructure and provide a report on this re-estimate to the Mayor and the Council.

(d) If the total amount of these re-estimated costs to the District exceeds \$165 million, the primary ballpark site shall be deemed financially unavailable by the District pursuant to the Ballpark Act. Pursuant to the Ballpark Act, the Mayor and the Sports and Entertainment Commission shall pursue replacement of the primary ballpark site with a substantially less costly site in the District, subject to the approval of Baseball Expos, L.P., or its assigns or successors, in accordance with the Baseball Stadium Agreement, as defined in section 105(a)(3) of the Ballpark Act.

Sec. 4. Repealer.

The Private or Alternative Financing Emergency Act of 2004, passed on emergency basis on November 30, 2004 (Enrolled version of Bill 15-1136), is repealed.

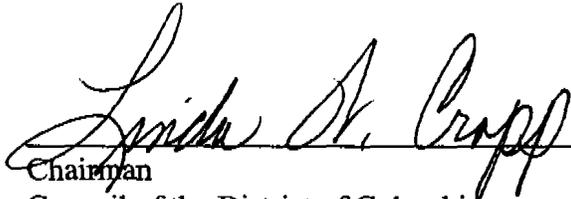
Sec. 5. Fiscal impact statement.

The Council adopts the attached fiscal impact statement 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)).

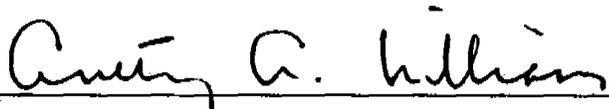
RE-ENROLLED ORIGINAL

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), 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
December 29, 2004

AN ACT
D.C. ACT 15-719

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
JANUARY 4, 2005

*Codification
District of
Columbia
Official Code*

2001 Edition

2005 Winter
Supp.

West Group
Publisher

To establish, on an emergency basis, a non-lapsing, special revenue fund within the General Fund of the District of Columbia to be denominated as the Ballpark Revenue Fund; and to amend Title 47 of the District of Columbia Official Code to impose a sales tax at the point of sale within the District of Columbia on tickets of admission to certain events at a ballpark or arena, and to impose a sales tax on the sale of personal property and certain services at a ballpark or arena.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Ballpark Omnibus Financing and Revenue Tax Provisions Emergency Act of 2004".

TITLE I. CREATION OF REVENUE FUND.

Sec. 101. (a) For the purposes of this section, the term "ballpark" shall have the meaning specified in D.C. Official Code § 47-2002.05(a)(1)(A).

Note,
§ 47-2002.05

(b) There is established within the General Fund of the District of Columbia, a segregated, non-lapsing Special Revenue Fund to be denominated as the Ballpark Revenue Fund. Except as provided in section 307 of the Washington Convention Center Authority Act of 1994, approved September 28, 1994 (D.C. Law 10-188; D.C. Official Code § 10-1203.07), the Chief Financial Officer of the District of Columbia shall pay into the Ballpark Revenue Fund all receipts from those fees and taxes specifically identified by any provision of District of Columbia law to be paid into the fund. The Chief Financial Officer of the District of Columbia shall create a sub-account within the Ballpark Revenue Fund for each type of fee and tax that is to be paid into the fund and shall allocate the receipts from each type of fee and tax to the appropriate sub-account. The Mayor, or any District government agency or instrumentality that has been designated by the Mayor, may pledge and create a security interest in the funds in the Ballpark Revenue Fund, or any sub-account or sub-accounts within the fund, for the payment of the costs of carrying out any of the purposes described in subsection (c) of this section, for the payment of the debt service on any bonds or other evidence of indebtedness, any fees and charges incurred in connection therewith, for any and all payments owing under any document or instrument entered into in connection with the indebtedness, including any credit

enhancement agreement, insurance policy, security agreement, or other agreement or instrument establishing a swap or other derivative arrangement entered into by the District or any District government agency or instrumentality, and any of the purposes described in subsection (c) of this section, without further action as permitted by section 490(f) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 809; D.C. Official Code § 1-204.90(f)). If bonds or other evidence of indebtedness are issued, the payment shall be made in accordance with the provisions of the documents entered into by the District or any District agency or instrumentality in connection with the issuance of any such bonds or other evidence of indebtedness. Notwithstanding Article 9 of Subtitle I of Title 28 of the District of Columbia, or any other provision to the contrary, any security interest created pursuant to this subsection shall be valid, binding, and perfected from the time the security interest is created, with or without the physical delivery of any funds or any other property, with or without further action, and whether or not any statement, document, or instrument relating to the security interest is recorded or filed. The lien created by such security interest shall be valid, binding, and perfected with respect to any person (as defined in D.C. Official Code § 47-2001(i)) having claims against the District, whether or not such person has notice of the lien.

(c) The purposes for which the funds deposited in the Ballpark Revenue Fund shall be used are as follows:

(1) To directly pay or to finance the reimbursement of any fund of the General Fund of the District which has been the source of the payment of any loan, reprogramming, or transfer of funds to any District government agency or instrumentality for the payment of, any and all reasonable and verified predevelopment and development costs that have been borne by the District or the District government agency or instrumentality for the ballpark;

(2) To directly pay, or to finance the reimbursement of the District or any District government agency or instrumentality for, any and all reasonable and verified predevelopment and development costs that were borne by the District or such District government agency or instrumentality for the ballpark;

(3) To directly pay, or to finance the reimbursement of the District or any District government agency or instrumentality for, any or all costs arising out of or relating to the acquisition of real property, by purchase, lease, or condemnation in accordance with D.C. Official Code §§ 16-1311 through 16-1321, or other means of acquiring or assembling real property or interests in real property, including rights-of-way or other easements, that will serve as the site for a ballpark or are otherwise necessary to facilitate the construction of the ballpark or use of the site for the ballpark;

(4) To directly pay or finance all or any of the costs of the demolition of buildings located on the future site of a ballpark and the cost of environmental remediation of the land that is the future site of the ballpark;

(5) To directly pay or finance all or any of the costs of the design, development, construction, improvement, furnishing, and equipping of the ballpark;

(6) To directly pay or finance all or any of the costs of renovating Robert F. Kennedy Stadium for use as a ballpark until construction of the new ballpark has been completed;

(7) To directly pay or finance all or any of the costs of any future renovations, improvements, maintenance or upgrades to Robert F. Kennedy Stadium or the new ballpark after its construction has been completed;

(8) To directly pay or finance all or any other costs of the District or any District government agency associated with the financing, development, construction or renovation of the ballpark; and

(9) To pay debt service on bonds issued in accordance with the Ballpark Omnibus Financing and Revenue Act of 2004, passed on 2nd reading on December 14, 2004 (Enrolled version of Bill 15-1028).

TITLE II. SALES TAXES.

Sec. 201. Title 47 of the District of Columbia Official Code is amended as follows:

Note,
§ 47-1817.01

(a) Section 47-1817.01(5)(B) is amended to read as follows:

“(B) "Qualified High Technology Company" shall not include:

“(i) An individual or entity that derives 51% or more of its gross revenues from the operation in the District of:

“(I) A retail store; or

“(II) An electronic equipment facility that is primarily occupied, or intended to be occupied, by electronic and computer equipment that provides electronic data switching, transmission, or telecommunication functions between computers, both inside and outside the facility; or

“(ii) A professional athletic team, as defined in § 47-2002.05(a)(3).”.

(b) Chapter 20 is amended as follows:

(1) The table of contents is amended by adding the section designation “47-2002.05. Ballpark sales taxes.” after the section designation “47-2002.04. Special event promoter obligations and penalties.”.

(2) A new section 47-2002.05 is added to read as follows:

“§ 47-2002.05. Ballpark sales taxes.

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

“(1) “Ballpark” means:

(A) A stadium or arena constructed after October 1, 2004 on a site bounded by N Street, S.E., Potomac Avenue, S.E., South Capitol Street, S.E., and 1st Street, S.E., or such other site determined pursuant to section 105 of the Ballpark Omnibus Financing and Revenue Act of 2004, passed on 2nd reading on December 14, 2004 (Enrolled version of Bill 15-1028) if the primary site shall be unavailable, including facilities functionally related and subordinate thereto and the accompanying infrastructure, including office and transportation

facilities (including parking) adjacent to or serving a ballpark, that has as its primary purpose the hosting of professional athletic team events and is constructed in whole or in part with funds deposited in, or bonds or other evidence of indebtedness the debt service upon which is financed in whole or in part by funds deposited in, the Ballpark Revenue Fund; and

(B) Until such time as the hosting of professional athletic team events for which tickets are sold has commenced at the aforementioned newly-constructed stadium or arena, Robert F. Kennedy Stadium, described as that geographic area of the District of Columbia consisting of the areas designated as A, B, C, D, or E on the revised map entitled "Map to Designate Transfer of Stadium and Lease of Parking Lots to the District," prepared jointly by the National Park Service (National Capital Region) and the District of Columbia Department of Public Works for site development and dated October 1986 (NPS Drawing number 831/87284-A), and any other future additions thereto.

"(2) "Ballpark Revenue Fund" means the fund established by section 101.

"(3) "Professional athletic team" includes any professional baseball, basketball, football, soccer, hockey, lacrosse or other athletic team whose members receive financial compensation from their participation in the team's athletic exhibitions.

"(4) "Ticket" means any physical, electronic, or other form of a certificate, documents, or token showing that a fare, admission, or license fee for a revocable right to enter the ballpark, or a right to purchase future rights to enter the ballpark, has been paid.

"(b) Notwithstanding any other provision of this chapter relating to the imposition of sales tax on either a retail sale or a sale at retail, there is hereby imposed a sales tax of 10% on the gross receipts of any person from the sale of tickets to any public event referred to in § 47-2001(n)(1)(H) sponsored by the person (or any affiliate of the person) and to be performed at the ballpark, regardless of whether the ticket is sold to a person who resells the ticket to another person or to a person who uses the ticket for admission to the event; provided, that with respect to tickets to events at Robert F. Kennedy Stadium, the tax shall apply only to professional baseball games or professional baseball-related events and exhibitions. The sales tax imposed by this section shall be in lieu of any sales tax imposed on tickets by this chapter.

"(c) Notwithstanding any other provision of this chapter, there is hereby imposed a sales tax of 10% on the gross receipts of any person from the sales at the ballpark during such times as shall reasonably relate to the performance of baseball games at the ballpark of tangible personal property or services otherwise taxable under the provisions of this chapter, except that the rate shall be 12% of the gross receipts from the sale of or charge for the service of parking motor vehicles; provided, that with respect to the sale of tangible personal property or services at Robert F. Kennedy Stadium, the tax shall apply only to professional baseball games or professional baseball-related events.

"(d) The revenues received by the District of Columbia from the taxes imposed by this section shall be deposited into one or more accounts within the Ballpark Revenue Fund.

"(e) The Chief Financial Officer or his delegate shall promulgate regulations as may be necessary and appropriate to carry out the provisions of this section, including regulations

relating to the determination of District gross receipts and electronic filing and payment of sales taxes and fees. Until such time as the Chief Financial Officer or his delegate shall promulgate the regulations, any promoter of any event at which gross receipts from the sale of tickets, tangible personal property, or services are potentially subject to the taxes imposed by this section shall comply with the requirements of § 47-2002.04 as if the event were a special event.

“(f) Except in the case of street vendors described in § 47-2002.01, the Chief Financial Officer may require taxpayers subject to the sales taxes imposed by this section to make payment of those taxes electronically.”.

**TITLE III. FISCAL IMPACT STATEMENT; APPLICABILITY PROVISION;
EFFECTIVE DATE.**

Sec. 301. Fiscal impact statement.

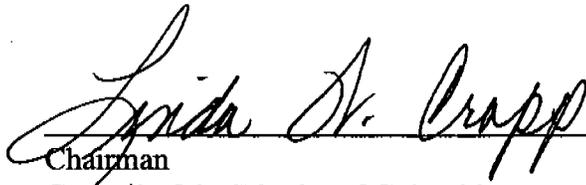
The Council adopts the attached fiscal impact statement as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 302. Applicability.

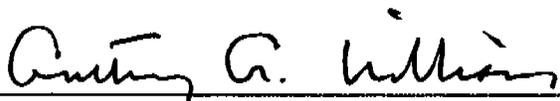
Titles I and II shall apply as of December 1, 2004.

Sec. 303. 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

AN ACT

D.C. ACT 15-720

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
JANUARY 19, 2005*Codification
District of
Columbia
Official Code*

2001 Edition

2005 Winter
Supp.West Group
Publisher

To amend, on an emergency basis, due to Congressional review, the District of Columbia Unemployment Compensation Act to reduce pension offsets.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Unemployment Compensation Pension Offset Reduction Second Congressional Review Emergency Amendment Act of 2004".

Sec. 2. Section 7(c)(2) of the District of Columbia Unemployment Compensation Act, approved August 28, 1935 (49 Stat 949; D.C. Official Code § 51-107(c)(2)), is amended by striking the sentence "For any week beginning after March 31, 1980, benefits payable for any week to an individual who has applied for or is receiving a retirement pension or annuity under a public or private retirement plan, including any such sum provided under title II of the Social Security Act, shall, under regulations prescribed by the Board, be reduced (but not below zero) by the prorated weekly amount of such retirement pension or annuity which is reasonably attributable to such week." and inserting the sentence "For benefit years beginning on or after July 1, 2004, benefits payable to an individual who applied for or is receiving a retirement pension or annuity under a public or private retirement plan or system provided or contributed to by any base period employer shall, under duly prescribed regulations, be reduced (but not below zero) by the prorated weekly amount of such retirement pension or annuity which is reasonably attributable to such week, provided that the claimant has not made contributions to the pension or annuity." in its place.

Note,
§ 51-107

Sec. 3. Fiscal impact statement.

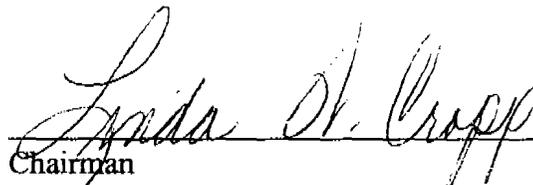
The Council adopts the fiscal impact statement of the Chief Financial Officer for the Unemployment Compensation Pension Offset Reduction Temporary Amendment Act of 2004, passed on 2nd reading on September 21, 2004 (Enrolled version of Bill 15-937), as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

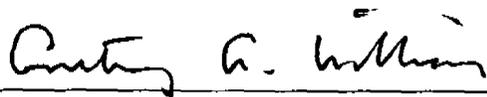
Sec. 4. Applicability.

This act shall apply as of December 28, 2004.

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
January 19, 2005