

AN ACT

D.C. ACT 15-210

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

NOVEMBER 7, 2003

Codification
District of
Columbia
Official Code

2001 Edition

2004 Winter
Supp.West Group
Publisher

To amend, on a temporary basis, the Omnibus Sports Consolidation Act of 1994 to clarify the applicability of the District Anti-Deficiency Act of 2002 to the Sports and Entertainment Commission, and to provide the Chief Financial Officer with the authority to review and make recommendations about any proposed financial transaction by the Sports and Entertainment Commission.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Sports and Entertainment Commission Financial Affairs Temporary Amendment Act of 2003".

Sec. 2. 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 as follows:

(a) Section 3 (D.C. Official Code § 3-1402) is amended by adding a new paragraph (1A) to read as follows: Note,
§ 3-1402

"(1A) Chief Financial Officer" or "CFO" means the Chief Financial Officer of the District established by chapter 424a of the Home Rule Act, approved April 17, 1995 (109 Stat. 142; D.C. Official Code § 1-204.24a), or the CFO's authorized delegate."

(b) Section 11 (D.C. Official Code § 3-1410) is amended by adding new subsections (d) and (e) to read as follows: Note,
§ 3-1410

"(d) The Sports and Entertainment Commission shall comply with the requirements of subchapter III-B of Chapter 3 of Title 47 of the District of Columbia Official Code.

"(e) Upon request of the Chief Financial Officer, the Sports and Entertainment Commission shall provide the Chief Financial Officer with the opportunity to review and make recommendations about any proposed financial transaction by the Sports and Entertainment Commission prior to finalizing the proposed financial transaction."

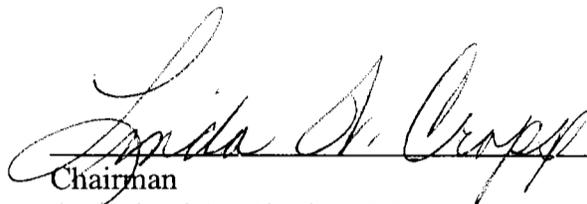
Sec. 3. Fiscal impact statement.

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)).

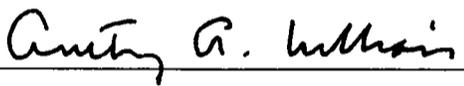
Sec. 4. Effective date.

(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
November 7, 2003

COUNCIL OF THE DISTRICT OF COLUMBIA
OFFICE OF THE BUDGET DIRECTOR
FISCAL IMPACT STATEMENT

PR Number:	Type: Emergency (<input checked="" type="checkbox"/>) Temporary (<input type="checkbox"/>) Permanent (<input type="checkbox"/>)	Date Reported:
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Subject/Short Title: Sports and Entertainment Commission Financial Affairs Emergency Amendment Act of 2003

Part I. Summary of the Fiscal Estimates of the Bill

	YES	NO
1. It will impact spending. (If "Yes," complete Section 1 in the Fiscal Estimate Worksheet).	()	(x)
a) It will affect local expenditures.	()	(x)
b) It will affect federal expenditures.	()	(x)
c) It will affect private/other expenditures.	()	(x)
d) It will affect intra-District expenditures.	()	(x)
2. It will impact revenue. (If "Yes," complete Section 2 in the Fiscal Estimate Worksheet).	()	(x)
a) It will impact local revenue.	()	(x)
b) It will impact federal revenue.	()	(x)
c) It will impact private/other revenue.	()	(x)
d) It will impact intra-District revenue.	()	(x)
3. The bill will have NO or little fiscal impact on spending or revenue. (If "Yes," explain below).	()	(x)

Explanation for NO fiscal impact:

The proposed emergency and temporary legislation would clarify the applicability of the District Anti-Deficiency Act of 2002 to the Sports and Entertainment Commission. The legislation would also require the Sports and Entertainment Commission to provide the Chief Financial Officer ("CFO"), upon request of the CFO, to review and comment upon any proposed financial transaction by the Sports and Entertainment Commission prior to finalizing the proposed financial transaction.

The OCFO has an ex-officio seat on the Sports and Entertainment Commission. The proposed legislation will facilitate the OCFO in performing its responsibility to help address short-term and long-term financial pressures that currently face the Sports and Entertainment Commission.

Part II. Other Impact of the Bill

If you check "Yes" for each question, please explain on separate sheet.

	YES	NO
1. It will affect an agency and/or agencies in the District.	()	(x)
2. Will there be performance measures/output for this bill?	()	(x)
3. Will it have results/outcome, i.e., what would happen if this bill is enacted or not enacted?	()	(x)
4. Will the Budget and Financial Plan be affected by this bill?	()	(x)
5. The bill will have NO performance or outcome impact.	()	(x)

Sources of information:	Councilmember: Chairman Linda W. Cropp
	Staff Person & Tel: Robert E. Miller 202-724-8127
	Reviewed by Budget Director: <i>[Signature]</i>
	Budget Office Tel: 202-724-8139 9/16/03

ENROLLED ORIGINAL

AN ACT
D.C. ACT 15-211

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
 NOVEMBER 7, 2003

*Codification
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To amend, on an emergency basis, due to Congressional review, the Veterinary Practice Act of 1982 to reduce the size of the Board of Veterinary Examiners from 7 members to 3 members.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Board of Veterinary Examiners Congressional Review Emergency Amendment Act of 2003".

Sec. 2. Section 6 of the Veterinary Practice Act of 1982, effective March 9, 1983 (D.C. Law 4-171; D.C. Official Code § 3-505), is amended as follows: Note,
§ 3-505

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

"(b) The Board shall consist of 3 members appointed by the Mayor with the advice and consent of the Council. Two members of the Board shall be licensed veterinarians and one member shall be a consumer. No full-time or part-time officer or member of any school of veterinary medicine shall be eligible for appointment to the Board."

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

"(f) Of the members first appointed to the Board after July 29, 2003, one licensed member and one consumer member shall be appointed to serve terms of 3 years, and one licensed member shall be appointed to serve a term of 2 years."

Sec. 3. Applicability.

This act shall apply as of October 27, 2003.

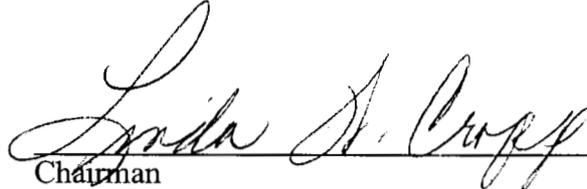
Sec. 4. Fiscal impact statement.

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)).

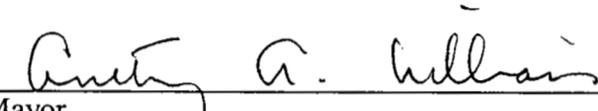
Sec. 5. Effective date.

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

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
November 7, 2003

**COUNCIL OF THE DISTRICT OF COLUMBIA
OFFICE OF THE BUDGET DIRECTOR
FISCAL IMPACT STATEMENT**

Bill Number:	Type: Emergency (X) Temporary () Permanent () Amendment ()	Date Reported: 7/7/03
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Subject/Short Title: The "Board of Veterinary Examiners Emergency Amendment Act of 2003"

	YES	NO
1. It will impact spending. (If "Yes," complete Section 1 in the Fiscal Estimate Worksheet).	()	(x)
a) It will affect local expenditures.	()	(x)
b) It will affect federal expenditures.	()	(x)
c) It will affect private/other expenditures.	()	(x)
d) It will affect intra-District expenditures.	()	(x)
2. It will impact revenue. (If "Yes," complete Section 2 in the Fiscal Estimate Worksheet).	()	(x)
a) It will impact local revenue.	()	(x)
b) It will impact federal revenue.	()	(x)
c) It will impact private/other revenue.	()	(x)
d) It will impact intra-District revenue.	()	(x)
3. The bill will have NO or minimal fiscal impact. (If "Yes," explain below).	(x)	()
Explanation: The Board of Veterinary Examiners Emergency Amendment Act of 2003 has no fiscal impact, because it is a bill that reduces the number of members of the Veterinary Board for seven to three.		

	YES	NO
If you check "Yes" for each question, please explain on separate sheet, if necessary.		
1. It will affect an agency and/or agencies in the District. (The Department of Health, Board of Veterinary Examiners)	(x)	()
2. Are there performance measures/output for this bill?	()	(x)
3. Will it have results/outcome, i.e., what would happen if this bill is not enacted? If this amendment is not enacted, the Board of Veterinary Examiners will be unable to meet because there are not enough licensed veterinarians living in the District of Columbia to have a quorum.	(x)	()
4. Are funds appropriated for this bill in the Budget and Financial Plan for the current year?	()	(x)

Sources of information:	Councilmember Sandy Allen
	Staff Person & Tel: Eric J. Goulet (202) 724-8060
	Council Budget Director's Signature: <i>AMR/IA</i>

7/12/03

ENROLLED ORIGINAL

AN ACT
D.C. ACT 15-212

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
NOVEMBER 7, 2003

*Codification
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Official Code*

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To amend, on an emergency basis, due to Congressional review, An Act Relating to the adulteration of foods and drugs in the District of Columbia to authorize the Mayor to establish sanitary standards for wholesale food operations that do not provide food directly to the consumer, including manufacturers, processors, repackagers, and distributors of food, by including "food processing plants" within the definition of "food establishment".

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Food Regulation Congressional Review Emergency Amendment Act of 2003".

Sec. 2. Section 2(5) of An Act Relating to the adulteration of foods and drugs in the District of Columbia, approved February 17, 1898 (30 Stat. 246; D.C. Official Code § 48-102(5)), is amended as follows:

Note,
§ 48-102

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

- (1) Sub-subparagraph (v) is amended by striking the word "and" at the end.
- (2) Sub-subparagraph (vi) is amended by adding the word "and" at the end.
- (3) A new sub-subparagraph (vii) is added to read as follows:
" (vii) A food processing plant."

(b) Subparagraph (B)(iii) is repealed.

Sec. 3. Applicability.

This act shall apply as of October 27, 2003.

Sec. 4. Fiscal impact statement.

This act has no fiscal impact because it merely includes food processing plants within the Mayor's original authorization to regulate food and food service establishments.

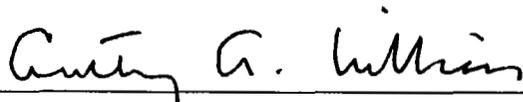
ENROLLED ORIGINAL

Sec. 5. Effective date.

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
November 7, 2003

ENROLLED ORIGINAL

AN ACT
D.C. ACT 15-213

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

NOVEMBER 7, 2003Codification
District of
Columbia
Official Code

2001 Edition

2004 Winter
Supp.West Group
Publisher

To amend, on an emergency basis, due to Congressional review, the Health Care Privatization Amendment Act of 2001 to add authority for the Mayor to issue rules and to require proposed rules to be submitted to the Council for a 30-day period of review.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Health Care Privatization Rulemaking Congressional Review Emergency Amendment Act of 2003".

Sec. 2. The Health Care Privatization Amendment Act of 2001, effective July 12, 2001 (D.C. Law 14-18; D.C. Official Code § 7-1401 *et seq.*), is amended by adding a new section 7a to read as follows:

"Sec. 7a. Rules.

The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), may issue rules to implement the provisions of this act. The proposed rules shall be submitted to the Council for a 30-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed rules, in whole or in part, by resolution within the 30-day period, the proposed rules shall be deemed disapproved."

Sec. 3. Applicability.

This act shall apply as of October 27, 2003.

Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206(c)(3)).

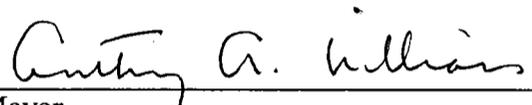
Sec. 5. Effective date.

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

ENROLLED ORIGINAL

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


Chairman
Council of the District of Columbia


Mayor
District of Columbia

APPROVED
November 7, 2003

ENROLLED ORIGINAL

AN ACT
D.C. ACT 15-214

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
NOVEMBER 7, 2003

*Codification
 District of
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To establish, on an emergency basis, due to Congressional review, a tax increment financing program for retail development in the District of Columbia.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Retail Incentive Congressional Review Emergency Act of 2003".

Sec. 2. Definitions.

For the purposes of this act, the term:

(1) "Authorized Delegate" means the CFO, the Deputy Mayor, or any officer or employee of the Executive Office of the Mayor to whom the Mayor has delegated or to whom the foregoing have subdelegated any of the Mayor's functions under this act.

(2) "Available Sales Tax Revenues" means the revenues resulting from the imposition of the tax imposed pursuant to Chapter 20 of Title 47 of the District of Columbia Official Code, including any penalties and interest charges, exclusive of the portion thereof required to be deposited in the Washington Convention Center Authority Fund established pursuant to section 208 of the Washington Convention Center Authority Act of 1994, effective September 28, 1994 (D.C. Law 10-188; D.C. Official Code §10-1202.08).

(3) "Bonds" means any bonds, notes, or other instruments issued by the District pursuant to section 490 of the Home Rule Act and secured by tax increment revenues.

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

(5) "Deputy Mayor" means the Deputy Mayor for Planning and Economic Development.

(6) "District" means the District of Columbia.

(7) "Downtown Retail Priority Area" means the record lots that front one of the following street locations: 7th Street, N.W., between Indiana and Massachusetts Avenues, N.W.; 11th Street, N.W., between Pennsylvania Avenue and New York Avenue, N.W.; F Street, N.W., between 6th and 14th Streets, N.W.; and G Street, N.W., between 10th and 13th Streets, N.W. The Downtown Retail Priority Area is comprised of portions of the following squares: 223, 224, 225, 252, 253, 254, 288, 289, 290, 319, 320, 321, 322, 346, 347, 348, 376, 377, 403, 406, 408.1, 428, 429, 430, 431, 452, 453, 454, 455, 456, 457, and 458.

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(8) "Home Rule Act" means the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 777; D.C. Official Code § 1-201.01 *et seq.*).

(9) "LSDBE" means local, small, and disadvantaged business enterprises certified by the District of Columbia Local Business Opportunity Commission.

(10) "Retail Development Project" means the establishment of a business engaged in direct onsite retail sales to consumers, including the following activities in connection with such business: acquisition, purchase, construction, reconstruction, improvement, renovation, rehabilitation, restoration, remodeling, repair, remediation, expansion, extension, and the furnishing, equipping, and opening for business. In the case of the Downtown Retail Priority Area, Retail Development Projects shall be limited to businesses engaged in sales of home furnishings, apparel, and general merchandise, and shall specifically exclude:

(A) Liquor stores, nightclubs, hotels, restaurants, banks, pharmacies, phone stores, and other service retail outlets; and

(B) The relocation of a business to the Downtown Retail Priority Area from another location within the District, unless the relocation involves a significant expansion of the size of the business.

(11) "Retail Development Costs" means any costs associated with, arising out of, or incurred in connection with:

(A) A Retail Development Project;

(B) The issuance of, or debt service or any other payments in respect of, the Bonds; or

(C) The relocation of any business where the purpose of the relocation is to make space for a Retail Development Project.

(12) "Retail Priority Area" means the Downtown Retail Priority Area and any other area or areas of the District so designated by the Mayor and approved by the Council in accordance with this act.

(13) "Rules of Operation" means the rules and procedures, established by the Mayor pursuant to section 5, by which Retail Development Projects will be approved as TIF Areas and receive proceeds of Bonds to pay Retail Development Costs.

(14) "Sales Tax Increment Revenues" means the portion of the Available Sales Tax Revenues allocable to one or more tax allocation funds pursuant to section 7.

(15) "TIF" means tax increment financing.

(16) "TIF Act" means the Tax Increment Financing Act of 1998, effective September 11, 1998 (D.C. Law 12-84; D.C. Official Code § 2-1217.01 *et seq.*).

(17) "TIF Area" means a Retail Development Project that has been approved by the Mayor to receive proceeds of Bonds in accordance with the applicable Rules of Operation for the Retail Priority Area in which the Retail Development Project is located.

Sec. 3. Limitations on issuance of Bonds.

(a) Bonds shall not be issued pursuant to this act to the extent the issuance will cause the aggregate principal amount of Bonds issued pursuant to this act or the TIF Act to exceed \$30 million.

(b) Bonds shall not be issued pursuant to this act after December 31, 2013.

Sec. 4. Retail Priority Areas.

(a)(1) The Mayor shall identify areas within the District where:

(A) There exist barriers to entry that impede Retail Development Projects; and

(B) The proceeds of Bonds may be used to eliminate these barriers to entry and promote Retail Development Projects.

(2)(A) The Mayor may from time to time submit to the Council for a 45-day period of review a proposed resolution, which:

(i) Designates one or more Retail Priority Areas;

(ii) States the maximum aggregate principal amount of Bonds that may be issued with respect to each Retail Priority Area; and

(iii) States the latest date by which the Bonds may be issued with respect to each Retail Priority Area.

(B) In addition to the resolution, the Mayor shall submit to the Council information supporting the Mayor's determinations concerning the use of TIF to promote retail development in each Retail Priority Area, including findings of the CFO that the proposed Retail Priority Area is not inconsistent with the financial plan and budget for the fiscal year of the District and does not exceed the limitations set forth in section 3(a).

(C) If the Council does not approve or disapprove the proposed resolution within the 45-day period of review, the proposed resolution shall be deemed approved.

(b) In addition to Retail Priority Areas that may be approved pursuant to subsection (a) of this section:

(1) The Downtown Retail Priority Area is designated as a Retail Priority Area;

(2) The issuance of Bonds with respect to the Downtown Retail Priority Area, not to exceed the aggregate principal amount of \$30 million, is approved;

(3) The latest date for the issuance of the Bonds is 4 years from the date that the Mayor establishes the Rules of Operation for the Downtown Retail Priority Area; and

(4) The base year for the calculation of Sales Tax Increment Revenues shall be the fiscal year beginning October 1, 2002.

(c) The Mayor shall prepare and deliver an annual report to the Council each year on the anniversary of the effective date of this act through the year ending December 31, 2013. The annual report shall contain a listing and description of each Retail Development Project

ENROLLED ORIGINAL

approved as a TIF Area pursuant to this act. Each listing shall contain specific information about the nature of the Retail Development Project, the use of the proceeds of the Bonds, the projected Sales Tax Increment Revenues attributable to each listed TIF Area, and any other information the Council may request regarding such TIF Areas.

(d) If the Mayor determines that a Retail Priority Area is no longer necessary, the Mayor may abolish the Retail Priority Area; provided, that if any Bonds are outstanding with respect to any TIF Area therein, the Mayor shall take no action to abolish the Retail Priority Area or that otherwise will adversely affect the security of the holders of the Bonds.

(e) The Mayor, in conjunction with members of the Council and neighborhood stakeholders, shall identify potential Retail Priority Areas. Within 180 days of the effective date of this act, the Mayor shall submit to the Council resolutions designating as retail priority areas the following areas:

- (1) Columbia Heights;
- (2) Georgia Avenue;
- (3) Minnesota/Benning; and
- (4) Shaw.

Sec. 5. Rules of Operation.

(a) Upon approval by resolution pursuant to section 4(a) with respect to any Retail Priority Area, or upon the effective date of this act in the case of the Downtown Retail Priority Area, the Mayor shall establish Rules of Operation with respect to each Retail Priority Area as the Mayor considers necessary or appropriate for:

- (1) The approval and certification by the Mayor of Retail Development Projects within the Retail Priority Area as TIF Areas;
- (2) The issuance of Bonds secured by the Available Sales Tax Revenues generated by the Retail Development Projects;
- (3) The allocation of the proceeds of the Bonds to fund Retail Development Costs of the Retail Development Projects; and
- (4) Such other matters as the Mayor considers necessary or appropriate to achieve the goals and objectives for the Retail Priority Area.

(b) The Rules of Operation for the Downtown Retail Priority Area shall include the following:

- (1) A rating system designed to rank Retail Development Projects based on the following objective criteria:
 - (A) The likelihood of Bond repayment based on projected Sales Tax Increment Revenues from the Retail Development Project;
 - (B) The uniqueness of the retailer;
 - (C) The likelihood that the retailer will attract other retailers to locate nearby;
 - (D) The position of the retailer in its market and whether the retailer is

ENROLLED ORIGINAL

the first in its market to locate in the Downtown Retail Priority Area;

(E) The extent to which the retailer promotes the Downtown Retail Priority Area in its advertising;

(F) The vertical integration of the retailer;

(G) The intention of the retailer to locate on more than one level of the building in which it is located;

(H) Whether the retailer builds an expressive storefront;

(I) Whether the retailer is owned by a District resident or is based in the District;

(J) The amount of space occupied by the retailer; and

(K) Whether the retailer is one of multiple retailers that co-locate in the Downtown Retail Priority Area;

(2) A numeric formula based upon the foregoing rating system that, for any proposed Retail Development Project, will produce a dollar amount of proceeds of Bonds that shall be allocated to the Retail Development Project if it is approved as a TIF Area;

(3) The establishment of a committee comprised of the Deputy Mayor or the Deputy Mayor's representative, and representatives, appointed by the Mayor, of retail brokers and property owners in the Downtown Retail Priority Area, which committee shall:

(A) Establish the rating system and review and revise the rating system from time to time as necessary to respond to market conditions;

(B) Adjust the formula for the allocation of Bond proceeds as may be necessary or appropriate to maximize the use of Bond proceeds to achieve the purposes of this act;

(C) Recommend Retail Development Projects for designation as TIF Areas to the Deputy Mayor; and

(D) Take such other actions as the Mayor may consider necessary or appropriate to facilitate the selection and funding of TIF Areas in the Downtown Retail Priority Area;

(4)(A) A procedure pursuant to which the Mayor shall certify:

(i) The rating of Retail Development Project, based upon the rating system;

(ii) The amount of Bond proceeds that, based upon the allocation formula, may be allocated to Retail Development Projects; and

(iii) Retail Development Projects as TIF Areas; and

(B) The procedure shall permit the Mayor to suspend and re-institute from time to time the designation of TIF Areas pursuant to this act in response to market conditions;

(5) A requirement that the owner of any building in which a TIF Area is located enter into a development agreement, satisfactory to the Mayor, that sets forth:

(A) The goals and objectives for achieving the revitalization of retail

ENROLLED ORIGINAL

development in the Downtown Retail Priority Area;

(B) Requirements for the leasing of retail space in the building in a manner that will advance the goals and objectives;

(C) The terms and conditions pursuant to which Bond proceeds will be advanced to pay Retail Development Costs incurred in connection with the TIF Area;

(D) The owner's agreement to use good faith efforts to use LSDBEs to perform any construction work the cost of which is paid for or reimbursed by Bond proceeds;

(E) The owner's agreement to require the retailer of the Retail Development Project to execute a First Source Agreement with the Department of Employment Services that establishes a goal of hiring District residents for at least 51% of the new jobs created by the Retail Development Project;

(F) Such matters as may be required in connection with the issuance of the Bonds; and

(G) Such other matters as the Mayor determines to be necessary or appropriate in connection with such TIF Area;

(6) Requirements that Bonds shall not be issued with respect to any TIF Area and the proceeds of the Bonds shall not be advanced to pay Retail Development Costs until the TIF Area is open for business to the general public; and

(7) Procedures and timetables for the approval of Retail Development Projects as TIF Areas that are designed to facilitate, and not impede, negotiations between building owners and retailers in the Downtown Retail Priority Area.

(c) The Rules of Operation shall be uniformly applied within any given Retail Priority Area, but may vary across different Retail Priority Areas to address the specific needs of each Retail Priority Area. Notwithstanding anything to the contrary herein, the Rules of Operation shall provide that a Retail Development Project that, either directly or as part of a larger development project, has already received proceeds of Bonds through another TIF program shall not be designated a TIF Area under this act.

Sec. 6. Use of Bond proceeds; funding agreement.

(a) When a Retail Development Project is certified as a TIF Area by the Mayor pursuant to this act, the proceeds of Bonds issued with respect to the TIF Area shall be used to pay Retail Development Costs and shall be subject to such terms, conditions, and requirements as the Mayor determines to be in the best interests of the District and will further the purposes of this act. The terms, conditions and requirements shall be included in an agreement entered into between the District and the recipient of the proceeds prior to the advance of the proceeds; provided, that Sales Tax Increment Revenues shall be used for the payment of debt service on Bonds issued to Bondholders arranged by the recipient of the proceeds of the Bonds prior to the issuance of the Bonds and the proceeds of the Bonds shall be available to the recipient only after the issuance of a certificate of occupancy for the Retail Development Project. The Bonds shall be guaranteed by the recipient of the Bonds and shall nonrecourse to the District

ENROLLED ORIGINAL

(b) In the case of the Downtown Retail Priority Area, Sales Tax Increment Revenues and the proceeds of Bonds may also be used to pay costs and expenses:

(1) Incurred in connection with the start-up and administration of a TIF program in the Downtown Retail Priority Area (including feasibility studies, market studies, and legal costs), and marketing the TIF program and the Downtown Retail Priority Area to prospective retailers; provided, that the amount expended pursuant to this paragraph shall not exceed \$1 million in the aggregate; and

(2) Of establishing, maintaining, and operating a program to support parking for customers of retail businesses in the Downtown Retail Priority Area and providing streetscape and façade improvements in the Downtown Retail Priority Area; provided, that the amount expended pursuant to this paragraph shall not exceed \$5 million in the aggregate.

Sec. 7. Allocation of Sales Tax Increment Revenues.

(a) Within 60 days after the certification of a TIF Area by the Mayor, the CFO shall provide for the allocation of Sales Tax Increment Revenues within each TIF Area. The CFO shall establish one or more separate tax increment allocation accounts within the General Fund of the District of Columbia for the deposit and application of Sales Tax Increment Revenues from each TIF Area. Monies shall be transferred from such accounts at the times and in the amounts required pursuant to financing documents relating to any Bonds. Monies held or to be held in a tax allocation account may be used to (1) pay debt service on Bonds, (2) pay other costs due and payable under the applicable financing documents, and (3) to pay any other costs or expenses permitted by this act. Monies in a tax allocation account or in any fund or account established under any financing documents may be pledged as security for the payment of debt service on Bonds.

(b) Notwithstanding any other law, after a TIF Area has been certified by the Mayor, the portion of Available Sales Tax Revenues that results from the sales tax levied within the TIF Area each year beginning from the date of the certification of the TIF Area shall be paid to the CFO for deposit into one or more of the tax increment accounts established by the CFO pursuant to subsection (a) of this section.

(c) If Bonds have been issued and are outstanding, the amounts, if any, remaining in the tax increment accounts for a TIF Area at the end of each tax year, after provision for the payment of debt service on any Bonds, any costs of credit or liquidity enhancement, other costs, fees, and expenses of administering, carrying, and paying the Bonds and the funds, trusts, and escrows pertaining to them, and providing for reasonably required reserves, all as provided in the financing documents, and after payment of any other costs permitted by this act, shall revert to the General Fund of the District of Columbia.

Sec. 8. Issuance of Bonds.

The issuance of Bonds, including any refunding Bonds, is authorized pursuant to section 490 of the Home Rule Act to finance Retail Development Costs of TIF Areas certified

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by the Mayor pursuant to this act. The Bonds shall be secured by Sales Tax Increment Revenues in amounts not to exceed the limits provided for in this act. The issuance of Bonds, including any refunding Bonds in specified aggregate principal amounts, shall be approved by the Mayor in accordance with this act.

Sec. 9. Details of Bonds.

(a) The Mayor may take any action necessary or appropriate in accordance with this act 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 denominations of the Bonds;
- (3) The rate or rates of interest or the method for determining the rate or rates of interest on the Bonds;
- (4) The date or dates of issuance, sale, and delivery of, and the payment of interest on the Bonds, and the maturity date or dates of the Bonds;
- (5) 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;
- (6) Provisions for the registration, transfer, and exchange of each series of Bonds and the replacement of mutilated, lost, stolen, or destroyed Bonds;
- (7) The creation of any reserve fund, sinking fund, or other fund with respect to the Bonds;
- (8) The time and place of payment of the Bonds;
- (9) Procedures for monitoring the use of the proceeds received from the sale of the Bonds to ensure that they are properly applied to their respective eligible project and used to accomplish the purposes of this act; and
- (10) Actions necessary to qualify the Bonds under blue sky laws of any jurisdiction where the Bonds are marketed.

(b) 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 Sales Tax Increment Revenues), shall not constitute a debt of the District, and shall not constitute lending of the public credit for private undertakings as prohibited in section 602(a)(2) of the Home Rule Act.

(c) 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 same.

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

(e) The Bonds may be issued at any time or from time to time in one or more issues and in one of more series.

Sec. 10. Security for Bonds.

(a) A series of Bonds may be secured by a trust agreement or trust indenture between the District and a corporate trustee having trust powers, or secured by a loan agreement or other instrument giving power to a corporate trustee by means of which the District may do the following:

(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 covenants and agreements as 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) Terms and conditions upon which additional Bonds of the District may be issued;

(D) Providing for 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) 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 presently in hand or to be received in the future, or both;

(3) Provide for bond insurance and letters of credit, or otherwise enhance the credit of and security for the payment of its bonds; and

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

(b) Bonds are declared to be issued for essential public and governmental purposes. The Bonds and the interest thereon and 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.

(c) The District does hereby pledge to and covenant and agree with the holders of any 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 such 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, and will not modify in any way the exemptions from taxation provided for in this act, until the Bonds, together with interest thereon, with interest on any

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unpaid installment of interest and all costs and expenses in connection with any suit, action or proceeding by or on behalf of the holders, are fully met and discharged. This pledge and agreement of the District may be included as part of the contract with the holders of any of its Bonds. This subsection shall constitute a contract between the District and the holders of the Bonds authorized by this act. To the extent that any acts or resolutions of the Council may be in conflict with this act, this act shall be controlling.

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

(1) A pledge made and security interest created in respect of any 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 such 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.

Sec. 11. Default.

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 holders 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 act;

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

Sec. 12. Liability.

(a) The members of the Council, the Mayor, or any person executing Bonds shall not be liable personally on the Bonds by reason of the issuance thereof.

(b) Notwithstanding any other provision of this act, 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

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the meaning of any debt or other limit prescribed by law. The full faith and credit or the general taxing power of the District (other than the Sales Tax Increment Revenues) shall not be pledged to secure the payment of any Bonds.

Sec. 13. Prior legislation.

This act shall not adversely affect any actions taken, agreements entered into, pledge of security made or Bonds issued prior to the effective date of this act.

Sec. 14. Promulgation of rules and regulations.

The Mayor shall promulgate rules and regulations, setting forth the criteria and procedures necessary to implement the provisions of this act.

Sec. 15. Delegation of authority.

The Mayor may delegate to an Authorized Delegate the performance of any of the Mayor's duties and responsibilities under this act.

Sec. 16. Construction.

This Act shall be liberally construed to effect the purposes stated herein.

Sec. 17. Applicability.

This act shall apply as of October 27, 2003.

Sec. 18. Fiscal impact statement.

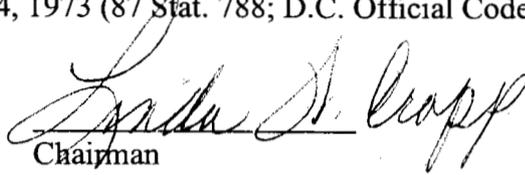
The Council adopts the fiscal impact statement for Bill 15-306, as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 19. Effective date.

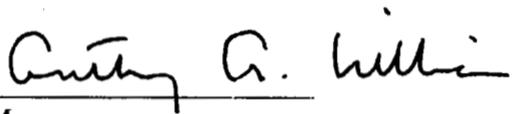
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, beginning October 27, 2003, as provided for emergency acts of the Council of the

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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
November 7, 2003

ENROLLED ORIGINAL

AN ACT

D.C. ACT 15-215

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

NOVEMBER 7, 2003*Codification
District of
Columbia
Official Code*

2001 Edition

2004 Winter
Supp.West Group
Publisher

To establish, on an emergency basis, due to Congressional review, a Comprehensive Housing Strategy Task Force that will assess the quality and availability of housing for households at all income levels in the District of Columbia and develop a set of public policy recommendations to address the housing needs of both current residents and the 100,000 new residents that are expected to move into the District over the next 10 years.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Comprehensive Housing Strategy Congressional Review Emergency Act of 2003".

Sec. 2. Establishment of Comprehensive Housing Strategy Task Force; composition.

(a) There is hereby established a Comprehensive Housing Strategy Task Force ("Task Force").

(b) The Task Force shall be comprised of not fewer than 23 members and not more than 30 members, including the following:

- (1) At least one representative from banking or financial services institutions;
- (2) At least 2 representatives from the for-profit housing production community;
- (3) At least 2 representatives from the nonprofit housing production community, at least one of whom has experience developing special needs housing;
- (4) At least one expert in housing policy from the academic or nonprofit community;
- (5) At least one representative from the philanthropic community;
- (6) At least one representative from an employer-assisted housing provider;
- (7) At least 2 representatives from the multifamily property owner community;
- (8) At least one representative from the residential real estate profession.
- (9) At least one representative from an organization that advocates for the production, preservation, and rehabilitation of affordable housing for lower-income households;
- (10) At least one representative of low-income tenants;

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- (11) At least 2 citizen representatives;
 - (12) At least one representative from an organization that provides supportive housing services including housing counseling, financial management, in-kind assistance, or legal representation; and
 - (13) No more than 6 representatives from government agencies, including independent housing agencies.
- (c) The members of the Task Force shall be appointed by the Mayor with the advice and consent of the Council. The Mayor shall transmit to the Council by September 30, 2003, proposed resolutions to approve the appointment of each member of the Task Force for a 45-day period of review, excluding days of Council recess. If the Council does not approve or disapprove a resolution within the 45-day period, the resolution shall be deemed approved.
- (d) The Mayor shall designate a chair or co-chairs from among the non-governmental members of the Task Force.

Sec. 3. Development of the comprehensive housing strategy.

- (a) The Task Force shall consider the following goals and policy objectives when developing the Comprehensive Housing Strategy:
- (1) Preserving and creating mixed-income neighborhoods;
 - (2) Assessing and improving the quality, availability, and affordability of rental housing for households at all income levels, including the impact of regulatory and other factors on the provision of quality rental housing;
 - (3) Assessing and increasing homeownership opportunities for households at all income levels;
 - (4) Preventing the involuntary displacement of long-term residents;
 - (5) Assessing the quality and availability of housing options for special populations, such as seniors, individuals with physical or mental disabilities, and individuals who were formerly homeless;
 - (6) Assessing and improving the quality and availability of workforce housing;
- and
- (7) Increasing the District of Columbia's population by 100,000 residents by the year 2013.
- (b) For the purposes of subsection (a) of this section "affordability" means housing for which monthly costs, including utilities, consume no more than 30% of the household's monthly income.
- (c) The Comprehensive Housing Strategy shall include:
- (1) The Task Force's findings;
 - (2) Housing production goals for each of the 10 succeeding years;
 - (3) A 10-year implementation timetable;
 - (4) Public policy recommendations designed to help meet the housing production and preservation goals; and

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(5) An estimate of the public and private funding required to achieve the identified housing production and preservation goals.

Sec. 4. Presentation of Comprehensive Housing Strategy.

(a) Within 12 months after the Council's confirmation of the Mayor's nominations to the Task Force, the Task Force shall present the Comprehensive Housing Strategy to the Council and the Mayor.

(b) The Task Force shall hold at least 2 public meetings, which shall be convened at the following times:

(1) Within 60 days after the Council's confirmation of the Task Force members;
and

(2) After a draft of the Comprehensive Housing Strategy has been developed but prior to presenting the final Comprehensive Housing Strategy to the Council and the Mayor under section (a) of this section.

(c) At least 30 days before a public meeting, the Task Force shall provide the general public the following information regarding the meeting, the:

- (1) Time;
- (2) Date; and
- (3) Location.

(d) The Task Force shall provide all interested persons a reasonable opportunity to be heard at the public meetings.

Sec. 5. Reporting and updating requirements.

(a) The Mayor shall report to the Council regarding the implementation of the Comprehensive Housing Strategy on an annual basis.

(b) The Mayor shall appoint a task force to update the Comprehensive Housing Strategy no later than 5 years after the Task Force presents a Comprehensive Housing Strategy to the Council and the Mayor under section 4(a).

Sec. 6. Fiscal impact statement.

The Council adopts the fiscal impact statement for the Comprehensive Housing Strategy Temporary Act of 2003, passed on 2nd reading on September 16, 2003 (Enrolled version of Bill 15-326), 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)).

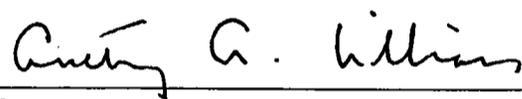
Sec. 7. Effective date.

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

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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
November 7, 2003

ENROLLED ORIGINAL

AN ACT

D.C. ACT 15-216

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

NOVEMBER 7, 2003*Codification
District of
Columbia
Official Code*

2001 Edition

2004 Winter
Supp.West Group
Publisher

To authorize, on an emergency basis, due to Congressional review, the issuance of District of Columbia general obligation tax revenue anticipation notes to finance general governmental expenses for the fiscal year ending September 30, 2004.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Fiscal Year 2004 Tax Revenue Anticipation Notes Congressional Review Emergency Act of 2003".

Sec. 2. Definitions.

For the purposes of this act, the term:

- (1) "Additional Notes" means District general obligation revenue anticipation notes described in section 9 that may be issued pursuant to section 472 of the Home Rule Act and that will mature on or before September 30, 2004, on a parity with the notes.
- (2) "Authorized delegate" means the City Administrator, the Chief Financial Officer, the Treasurer, or any officer or employee of the executive office of the Mayor to whom the Mayor has delegated any of the Mayor's functions under this act pursuant to section 422(6) of the Home Rule Act.
- (3) "Available funds" means District funds required to be deposited with the Escrow Agent, Receipts, and other District funds that are not otherwise legality committed.
- (4) "Bond Counsel" means a firm or firms of attorneys designated as bond counsel or co-bond counsel from time to time by the Mayor.
- (5) "Chief Financial Officer" means the Chief Financial Officer established pursuant to section 424(a)(1) of the Home Rule Act.
- (6) "City Administrator" means the City Administrator established pursuant to section 422(7) of the Home Rule Act.
- (7) "Council" means the Council of the District of Columbia.
- (8) "District" means the District of Columbia.
- (9) "Escrow Agent" means any bank, trust company, or national banking association with requisite trust powers and with an office in the District designated to serve in this capacity by the Mayor.
- (10) "Escrow Agreement" means the escrow agreement between the District and

Note,
§ 1-204.72

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the Escrow Agent authorized in section 7.

(11) "Home Rule Act" means the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 774; D.C. Official Code § 1-201.01 *et seq.*)

(12) "Mayor" means the Mayor of the District of Columbia.

(13) "Notes" means District general obligation revenue anticipation notes authorized to be issued pursuant to this act.

(14) "Receipts" means all funds received by the District from any source, including, but not limited to, taxes, fees, charges, miscellaneous receipts, and any moneys advanced, loaned, or otherwise provided to the District by the United States Treasury, less funds that are pledged to debt or other obligations according to section 9 or that are restricted by law to uses other than payment of principal of, and interest on, the notes.

(15) "Secretary" means the Secretary of the District of Columbia.

(16) "Treasurer" means the Treasurer of the District of Columbia established pursuant to section 424(a)(2) of the Home Rule Act.

Sec. 3. Findings.

The Council finds that:

(1) Under section 472 of the Home Rule Act, the Council may authorize, by act, the issuance of general obligation revenue anticipation notes for a fiscal year in anticipation of the collection or receipt of revenues for that fiscal year. Section 472 of the Home Rule Act provides further that the total amount of general obligation revenue anticipation notes issued and outstanding at any time during a fiscal year shall not exceed 20% of the total anticipated revenue of the District for that fiscal year, as certified by the Mayor as of a date not more than 15 days before each original issuance of the notes.

(2) Under section 482 of the Home Rule Act, the full faith and credit of the District is pledged for the payment of the principal of, and interest on, any general obligation revenue anticipation note.

(3) Under section 483 of the Home Rule Act, the Council is required to provide in the annual budget sufficient funds to pay the principal of and interest on all general obligation revenue anticipation notes becoming due and payable during that fiscal year, and the Mayor is required to ensure that the principal of, and interest on, all general obligation revenue anticipation notes is paid when due, including by paying the principal and interest from funds not otherwise legally committed.

(4) The Mayor has advised the Council that, based upon the Mayor's projections of anticipated receipts and disbursements during the fiscal year ending September 30, 2004, it may be necessary for the District to borrow a sum not to exceed \$250 million, an amount that does not exceed 20% of the total anticipated revenue for such fiscal year, and to evidence the debt by issuing general obligation revenue anticipation notes in one or more series.

(5) The issuance of general obligation revenue anticipation notes in a sum not to exceed \$250 million is in the public interest.

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Sec. 4. Note authorization.

(a) The District is authorized to incur indebtedness by issuing the notes pursuant to sections 472 and 482 of the Home Rule Act, in one or more series, in a sum not to exceed \$250 million, to finance its general governmental expenses, in anticipation of the collection or receipt of revenues for the fiscal year ending September 30, 2004.

(b) The Mayor is authorized to pay from the proceeds of the notes the costs and expenses of issuing and delivering the notes, including, but not limited to, underwriting, legal, accounting, financial advisory, note insurance or other credit enhancement, marketing and selling the notes, and printing costs and expenses.

Sec. 5. Note details.

(a) The notes shall be known as "District of Columbia Fiscal Year 2004 General Obligation Tax Revenue Anticipation Notes" and shall be due and payable, as to both principal and interest, on or before September 30, 2004.

(b) The Mayor is authorized to take any action necessary or appropriate in accordance with this act in connection with the preparation, execution, issuance, sale, delivery, security for, and payment of the notes, including, but not limited to, determinations of:

- (1) The final form, content, designation, and terms of the notes, including any redemptions applicable thereto and a determination that the notes may be issued in book entry form;
- (2) Provisions for the transfer and exchange of the notes;
- (3) The principal amount of the notes to be issued;
- (4) The rate or rates of interest or the method of determining the rate or rates of interest on the notes; provided, that the interest rate or rates borne by the notes of any series shall not exceed in the aggregate 10% per year calculated on the basis of a 365-day year (actual days elapsed); provided further, that if the notes are not paid at maturity, the notes may provide for an interest rate or rates after maturity not to exceed in the aggregate 15% per year calculated on the basis of a 365-day year (actual days elapsed);
- (5) The date or dates of issuance, sale, and delivery of the notes;
- (6) The place or places of payment of principal of, and interest on, the notes;
- (7) The designation of a registrar, if appropriate, for any series of the notes, and the execution and delivery of any necessary agreements relating to the designation;
- (8) The designation of paying agent(s) or Escrow Agent(s) for any series of the notes, and the execution and delivery of any necessary agreements relating to such designations; and
- (9) Provisions concerning the replacement of mutilated, lost, stolen or destroyed notes.

(c) The notes shall be executed in the name of the District and on its behalf by the manual signature of the Mayor or an authorized delegate. The official seal of the District or a facsimile of it shall be impressed, printed, or otherwise reproduced on the notes. If a registrar is

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designated, the registrar shall authenticate each note by manual signature and maintain the books of registration for the payment of the principal of and interest on the notes and perform other ministerial responsibilities as specifically provided in its designation as registrar.

(d) The notes may be issued at any time or from time to time in one or more issues and in one or more series.

Sec. 6. Sale of the Notes.

(a) The notes of any series shall be sold at negotiated sale pursuant to a purchase contract or at competitive sale pursuant to a bid form. The notes shall be sold at a price not less than par plus accrued interest from the date of the notes to the date of delivery thereof. The purchase contract or bid form shall contain the terms that the Mayor considers necessary or appropriate to carry out the purposes of this act. The Mayor's execution and delivery of the purchase contract or bid form shall constitute conclusive evidence of the Mayor's approval, on behalf of the District, of the final form and content of the notes. The Mayor shall deliver the notes, on behalf of the District, to the purchasers upon receiving the purchase price provided in the purchase contract or bid form.

(b) The Mayor or an authorized delegate may execute, in connection with each sale of the notes, an offering document on behalf of the District, and may authorize the document's distribution in relation to the notes being sold.

(c) The Mayor or an authorized delegate shall take actions and execute and deliver agreements, documents, and instruments (including any amendment of or supplement to any such agreement, document, or instrument) in connection with any series of notes as required by or incidental to:

(1) The issuance of the notes;

(2) The establishment or preservation of the exclusion from gross income for federal income tax purposes of interest on the notes, the treatment of interest on the notes as not constituting an item of tax preference for purposes of the federal alternative minimum tax ("non-AMT"), if the notes are originally issued as non-AMT notes, and the exemption from District income taxation of interest on the notes;

(3) The performance of any covenant contained in this act, in any purchase contract for the notes, or in any escrow or other agreement for the security thereof;

(4) The provision for securing the repayment of the notes by a letter or line of credit or other form of credit enhancement, and the repayment of advances under any such credit enhancement, including the evidencing of such a repayment obligation with a negotiable instrument with such terms as the Mayor shall determine; or

(5) The execution, delivery, and performance of the Escrow Agreement, a purchase contract, or a bid form for the notes, a paying agent agreement, an agreement relating to credit enhancement, if any, including any amendments of any of these agreements, documents, or instruments.

(d) The notes shall not be issued until the Mayor receives an approving opinion of Bond

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Counsel as to the validity of the notes and the establishment or preservation of the exclusion from gross income for federal income tax purposes of the interest on the notes and, if the notes are issued as non-AMT notes, the treatment of such interest as not an item of tax preference for purposes of the federal alternative minimum tax, and the exemption from District income taxation of the interest on the notes.

(e) The Mayor shall execute a note issuance certificate evidencing the determinations and other actions taken by the Mayor for each issue or series of the notes issued and shall designate in the note issuance certificate the date of the notes, the series designation, the aggregate principal amount to be issued, the authorized denominations of the notes, the sale price, and the interest rate or rates on the notes. The Mayor shall certify in a separate certificate, not more than 15 days before each original issuance of a series, the total anticipated revenue of the District for the fiscal year ending September 30, 2004, and that the total amount of all general obligation revenue anticipation notes issued and outstanding at any time during the fiscal year will not exceed 20% of the total anticipated revenue of the District for the fiscal year. These certificates shall be delivered at the time of delivery of the notes and shall be conclusive evidence of the actions taken as stated in the certificates. A copy of each of the certificates shall be filed with the Secretary to the Council not more than 3 days after the delivery of the notes covered by the certificates.

Sec. 7. Payment and security.

(a) The full faith and credit of the District is pledged for the payment of the principal of, and interest on, the notes when due.

(b) The funds for the payment of the notes as described in this act shall be irrevocably deposited with the Escrow Agent pursuant to the Escrow Agreement. The funds shall be used for the payment of the principal of, and interest on, the notes when due, and shall not be used for other purposes so long as the notes are outstanding and unpaid.

(c) The notes shall be payable from available funds of the District, including, but not limited to, any moneys advanced, loaned, or otherwise provided to the District by the United States Treasury, and shall evidence continuing obligations of the District until paid in accordance with their terms.

(d) The Mayor may, without regard to any act or resolution of the Council now existing or adopted after the effective date of this act, designate an Escrow Agent under the Escrow Agreement. The Mayor may execute and deliver the Escrow Agreement, on behalf of the District and in the Mayor's official capacity, containing the terms that the Mayor considers necessary or appropriate to carry out the purposes of this act. A special account entitled "Special Escrow for Payment of District of Columbia Fiscal Year 2004 General Obligation Tax Revenue Anticipation Notes" is created and shall be maintained by the Escrow Agent for the benefit of the owners of the notes as stated in the Escrow Agreement. Funds on deposit, including investment income, under the Escrow Agreement may not be used for any purposes except for payment of the notes or, to the extent permitted by the Home Rule Act, to service

ENROLLED ORIGINAL

any contract or other arrangement permitted under subsections (k) or (l) of this section, and may be invested only as provided in the Escrow Agreement.

(e) Upon the sale and delivery of the notes, the Mayor shall deposit with the Escrow Agent to be held and maintained as provided in the Escrow Agreement all accrued interest and premium, if any, received upon the sale of the notes.

(f)(1) The Mayor shall set aside and deposit with the Escrow Agent funds in accordance with the Escrow Agreement at the time and in the amount as provided in the Escrow Agreement.

(2) If Additional Notes are issued pursuant to section 9(b), and if on the date set forth in the Escrow Agreement, the aggregate amount of principal and interest payable at maturity on the outstanding notes, including any Additional Notes, less all amounts on deposit, including investment income, under the Escrow Agreement exceeds 90% of the actual receipts of District taxes (other than special taxes or charges levied pursuant to section 481(a) of the Home Rule Act, and taxes, if any, dedicated to particular purposes pursuant to section 490 of the Home Rule Act), for the period August 15, 2004, until September 30, 2004, then beginning on the date set forth in the Escrow Agreement, the Mayor shall promptly, upon receipt by the District, set aside and deposit with the Escrow Agent the Receipts received by the District after the date set forth in the Escrow Agreement, until the excess described in this subsection no longer exists.

(3) The District covenants that it shall levy, maintain, or enact taxes due and payable during August 1, 2004, through September 30, 2004, to provide for payment in full of the principal of, and interest on, the notes when due. The taxes referred to in this paragraph shall be separate from special taxes or charges levied pursuant to section 481(a), or taxes, if any, dedicated to particular purposes pursuant to section 490 of the Home Rule Act.

(4) The District covenants that so long as any of the notes are outstanding, it shall not grant, create, or permit the existence of any lien, pledge, or security interest with respect to its taxes due and payable during the period August 1, 2004, through September 30, 2004, or commit or agree to set aside and apply those tax receipts to the payment of any obligation of the District other than the notes. The taxes referred to in this paragraph shall not include special taxes or charges levied pursuant to section 481(a), or taxes, if any, dedicated to particular purposes pursuant to section 490 of the Home Rule Act, or any real property tax liens created or arising in any fiscal year preceding the issuance of the notes.

(g) Before the 16th day of each month, beginning in August 2004, the Mayor shall review the current monthly cash flow projections of the District, and if the Mayor determines that the aggregate amount of principal and interest payable at maturity on the notes then outstanding, less any amounts and investment income on deposit under the Escrow Agreement, equals or exceeds 85% of the Receipts estimated by the Mayor to be received after such date by the District but before the maturity of the notes, then the Mayor shall promptly, upon receipt by the District, set aside and deposit with the Escrow Agent the Receipts received by the District on and after that date until the aggregate amount, including investment income, on deposit with

ENROLLED ORIGINAL

the Escrow Agent equals or exceeds 100% of the aggregate amount of principal and interest on the notes payable at their maturity.

(h) The Mayor shall, in the full exercise of the authority granted the Mayor under the Home Rule Act and under any other law, take actions as may be necessary or appropriate to ensure that the principal of and interest on the notes are paid when due, including, but not limited to, seeking an advance or loan of moneys from the United States Treasury if available under then-current law. This action shall include, without limitation, the deposit of available funds with the Escrow Agent as may be required under section 483 of the Home Rule Act, this act, and the Escrow Agreement. Without limiting any obligations under this act or the Escrow Agreement, the Mayor reserves the right to deposit available funds with the Escrow Agent at his or her discretion.

(i) There are provided and approved for expenditure sums as may be necessary for making payments of the principal of, and interest on, the notes, and the provisions of the District of Columbia Appropriations Act, 2004, if enacted prior to the effective date of this act, relating to short-term borrowings are amended and supplemented accordingly by this section, as contemplated in section 483 of the Home Rule Act.

(j) The notes shall be payable, as to both principal and interest, in lawful money of the United States of America in immediately available or same-day funds at a bank or trust company acting as paying agent, located in the District, and at not more than 2 co-paying agents that may be located outside the District, one of which shall be located in New York, New York. All of the paying agents shall be qualified to act as paying agents under the laws of the United States of America, of the District, or of the state in which they are located, and shall be designated by the Mayor without regard to any other act or resolution of the Council now existing or adopted after the effective date of this act.

(k) In addition to the security available for the holders of the notes, the Mayor is hereby authorized to enter into agreements, including any agreement calling for payments in excess of \$1 million during fiscal year 2004, with a bank or other financial institution to provide a letter of credit, line of credit, or other form of credit enhancement to secure repayment of the notes when due. The obligation of the District to reimburse said bank or financial institution for any advances made under any such credit enhancement shall be a general obligation of the District until repaid and shall accrue interest at the rate of interest established by the Mayor not in excess of 15% per year until paid.

(l) The District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Official Code § 2-301.01 *et seq.*), and the Financial Institutions Deposit and Investment Amendment Act of 1997, effective March 18, 1998 (D.C. Law 12-56; D.C. Official Code § 47-351.01 *et seq.*), shall not apply to any contract which the Mayor may from time to time determine to be necessary or appropriate to place, in whole or in part:

- (1) An investment or obligation of the District as represented by the notes;
- (2) An investment or obligation or program of investment; or
- (3) A contract or contracts based on the interest rate, currency, cash flow, or

ENROLLED ORIGINAL

other basis as the Mayor may desire, including, without limitation, interest rate swap agreements; currency swap agreements; insurance agreements; forward payment conversion agreements; futures; contracts providing for payments based on levels of, or changes in, interest rates, currency exchange rates or stock or other indices; contracts to exchange cash flows or a series of payments; and contracts to hedge payment, currency, rate, spread or similar exposure, including, without limitation, interest rate floors, or caps, options, puts and calls. The contracts or other arrangements also may be entered into by the District in connection with, or incidental to, entering into or maintaining any agreement that secures the notes. The contracts or other arrangements shall contain whatever payment, security, terms, and conditions as the Mayor may deem appropriate and shall be entered into with whatever party or parties the Mayor may select, after giving due consideration, where applicable, to the creditworthiness of the counterparty or counterparties, including any rating by a nationally recognized rating agency or any other criteria as may be appropriate. In connection with, or incidental to, the issuance or holding of the notes, or entering into any contract or other arrangement referred to in this section, the District may enter into credit enhancement or liquidity agreements, with payment, interest rate, termination date, currency, security, default, remedy, and any other terms and conditions as the Mayor determines. Proceeds of the notes and any money set aside for payment of the notes or of any contract or other arrangement entered into pursuant to this section may be used to service any contract or other arrangement entered into pursuant to this section.

Sec. 8. Defeasance.

(a) The notes shall no longer be considered outstanding and unpaid for the purpose of this act and the Escrow Agreement, and the requirements of this act and the Escrow Agreement shall be deemed discharged with respect to the notes, if the Mayor:

(1) Deposits with an Escrow Agent, herein referred to as the "defeasance escrow agent", in a separate defeasance escrow account, established and maintained by the Escrow Agent solely at the expense of the District and held in trust for the note owners, sufficient moneys or direct obligations of the United States, the principal of and interest on which, when due and payable, will provide sufficient moneys to pay when due the principal of, and interest payable at maturity on, all the notes; and

(2) Delivers to the defeasance escrow agent an irrevocable letter of instruction to apply the moneys or proceeds of the investments to the payment of the notes at their maturity.

(b) The defeasance escrow agent shall not invest the defeasance escrow account in any investment callable at the option of its issuer if the call could result in less than sufficient moneys being available for the purposes required by this section.

(c) The moneys and direct obligations referred to in subsection (a)(1) of this section may include moneys or direct obligations of the United States of America held under the Escrow Agreement and transferred, at the written direction of the Mayor, to the defeasance escrow account.

ENROLLED ORIGINAL

(d) The defeasance escrow account specified in subsection (a) of this section may be established and maintained without regard to any limitations placed on these accounts by any act or resolution of the Council now existing or adopted after this act becomes effective, except for this act.

Sec. 9. Additional debt and other obligations.

(a) The District reserves the right at any time to: borrow money or enter into other obligations to the full extent permitted by law; secure the borrowings or obligations by the pledge of its full faith and credit; secure the borrowings or obligations by any other security and pledges of funds as may be authorized by law; and issue bonds, notes, including Additional Notes, or other instruments to evidence the borrowings or obligations. The reserved right with regard to notes and Additional Notes issued pursuant to sections 471, 472, and 490 of the Home Rule Act shall be subject to this act. No borrowings or other obligations, including Additional Notes, shall be entered into that would require an immediate set-aside and deposit under section 7(g) applied as of the date of the issuance.

(b)(1) The District may issue Additional Notes pursuant to section 472 of the Home Rule Act that shall mature on or before September 30, 2004, and the District shall covenant to set aside and deposit under the Escrow Agreement, receipts and other available funds for payment of the principal of, and the interest on, the Additional Notes on a parity basis with the notes.

(2) The receipts and available funds referred to in paragraph (a) of this section shall be separate from the special taxes or charges levied pursuant to section 481(a), and taxes, if any, dedicated to particular purposes pursuant to section 490, of the Home Rule Act.

(3) Any covenants relating to any Additional Notes shall have equal standing and be on a parity with the covenants made for payment of the principal of, and the interest on, the notes.

(4) If Additional Notes are issued, then the provisions of section 7 shall apply to both the notes and the Additional Notes and increase the amounts required to be set aside and deposited with the Escrow Agent.

(5) As a condition precedent to the issuance of any Additional Notes, the Mayor or the authorized delegate shall deliver a signed certificate certifying that the District is in full compliance with all covenants and obligations under this act and the Escrow Agreement, that no set-aside and deposit of Receipts pursuant to section 7(g) applied as of the date of issuance is required, and that no set-aside and deposit will be required under section 7(g) applied immediately after the issuance.

(c) Any general obligation notes issued by the District pursuant to section 471 of the Home Rule Act shall not be scheduled to be due and payable until after the earlier of the following:

- (1) The stated maturity date of all outstanding notes and Additional Notes; or
- (2) The date an amount sufficient to pay all principal and interest payable at

maturity on the notes and the Additional Notes is on deposit with the Escrow Agent.

(d) Revenue notes of the District, which are payable from specified District revenue that is set aside for the payment of the revenue notes and that is included in the amount of receipts estimated by the Mayor, pursuant to section 7(g), to be received after the proposed date of issue of the revenue notes and before the maturity of the notes, shall not be issued if a set-aside and deposit of Receipts pursuant to section 7(g) applied as of the proposed date of the issuance of revenue notes would be required. In determining, for purposes of this subsection, whether a set aside and deposit would be required, there shall be excluded from receipts estimated by the Mayor to be received after the proposed date of issuance of revenue notes and before the maturity of the notes an amount equal to the estimated revenues set aside for the payment of revenue notes.

Sec. 10. Tax matters.

The Mayor shall not (1) take any action or omit to take any action, or (2) invest, reinvest, or accumulate any moneys in a manner, that will cause the interest on the notes to be includable in gross income for federal income tax purposes or, if such notes were issued as non-AMT notes, to be treated as an item of tax preference for purposes of the federal alternative minimum tax. The Mayor also shall take all actions necessary to be taken so that the interest on the notes will not be includable in gross income for federal income tax purposes or, if the notes were issued as non-AMT notes, be treated as an item of tax preference for purposes of the federal alternative minimum tax.

Sec. 11. Contract.

This act shall constitute a contract between the District and the owners of the notes authorized by this act. To the extent that any acts or resolutions of the Council may be in conflict with this act, this act shall be controlling.

Sec. 12. District officials.

(a) The elected or appointed officials, officers, employees, or agents of the District shall not be liable personally for the payment of the notes or be subject to any personal liability by reason of the issuance of the notes.

(b) The signature, countersignature, facsimile signature, or facsimile countersignature of any official appearing on the notes shall be valid and sufficient for all purposes, notwithstanding the fact that the official ceases to be that official before delivery of the notes.

Sec. 13. Authorized delegation of authority.

To the extent permitted by the District and federal laws, the Mayor may delegate to any authorized delegate the performance of any act authorized to be performed by the Mayor under this act.

ENROLLED ORIGINAL

Sec. 14. Maintenance of documents.

Copies of the notes and related documents shall be filed in the Office of the Secretary to the Council.

Sec. 15. Information reporting.

(a) Within 3 days after the Mayor's receipt of the transcript of proceedings relating to the issuance of the notes, the Mayor shall transmit a copy of the transcript to the Secretary to the Council

(b) The Mayor shall notify the Council within 30 days of any action taken under section 7(g).

Sec. 16. Fiscal impact statement.

The Office of the Chief Financial Officer estimates that the fiscal impact of issuing these Tax Revenue Anticipation Notes is as follows:

(1) The debt service expense associated with issuing Tax Revenue Anticipation Notes to fund Fiscal Year 2004 seasonal cash needs in the amount of approximately \$175 million is incorporated in the District's proposed Fiscal Year 2004 budget. This act has a not-to-exceed amount of \$250 million, as a contingency in the event that the District's actual Fiscal Year 2004 seasonal cash needs exceed the projected cash needs at the time of budget preparation. In that event, the Office of the Chief Financial Officer plans to manage its total debt service expenditures in a manner that keeps such expenditures from exceeding the total debt service budget. As such, there is no additional fiscal impact associated with the passage of this act or the issuance of the notes.

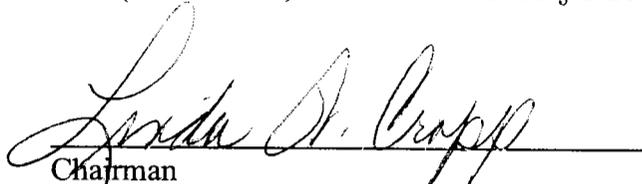
(2) The fiscal impact associated with not passing this act could be an inability of the District to meet numerous operating expenditures during Fiscal Year 2004.

Sec. 17. Effective date.

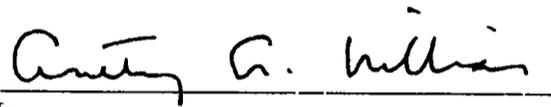
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, beginning October 27, 2003, as provided for emergency acts of the Council of the

ENROLLED ORIGINAL

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
November 7, 2003

ENROLLED ORIGINAL

AN ACT
D.C. ACT 15-217

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
NOVEMBER 7, 2003

*Codification
 District of
 Columbia
 Official Code*

2001 Edition

2004 Winter
 Supp.

West Group
 Publisher

To amend, on an emergency basis, due to Congressional review, section 47-1042 of the District of Columbia Official Code to reconfirm and modify the exemption from real estate taxation for the property known as lot 60, square 625 and owned by the National Guard Association of the United States.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "National Guard Association of the United States Real Property Tax Exemption Reconfirmation and Modification Congressional Review Emergency Act of 2003".

Sec. 2. Section 47-1042 of the District of Columbia Official Code is amended to read as follows:

Note,
 § 47-1042

"The property situated in square 625 in the City of Washington, District of Columbia, described as lot 60, together with the improvements thereon, shall be exempt from all taxation so long as the property is owned by and titled in the name of the National Guard Association of the United States, a District of Columbia nonprofit corporation, is occupied by the Association, is used solely for purposes of the Association, and is not used for commercial purposes, subject to the provisions of §§ 47-1005, 47-1007, and 47-1009. The transfer of the property to the National Guard Association of the United States shall be exempt from all transfer and recordation taxes of the District of Columbia."

Sec. 3. Inclusion in the budget and financial plan.

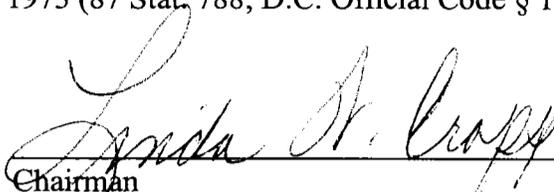
This act shall take effect subject to the inclusion of its fiscal effect in an approved budget and financial plan.

Sec. 4. Fiscal impact statement.

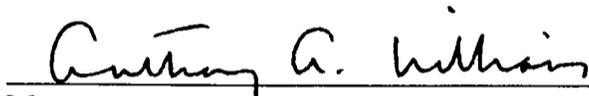
The Council adopts the attached fiscal impact statement as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, beginning October 27, 2003, 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
November 7, 2003

Government of the District of Columbia
Office of the Chief Financial Officer



Natwar M. Gandhi
Chief Financial Officer

MEMORANDUM

TO: The Honorable Linda W. Cropp
Chairman, Council of the District of Columbia

FROM: Natwar M. Gandhi
Chief Financial Officer

DATE: JUL 17 2003

SUBJECT: Fiscal Impact Statement: "National Guard Association of the United States Real Property Tax Exemption Reconfirmation and Modification Act of 2003"

REFERENCE: Bill 15-311 as Introduced

Conclusion

Funds are not sufficient in the FY 2003 budget and the proposed FY 2004 through FY 2007 budget and financial plan as agreed to by the Mayor and the Council of the District of Columbia. The proposed legislation will result in a reduction in real property tax revenue of \$0.69 million in FY 2003 and \$3.86 million in FY 2003 through FY 2007.

Background

The proposed legislation would exempt property described as Lot 60 in Square 625 and occupied by the National Guard Association. The National Guard Association is a non-profit corporation in the District of Columbia. Conditions of the proposed exemption require that the property not be used for commercial purposes. In addition, the proposed legislation exempts the property from deed transfer and deed recordation taxes only when the parcel is transferred to the National Guard Association.

On March 19, 2003, the Chief Assessor's Office responded to representatives of the National Guard Association concerning the matter of real property taxation and the qualifications under the law for exemption. The purpose was to respond to a request for tax-exemption and assist in exploring options. The Office of Tax and Revenue

10041

The Honorable Linda W. Cropp
 FIS: Bill 15-311, "National Guard RPTx Exemption Act of 2003"
 Page 2 of 2

determined at that time that the property was not eligible for a real property tax exemption.

Financial Plan Impact

Funds are not sufficient in the FY 2003 budget and the proposed FY 2004 through FY 2007 budget and financial plan. The proposed legislation will result in a reduction in real property tax revenue. In the event of a proposed transfer of title to the National Guard Association, the legislation exempts deed transfer taxes of approximately \$10,101 and deed recordation taxes of \$10,101 estimated for FY 2003. It will also exempt the property from real property taxes estimated at \$673,400 for FY 2003 and \$754,800 in FY 2004. The table in Figure 1 presents the reduction in property tax revenue impacting the financial plan.

Figure 1.

Expenditure Impact to the Financial Plan (\$ in millions)					
FY2003	FY 2004	FY 2005	FY 2006	FY 2007	5-Yr Total
\$0.69	\$0.75	\$0.78	\$0.80	\$0.84	\$3.86

The Chief Financial Officer's legislative fiscal analysis is prepared by the Special Projects and Fiscal Analysis Administration in the Office of Research and Analysis. Contact us at 441 4th Street, NW, Suite 400S, Washington, D.C., 20001 or view our work on-line at <http://cfo.dc.gov>.

ENROLLED ORIGINAL

AN ACT

D.C. ACT 15-218

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

NOVEMBER 7, 2003

*Codification
District of
Columbia
Official Code*

2001 Edition

2004 Winter
Supp.

West Group
Publisher

To amend, on an emergency basis due to Congressional review, Chapter 10 of Title 47 of the District of Columbia Official Code to exempt from taxation certain real property of the American College of Cardiology Foundation.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "American College of Cardiology Foundation Real Property Tax Exemption Congressional Review Emergency Act of 2003".

Sec. 2. Chapter 10 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) The table of contents is amended by adding a new section designation to read as follows:

"§ 47-1056. American College of Cardiology Foundation."

(b) A new section 47-1056 is added to read as follows:

"§ 47-1056. American College of Cardiology Foundation.

"Property owned, occupied, and used by the American College of Cardiology Foundation, is hereby exempt from all taxation so long as the property continues to be so owned and occupied, and not used for commercial purposes, subject to the provisions of § 47-1002 and § 47-1007, providing for exemption of certain real properties."

Sec. 3. Inclusion in the budget and financial plan.

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

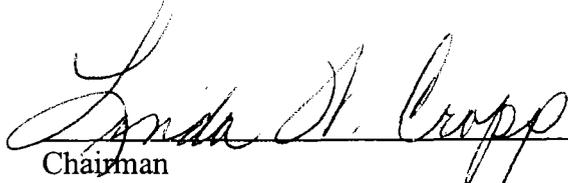
Sec. 4. Fiscal impact statement.

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)).

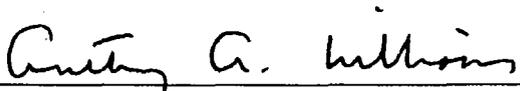
ENROLLED ORIGINAL

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, beginning October 27, 2003, 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
November 7, 2003

COUNCIL OF THE DISTRICT OF COLUMBIA
OFFICE OF THE BUDGET DIRECTOR FISCAL IMPACT STATEMENT

Bill Number:	Type: Emergency (X) Temporary () Permanent ()	Date Reported: July 7, 2003
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Subject/Short Title: "American College of Cardiology Foundation Real Property Tax Exemption Emergency Act of 2003".

Part I. Summary of the Fiscal Estimates of the Bill		
	YES	NO
1. It will impact spending. (If "Yes," complete Section 1 in the Fiscal Estimate Worksheet).	()	(x)
a) It will affect local expenditures.	()	(x)
b) It will affect federal expenditures.	()	(x)
c) It will affect private/other expenditures.	()	(x)
d) It will affect intra-District expenditures.	()	(x)
2. It will impact revenue. (If "Yes," complete Section 2 in the Fiscal Estimate Worksheet).	(x)	()
a) It will impact local revenue.	(x)	()
b) It will impact federal revenue.	()	(x)
c) It will impact private/other revenue.	()	(x)
d) It will impact intra-District revenue.	()	(x)
The legislation's impact on District revenues cannot be estimated at this time – as property tax valuations are based on size, condition, and location of improved property. However, the relocation of the American College of Cardiology Foundation to the District would result in the redevelopment of vacant land, at minimal tax loss to the District, as well as the associated positive economic impact that the Foundation and its activities would generate in the District, particularly with respect to the hospitality industry.		
3. The bill will have NO or minimal fiscal impact. (If "Yes," explain below).	()	(x)
See explanation above.		

Part II. Other Impact of the Bill		
	YES	NO
If you check "Yes" for each question, please explain on separate sheet, if necessary.		
1. It will affect an agency and/or agencies in the District.	()	(x)
2. Are there performance measures/output for this bill?	()	(x)
3. Will it have results/outcome, i.e., what would happen if this bill is not enacted?	()	(x)
4. Are funds appropriated for this bill in the Budget and Financial Plan for the current year?	()	(x)
The legislation has been made "subject to the inclusion of its fiscal effect in an approved budget and financial plan."		

Sources of information: Committee staff; May 22, 2003 economic impact analysis prepared by Economics Research Associates.	Councilmember: Evans
	Staff Person & Tel: Jeff Coudriet, 202/724-8058.
	Council Budget Director's Signature: <i>[Signature]</i>

ENROLLED ORIGINAL

AN ACT
D.C. ACT 15-219

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

NOVEMBER 7, 2003

*Codification
 District of
 Columbia
 Official Code*

2001 Edition

2004 Winter
 Supp.

West Group
 Publisher

To amend, on an emergency basis, due to Congressional review, the Eastern Market Real Property Asset Management and Outdoor Vending Act of 1998 to eliminate term limitations for Eastern Market Community Advisory Committee members that are subject to them and to change the composition of the Eastern Market Community Advisory Committee by keeping the member from the Advisory Neighborhood Commission in which Eastern Market is sited and eliminating the other Advisory Neighborhood Commission member.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Eastern Market Congressional Review Emergency Amendment Act of 2003".

Sec. 2. Section 12 of the Eastern Market Real Property Asset Management and Outdoor Vending Act of 1998, effective April 16, 1999 (D.C. Law 12-228; D.C. Official Code § 37-111), is amended as follows:

Note,
 § 37-111

(a) Subsection (a)(1) is repealed.

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

"Members of the EMCAC shall serve for 2 year terms, except that the representative from ANC 6B shall not serve for any period longer than his or her service as a Commissioner. ANC 6B shall identify the EMCAC representative within 45 days after April 16, 1999. To create staggered terms, the initial non-ANC members shall determine by lot that half shall serve for one year."

Sec. 3. Applicability.

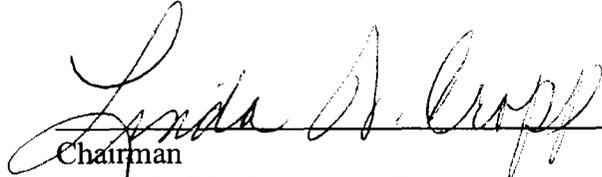
This act shall apply as of October 27, 2003.

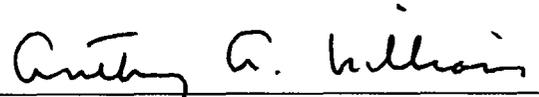
Sec. 4. Fiscal impact statement.

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. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, beginning October 27, 2003, 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
November 7, 2003

Bill	Type: Emergency (x) Temporary () Permanent ()	Date Reported: October 7, 2003
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Subject/Short Title: "Eastern Market Emergency Congressional Gap Closing Amendment Act of 2003"

Part I. Summary of the Fiscal Estimates of the Bill

	YES	NO
1. It will impact spending. (If "Yes," complete Section 1 in the Fiscal Estimate Worksheet).	()	(x)
a) It will affect local expenditures.	()	(x)
b) It will affect federal expenditures.	()	(x)
c) It will affect private/other expenditures.	()	(x)
d) It will affect intra-District expenditures.	()	(x)
2. It will impact revenue. (If "Yes," complete Section 2 in the Fiscal Estimate Worksheet).	()	(x)
a) It will impact local revenue.	()	(x)
b) It will impact federal revenue.	()	(x)
c) It will impact private/other revenue. See below	()	(x)
d) It will impact intra-District revenue.	()	(x)

3. The bill will have NO or minimal fiscal impact. (If "Yes," explain below).
 Explanation:

The proposed legislation does not have any fiscal impact on the District's General Fund and financial plan. The proposed legislation will not require additional government staff or resources. Current funds are sufficient to fund this legislation.

Part II. Other Impact of the Bill

If you check "Yes" for each question, please explain on separate sheet, if necessary.

	YES	NO
1. It will affect an agency and/or agencies in the District. Office of Property Management.	(x)	()
2. Are there performance measures/output for this bill?	()	(x)
3. Will it have results/outcome, i.e., what would happen if this bill is not enacted?	()	(x)
4. Are funds appropriated for this bill in the Budget and Financial Plan for the current year?	(x)	()

Sources of information:	Councilmember: Sharon Ambrose, Chair, Committee on Consumer and Regulatory Affairs
Council staff	Staff Person & Tel: Esther Bushman, Committee Clerk, Committee on Consumer and Regulatory Affairs (727-8230)
	Council Budget Director's Signature: <i>[Signature]</i>

10/103

ENROLLED ORIGINAL

AN ACT
D.C. ACT 15-220

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
NOVEMBER 7, 2003

*Codification
District of
Columbia
Official Code*

2001 Edition

2004 Winter
Supp.

West Group
Publisher

To amend, on an emergency basis, due to Congressional review, section 16-1005 of the District of Columbia Official Code to clarify that communications made by a person located outside the District of Columbia to a person located in the District of Columbia shall be deemed to have been made in the District of Columbia for the purpose of establishing a violation of a domestic violence protection order.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Domestic Violence Protection Orders Technical Congressional Review Emergency Act of 2003".

Sec. 2. Section 16-1005(h) of the District of Columbia Official Code is amended by striking the phrase "subsection (g)" and inserting the phrase "subsections (f) and (g)" in its place.

Note,
§ 16-1005

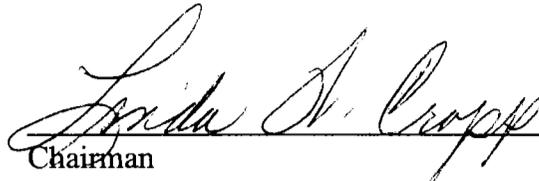
Sec. 3. Applicability.
This act shall apply as of October 27, 2003.

Sec. 4. Fiscal impact statement.
This legislation is a technical amendment to legislation already approved by the Council and funded in the District's financial plan. This amendment has no additional fiscal impact.

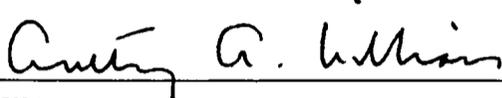
Sec. 5. Effective date.
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
November 7, 2003

ENROLLED ORIGINAL

AN ACT
D.C. ACT 15-221IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
NOVEMBER 7, 2003*Codification
District of
Columbia
Official Code*

2001 Edition

2004 Winter
Supp.West Group
Publisher

To amend, on an emergency basis, due to Congressional review, the District of Columbia Procurement Practices Act of 1985 to establish new reporting requirements for the tracking of purchase card expenditures and interest penalty payments and to suspend the purchase card program for 225 days or until each agency complies with the required reporting requirements.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Suspension of Purchase Authority in the District of Columbia Government Purchase Card Program Congressional Review Emergency Amendment Act of 2003".

Sec. 2. The District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Official Code § 2-301.01 *et seq.*), is amended by adding a new section 322 to read as follows:

"Sec. 322. Purchase card reporting requirement.

"(a) For the purposes of this section, the term "purchase card" means a commercial credit or debit card issued to a District government employee for the purpose of procuring goods and services.

"(b) All procurements using a purchase card by an agency shall be prohibited for 225 days or until the Director of the OCP certifies to the Council that the agency has complied with the reporting requirements established in subsection (c) of this section.

"(c) The Director of the OCP shall permit a District agency to re-establish their use of purchase cards if, within 21 days after the end of each calendar month, the agency head submits to the OCP a report providing the following:

"(1) The total agency purchase card budget for the fiscal year;

"(2) The credit limit established by the agency head with the issuer of the purchase card;

"(3) The total agency purchase card budget as a percentage of the total agency

ENROLLED ORIGINAL

non-personal services budget;

“(4) The daily and monthly credit limit the agency head establishes for each purchase card holder;

“(5) The total agency purchase card expenditures during the preceding calendar month;

“(6) The total agency purchase card expenditures during the preceding calendar month as a percentage of the total agency purchase card budget for the fiscal year;

“(7) The total agency purchase card expenditures by object class to include expenditures for goods and services, interest payments, discounts, and taxes;

“(8) The total agency purchase card expenditures pre-approved during the month by the agency head;

“(9) The total agency purchase card expenditures without receipts as of the end of the calendar month;

“(10) The identity of agency personnel who used purchased cards and their expenditures during the calendar month;

“(11) The agency employee with authority to approve purchase card use;

“(12) Fiscal year-to-date expenditures using purchase cards through the preceding month; and

“(13) Fiscal year-to-date expenditures using purchase cards as a percentage of the fiscal year budget for purchase card expenditures by the agency.

“(d) The Mayor shall submit to Council a quarterly report by agency of all expenditures in the purchase card program for each quarter of the fiscal year. The quarterly report shall include:

“(1) Total purchase card budget for each agency;

“(2) Fiscal year-to-date total purchase card expenditures by agency as a percentage of total agency purchase card budget;

“(3) Total unverified purchase card expenditures within each agency by object class and employee;

“(4) Total purchase card expenditures approved by agency heads; and

“(5) Total disapproved purchase card expenditures disapproved by agency, agency head, and employee.

“(e) The provisions of this section shall apply to all agencies that participate in the purchase card program instituted by the Office Of Contracting and Procurement.”.

Sec. 3. Applicability.

This act shall apply as of October 28, 2003.

Sec. 4. Fiscal impact statement.

The fiscal impact of this program in the current year is minimal because the procurement

ENROLLED ORIGINAL

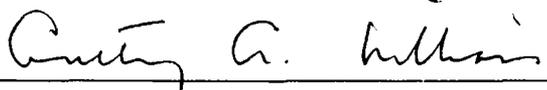
of goods and services in the present fiscal year are substantially completed. With respect to fiscal year 2004, the agencies have 60 days to develop reporting procedures that comply with this act, therefore the fiscal impact is nil if the agencies develop compliance procedures. The act expires 225 days after its effective date. Therefore, the act will require reports for the first 6 months of fiscal year 2004.

Sec. 5. Effective date.

This act shall take effect upon its approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, beginning on October 28, 2003, 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
November 7, 2003

**COUNCIL OF THE DISTRICT OF COLUMBIA
OFFICE OF THE BUDGET DIRECTOR FISCAL IMPACT STATEMENT**

Bill Number:	Type: Emergency () Temporary (x) Permanent ()	Date Reported: July 2003
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Subject/Short Title: "Suspension of Purchase Authority in the District of Columbia Government Purchase Card Program Temporary Amendment Act of 2003"

Part I. Summary of the Fiscal Estimates of the Bill

	YES	NO
1. It will impact spending. (If "Yes," complete Section 1 in the Fiscal Estimate Worksheet).	()	(x)
a) It will affect local expenditures.	()	(x)
b) It will affect federal expenditures.	()	(x)
c) It will affect private/other expenditures.	()	(x)
d) It will affect intra-District expenditures.	()	(x)
2. It will impact revenue. (If "Yes," complete Section 2 in the Fiscal Estimate Worksheet).	()	(x)
a) It will impact local revenue.	()	(x)
b) It will impact federal revenue.	()	(x)
c) It will impact private/other revenue.	()	(x)
d) It will impact intra-District revenue.	()	(x)
3. The bill will have NO or minimal fiscal impact. (If "Yes," explain below).	(x)	()

Explanation: The bill does not increase a budget or request additional resources or personnel.

Part II. Other Impact of the Bill

If you check "Yes" for each question, please explain on separate sheet, if necessary.

	YES	NO
1. It will affect an agency and/or agencies in the District.	(x)	()
Agencies will file timely reports on purchase card use.		
2. Are there performance measures/output for this bill?	()	(x)
3. Will it have results/outcome, i.e., what would happen if this bill is not enacted?	()	(x)
4. Are funds appropriated for this bill in the Budget and Financial Plan for the current year?	()	(x)

Sources of information: Staff	Councilmember: Vincent B. Orange, Sr.
	Staff Person & Tel: Mercia E. Arnold, 724-8918
	Council Budget Director's Signature: <i>[Signature]</i>

10/21/03

AN ACT
D.C. ACT 15-222

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
NOVEMBER 7, 2003

*Codification
District of
Columbia
Official Code*

2001 Edition

2003 Fall
Supp.

West Group
Publisher

To amend, on an emergency basis, due to Congressional review, section 47-857.01(2)(B) of the District of Columbia Official Code to clarify the definition of eligible area #1.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, This act shall be cited as the "Tax Abatement for New Residential Developments Definition Clarification Congressional Review Emergency Act of 2003".

Sec. 2. Section 47-857.01(2)(B) of the District of Columbia Official Code is amended by striking the phrase "SP-1" and inserting the phrase "SP" in its place.

Note,
§ 47-857.01

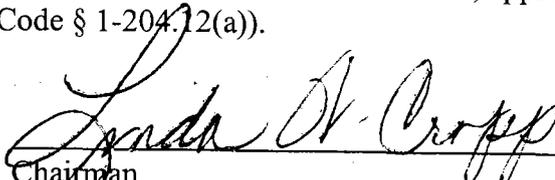
Sec. 3. Fiscal impact statement.

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)).

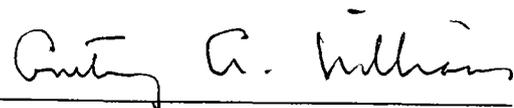
Sec. 4. Effective date.

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), 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
November 7, 2003

COUNCIL OF THE DISTRICT OF COLUMBIA
OFFICE OF THE BUDGET DIRECTOR FISCAL IMPACT STATEMENT

Bill Number:	Type: Emergency (X) Temporary () Permanent ()	Date Reported: July 7, 2003
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Subject/Short Title: "Tax Abatement for New Residential Developments Definition Clarification Emergency Act of 2003".

Part I. Summary of the Fiscal Estimates of the Bill		
	YES	NO
1. It will impact spending. (If "Yes," complete Section 1 in the Fiscal Estimate Worksheet).	()	(x)
a) It will affect local expenditures.	()	(x)
b) It will affect federal expenditures.	()	(x)
c) It will affect private/other expenditures.	()	(x)
d) It will affect intra-District expenditures.	()	(x)
2. It will impact revenue. (If "Yes," complete Section 2 in the Fiscal Estimate Worksheet).	()	(x)
a) It will impact local revenue.	()	(x)
b) It will impact federal revenue.	()	(x)
c) It will impact private/other revenue.	()	(x)
d) It will impact intra-District revenue.	()	(x)
3. The bill will have NO or minimal fiscal impact. (If "Yes," explain below).	(x)	()

Part II. Other Impact of the Bill		
If you check "Yes" for each question, please explain on separate sheet, if necessary.		
	YES	NO
1. It will affect an agency and/or agencies in the District.	()	(x)
2. Are there performance measures/output for this bill?	()	(x)
3. Will it have results/outcome, i.e., what would happen if this bill is not enacted?	()	(x)
4. Are funds appropriated for this bill in the Budget and Financial Plan for the current year?	(x)	()

Sources of information: Committee staff.	Councilmember: Evans
	Staff Person & Tel: Jeff Coudriet, 202/724-8058.
	Council Budget Director's Signature: <i>ATH B. RAIN</i>

7/12/03