

ENROLLED ORIGINAL

AN ACT
 D.C. ACT 15-166

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
 OCTOBER 6, 2003

*Codification
 District of
 Columbia
 Official Code*

2001 Edition

2003 Winter
 Supp.

West Group
 Publisher

To approve, on a temporary basis, a proposed lease agreement between the District government and Wells Fargo Delaware Trust Company for certain real property located on the grounds of St. Elizabeth's Hospital in the District of Columbia, and all improvements now or hereinafter existing on the real property, including the District government's Unified Communications Center.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Unified Communications Center Lease Agreement Temporary Act of 2003".

Sec. 2. Pursuant to section 451(b) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51(b)), and section 705(c) of the District of Columbia Revenue Act of 1970, approved January 5, 1971 (84 Stat. 1939; D.C. Official Code § 1-301.91(c)), the Mayor transmitted to the Council for its approval, prior to execution, a proposed lease agreement between the District of Columbia and Wells Fargo Delaware Trust Company for certain real property located on the grounds of St. Elizabeth's Hospital in the District of Columbia, and all improvements now or hereinafter existing on the real property, including the District government's Unified Communications Center ("Unified Communications Center Lease"). Note,
§ 1-204.51

Sec. 3. The Council approves the proposed Unified Communications Center Lease.

Sec. 4. Fiscal impact statement.

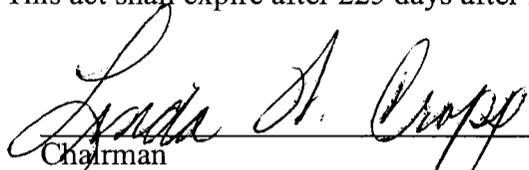
The Council adopts the attached fiscal impact statement as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

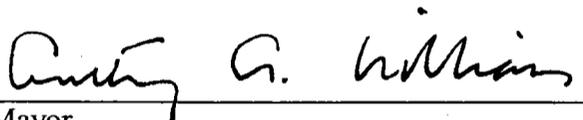
Sec. 5. (a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved

ENROLLED ORIGINAL

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

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


Chairman
Council of the District of Columbia


Mayor
District of Columbia
APPROVED
OCTOBER 6, 2003

ENROLLED ORIGINAL

AN ACT
D.C. ACT 15-167IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
OCTOBER 6, 2003Codification
District of
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2001 Edition

2003 Winter
Supp.West Group
Publisher

To amend, on a temporary basis, 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 Temporary 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. 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)).

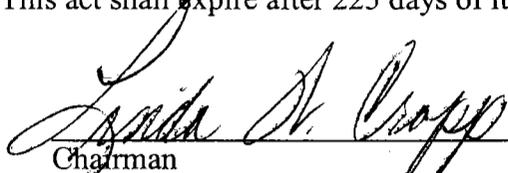
Sec. 4. Effective date.

(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

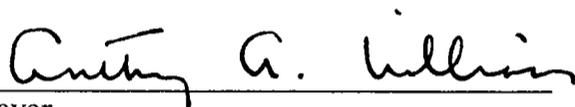
ENROLLED ORIGINAL

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
OCTOBER 6, 2003

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

Bill Number:	Type: Emergency () Temporary (X) Permanent () Amendment ()	Date Reported: 7/7/03
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Subject/Short Title: The "Health Care Privatization Rulemaking Temporary 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)	()
<p>Explanation: The Health Care Privatization Rulemaking Temporary Amendment Act of 2003 has no fiscal impact, because it is a bill that gives the Department of Health's Health Care Safety Net Administration the authority the make rules, subject to Council approval.</p>		

	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, Health Care Safety Net Administration)	(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 Health Care Safety Net Administration will remain unable to make rules.	(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>[Signature]</i>

7/2/03

ENROLLED ORIGINAL

AN ACT
D.C. ACT 15-168

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 6, 2003

*Codification
 District of
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 Official Code*

2001 Edition

2003 Winter
 Supp.

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 Publisher

To amend, on a temporary basis, An Act To regulate the election of delegates representing the District of Columbia to national political conventions, and for other purposes, to waive the petition requirement for nationally recognized United States presidential candidates and to change the primary for officials of local committees of political parties.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Presidential Primary Petition Waiver and Democratic State Committee Elections Temporary Act of 2003".

Sec. 2. An Act To regulate the election of delegates representing the District of Columbia to national political conventions, and for the purposes, approved August 12, 1955 (69 Stat. 699; D.C. Official Code §1-1001.01 *et. seq.*), is amended as follows:

(a) Section 5(b)(2) (D.C. Official Code §1-1001.05(b)) is amended by striking the period at the end and inserting the phrase "provided, that this subparagraph shall not apply to the January 13, 2004 presidential primary election." in its place.

Note,
 § 1-1001.05

(b) Section 10(a) (D.C. Official Code §1-1001.10(a)) is amended to read as follows:

"(a)(1) The election of the officials referred to in section 1(1), (2), and (3), and the primary under section 5(b), shall be held on the 2nd Tuesday in January of each presidential election year. The election of the officials designated pursuant to section 1(4) shall be held on the 1st Tuesday after the 2nd Monday in September of each presidential election year."

Note,
 § 1-1001.10

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)).

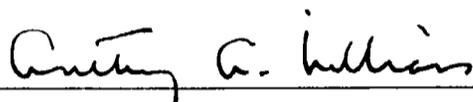
ENROLLED ORIGINAL

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
OCTOBER 6, 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 8, 2003
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Subject/Short Title: "Presidential Primary Petition Waiver and Democratic State Committee Elections 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.	()	()
b) It will affect federal expenditures.	()	()
c) It will affect private/other expenditures.	()	()
d) It will affect intra-District expenditures.	()	()
2. It will impact revenue. (If "Yes," complete Section 2 in the Fiscal Estimate Worksheet).	()	(X)
a) It will impact local revenue.	()	()
b) It will impact federal revenue.	()	()
c) It will impact private/other revenue.	()	()
d) It will impact intra-District revenue.	()	()
3. The bill will have NO or little fiscal impact on spending or revenue. (If "Yes," explain below).	()	(X)

Explanation

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 amendment?	()	(x)
3. Will it have results/outcome, i.e., what would happen if this amendment is enacted or not enacted?	()	(x)
4. Will the Budget and Financial Plan be affected by this bill?	()	(x)

Sources of information: Staff	Councilmember: Jack Evans
	Staff Person & Tel: Schannette Grant, 724-8058
	Reviewed by Budget Director:
	Budget Office Tel: 202-724-8139 <i>ANN-ROA</i> ✓

7/8/03

AN ACT

D.C. ACT 15-169

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 6, 2003

To provide, on an emergency basis, equitable real property tax relief to the Sexual Minority Youth Assistance League, a nonprofit, tax-exempt organization.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Sexual Minority Youth Assistance League Equitable Real Property Tax Relief Emergency Act of 2003".

Sec. 2. The Council of the District of Columbia orders that all real property taxes, interest, penalties, fees, and other related charges assessed against the Sexual Minority Youth Assistance League for the period of June 1, 2000 through October 31, 2000, on real property located at 410 - 7th Street, S.E., located in square 902, lot 814, be forgiven and any payments already made for this period be refunded.

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

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

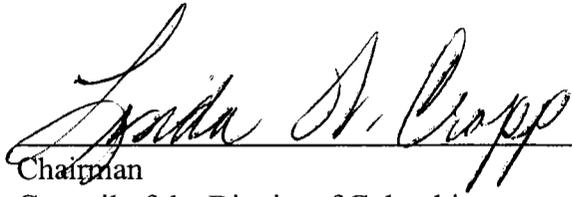
Sec. 4. Fiscal impact statement.

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)).

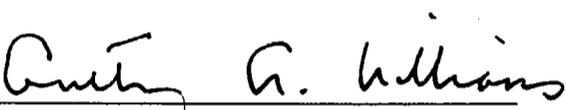
Sec. 5. This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in

ENROLLED ORIGINAL

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
OCTOBER 6, 2003

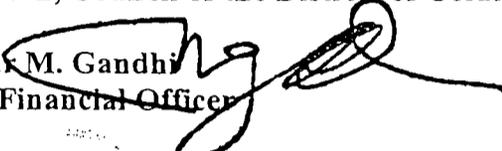
Government of the District of Columbia
Office of the Chief Financial Officer



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: MAY 27 2003

SUBJECT: Fiscal Impact Statement: "Sexual Minority Youth Assistance League Equitable Real Property Tax Relief Act of 2003"

REFERENCE: Bill 15-257 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 foregone real property tax revenue, thus reducing the local General Fund. The proposed legislation will result in unbudgeted costs of approximately \$3,663 from foregone revenue in FY 2003.

Background

The proposed legislation approves a real property tax exemption for property located in Square 902, Lots 814 and 815 located at 408 and 410 7th Street, S.E. The property is used, owned and occupied by the Sexual Minority Youth Assistance League. In addition, the proposed legislation foregoes all real property taxation, fees, interest and penalties on the subject property for a period beginning May 8, 2000 through September 10, 2001. The occupants would be entitled to a refund of all amounts paid for real property taxes assessed during that period. Currently the real property tax exemption is effective for all matters on and after November 1, 2000¹.

¹ Pursuant to D.C. Official Code § 47-1002(8); Application was reviewed by the Office of Tax and Revenue and the property was inspected by the assessor's office.

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Financial Plan Impact

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. The combined subject properties are assessed at \$486,850 for TY 2003. The Sexual Minority Youth Assistance League has paid \$3,663 for a portion of TY 2000 tax obligations and this amount will need to be refunded by the provisions of the proposed legislation. Funds would need to be identified in FY 2003 for these purposes.

The following table represents the approximate foregone revenue and exempted taxation as a result of implementing the proposed legislation.

Revenue Impact to the Financial Plan (\$ in 000s)					
FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	TOTAL
(\$3.6)	(\$0.0)	(\$0.0)	(\$0.0)	(\$0.0)	(\$3.6)

The property was purchased in May 2000. An application for exemption was filed on October 31, 2000 by the owners with the Office of Tax and Revenue (OTR). The exemption was properly supported and subsequently granted. However, OTR cannot retroactively exempt a property from taxation. The property is currently tax exempt in perpetuity as long as the property is used for purposes of public charity conducted principally in the District of Columbia.

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 15-170

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 6, 2003*Codification
District of
Columbia
Official Code*

2001 Edition

2004 Winter
Supp.West Group
Publisher

To amend, on an emergency basis, the Business Improvement Districts Act of 1996 to approve the expansion of the Golden Triangle business improvement district.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Expansion of the Golden Triangle Business Improvement District Emergency Amendment Act of 2003".

Sec. 2. Section 5 of the Business Improvement Districts Act of 1996, effective May 29, 1996 (D.C. Law 11-134; D.C. Official Code § 2-1215.04), is amended as follows:

Note,
§ 2-1215.04

(a) Designate the existing subsection (e-1) as subsection (e-2).

(b) Add a new subsection (e-1) to read as follows:

"(e-1)(1) The expansion of the Golden Triangle BID, to include Square 166, Lots 32, 33, 38, 41, 841, 859, and 7000; Square 168, Lots 50, 51, and 823; and Square 169, Lots 70 and 71, is hereby authorized and the BID taxes specified for the Golden Triangle BID are hereby imposed, subject to the approval of the Mayor pursuant to section 10(a).

"(2) This subsection shall constitute the approval of the Council pursuant to section 10(b)."

Sec. 3. Fiscal impact statement.

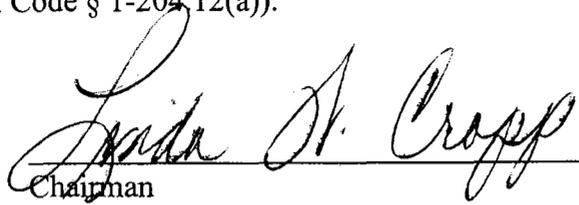
The Council adopts the attached fiscal impact statement as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

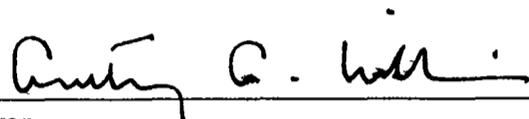
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

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
OCTOBER 6, 2003

ENROLLED ORIGINAL

AN ACT

D.C. ACT 15-171

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 6, 2003*Codification
District of
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Official Code*

2001 Edition

2004 Winter
Supp.West Group
Publisher

To reform, on an emergency basis, due to Congressional review, the existing procedures for the removal and disposition of abandoned, dangerous, and other illegally parked or stored vehicles on public space or private property by reducing the time periods for the removal and disposition of such vehicles, streamlining the notice process, clarifying the procedures for reclaiming such vehicles, providing for criminal penalties for persons who place a reclaimed abandoned vehicle or a purchased salvage-only vehicles on public space and private property; and to amend the Revised Statutes of the District of Columbia, the District of Columbia Traffic Act, 1925, the District of Columbia Abandoned and Junk Vehicle Removal Amendment Act of 1989, the District of Columbia Motor Vehicle Parking Facility Act of 1942, An Act To prohibit parking vehicles upon public or private property in the District of Columbia without the consent of the owner of such property, and Title 18 of the District of Columbia Municipal Regulations to make conforming amendments.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Removal and Disposition of Abandoned and Other Unlawfully Parked Vehicles Reform Congressional Review Emergency Act of 2003".

Sec. 2. Definitions.

For purposes of this act, the terms:

- (1) "Abandoned vehicle" means any motor vehicle, trailer, or semitrailer that is left, parked, or stored on public space for more than 48 hours or on private property for more than 30 days, and to which at least 2 of the following apply:
- (A) The vehicle is extensively damaged, including fire damage;
 - (B) The vehicle is apparently inoperable, including a vehicle missing its transmission, motor, or one or more tires, and which is not undergoing emergency repair;
 - (C) The vehicle serves as harborage for rats, vermin, and other pests; or
 - (D) The vehicle does not display valid tags or a valid registration sticker.
- (2) "Dangerous vehicle" means any motor vehicle, trailer, or semitrailer that, as a result of the presence of rats, vermin, or other pests, exposed glass or metal shards, or other dangerous condition poses an imminent hazard to the public health, safety, or welfare. Any motor vehicle, trailer, or semitrailer that is in a wrecked, dismantled, or irreparable condition, or

ENROLLED ORIGINAL

destroyed by fire, is per se a dangerous vehicle.

- (3) "Department" means the Department of Public Works.
- (4) "Director" means the Director of the Department of Public Works.
- (5) "Impounded" means any vehicle in the custody of the Department of Public Works or stored at a private storage facility at the direction of the Department as a result of the vehicle:
 - (A) Having been removed from its location for:
 - (i) Violating section 3;
 - (ii) Having 2 or more unsettled notices of infraction against it, as authorized by section 6(k) of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1121; D.C. Official Code § 50-2201.03(k)); or
 - (iii) Having been parked in violation of a traffic regulation other than overtime parking of less than 24 hours, as authorized by 18 DCMR § 2421; or
 - (B) Having been transferred from the custody of the Metropolitan Police Department to the custody of the Department of Public Works.
- (6) "Motor vehicle" or "vehicle" means any device designed to be propelled by an internal-combustion engine, electricity, or steam.
- (7) "Physical characteristics of an abandoned vehicle" means any 2 of the conditions set forth in paragraph (1) of this section.
- (8) "Private property" means real property, including real property owned or under the jurisdiction of the District of Columbia, other than public space.
- (9) "Public space" means all the property owned or under the jurisdiction of the District of Columbia, between lines on a street, as such property lines are shown on the records of the Surveyor of the District of Columbia, and includes any roadway, tree space, sidewalk, or parking between such property lines.
- (10) "Unclaimed vehicle" means an impounded motor vehicle not reclaimed within the applicable time periods set forth in section 8.

Sec. 3. Unlawful acts.

It shall be a violation of the District of Columbia Traffic Adjudication Act of 1978, effective September 12, 1978 (D.C. Law 2-104; D.C. Official Code § 50-2301.01 et seq.), for any person to park, leave unattended, or store:

- (1) An abandoned or dangerous vehicle on public space;
- (2) Any motor vehicle on private property without the consent of the property owner; or
- (3) An abandoned or dangerous vehicle on private property, even with the consent of the property owner, unless the vehicle is:
 - (A) Kept in a lawful enclosed structure or building completely shielded from the view of individuals on the adjoining properties; or
 - (B) Lawfully stored or kept on the property of a business engaged in the lawful repair, storage, salvage, or disposal of vehicles.

ENROLLED ORIGINAL

Sec. 4. Removal of abandoned and dangerous vehicles from public space; penalties.

(a) The District government, or any towing company at the direction of the Department shall remove an abandoned or dangerous vehicle parked, left, or stored on public space in violation of section 3(1), as follows:

(1) An abandoned vehicle shall be removed 48 hours after a warning notice has been conspicuously placed on the vehicle. The warning notice shall be placed at the first sighting of a vehicle that meets the physical characteristics of an abandoned vehicle. The warning notice shall indicate the date and time it was placed and the date and time that the District is authorized to remove, impound, or dispose of the vehicle if the vehicle is not moved. The notice shall also include a statement indicating the vehicle will not be towed if the owner or other authorized person certifies to the Department that the vehicle is undergoing emergency repair. The notice shall provide a telephone number, and website if any, that will inform the owner how to accomplish the certification.

(2) A dangerous vehicle shall be immediately removed without the placement of a warning notice.

(b) If more than one basis exists for removing a vehicle, whether stated in this act or in any other law or regulation, the shortest removal period shall apply, including removal without a warning notice.

(c) No vehicle shall be removed from public space pursuant to this section until a notice of infraction is conspicuously placed on the vehicle.

(d) Except as provided in this section, it shall be unlawful for any person, except the owner, a person authorized by the owner in writing, an employee of the District government in connection with the performance of official duties, or a tow crane operator who has valid authorization from the District government, to do any of the following:

(1) Tamper with, remove, or attempt to tamper with or remove any vehicle owned by another person;

(2) Tamper with, remove, or attempt to tamper with or remove any vehicle that is on public space and to which a District government warning notice that relates to the removal of the vehicle has been affixed; or

(3) Remove, mutilate, or attempt to remove or mutilate the warning notice.

(e) Any person violating the provisions of subsection (d) of this section, shall be prosecuted by the Office of the Corporation Counsel, and shall be punished by a fine of not more than \$500, imprisonment of not more than 90 days, or both.

Sec. 5. Removal of abandoned, dangerous, and unlawfully parked vehicles from private property.

The District government or any towing company at the direction of the Department shall remove a motor vehicle parked, left, or stored, on private property in violation of section 3(2) or (3), as follows:

(1) A vehicle parked, left, or stored without the consent of the property owner shall be removed immediately after a notice of infraction is issued and conspicuously placed on the vehicle.

(2) A dangerous vehicle shall be removed, with or without the consent of the property owner, immediately after a notice of infraction is issued and conspicuously placed on

ENROLLED ORIGINAL

the vehicle.

(3)(A) An abandoned vehicle shall be removed, with or without the consent of the property owner, 45 days after a warning notice has been mailed by first class mail to the last known address of the property owner, as indicated on the records of the Office of Tax and Revenue. For the purposes of this subsection, notice may run concurrently with the period of time required to establish that the vehicle is abandoned, as defined in section 2.

(B) The warning notice shall, at a minimum, indicate the make and model of the vehicle, the date that the vehicle was observed on the property, and the date that the District is authorized to remove, impound, or dispose of the vehicle if the vehicle remains unenclosed on the property.

(C) The warning notice shall be mailed after the first sighting of a vehicle that meets the physical characteristics of an abandoned vehicle. A notice of infraction shall be conspicuously placed on the vehicle prior to its removal. The notice shall also include a telephone number, and website if any, that will inform the owner how to contact the Department to certify that the vehicle is not abandoned.

Sec. 6. Post-removal disposition of certain vehicles without further notice.

Except for vehicles removed after traffic accidents, the Department may, without further notice, dispose of a dangerous vehicle or abandoned vehicle removed from the public space or private property pursuant to any District law or regulation if the vehicle does not display a valid vehicle identification number and recognizable registration.

Sec. 7. Impoundment of vehicles, notice to owners and lienholders.

(a) The Director is authorized to impound any vehicle removed from public space or private property pursuant to any District law or regulation. A vehicle subject to impoundment shall be taken to a District government impoundment facility, or a storage lot owned or operated by a towing company, as shall be determined by the Department.

(b) Except for vehicles disposed of pursuant to section 6, the Department shall send an impoundment notice, by first class mail, to the last known address of the owners of record of the vehicle, and any lienholders of record, as that information is indicated in the records of the Department of Motor Vehicles or in the records of the appropriate agency of the jurisdiction where the vehicle is registered. If the vehicle was seized from private property, notice shall also be sent, by first class mail, to the owner of that property, as indicated in the records of the Office of Tax and Revenue.

(c) The impoundment notice required by subsection (b) of this section shall be mailed no later than 5 days after the vehicle is received at an impoundment or storage facility and shall:

- (1) Describe the year, make, model, and vehicle identification number of each vehicle;
 - (2) Indicate the reason why the vehicle was impounded;
 - (3) If impounded for violating section 3, indicate the nature of the violation;
 - (4) Advise the owner and lienholders of the procedures for reclaiming the vehicle and the applicable reclamation period for doing so; and
 - (5) Warn the owner and lienholders that the vehicle will be sold, or otherwise disposed of, if those procedures are not completed by the expiration of the reclamation period.
- (d) If the address of the owner or lienholders cannot be determined, the Department

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shall publish an impoundment notice in a newspaper of general circulation in the District within 10 days after a vehicle is received at an impoundment or storage facility. If the mailed notice is returned as undeliverable within 14 days after mailing, an impoundment notice shall also be published. The published notice may contain a listing of more than one vehicle and shall:

- (1) Describe the year, make, model, and vehicle identification number of the vehicle;
- (2) Provide a telephone number or website address that will inform the owner or lienholders of the vehicle reclamation procedures; and
- (3) Indicate the date by which the vehicle must be reclaimed.

(e) For the purposes of section 205 of the District of Columbia Traffic Adjudication Act of 1978, effective September 12, 1978 (D.C. Law 2-104; D.C. Official Code § 50-2302.05), the mailing of the impoundment notice shall constitute service of the notice of infraction for violations of this act. The notice of infraction shall be considered issued, within the meaning of section 205, on the 5th day after the impoundment notice is mailed.

(f) The Director shall determine whether each impounded vehicle has been reported to law enforcement agencies as stolen, and shall record the vehicle identification number for each impounded vehicle in a database format that can be accessed by law enforcement personnel. The database shall be established by fiscal year 2005 at the latest.

Sec. 8. Vehicle reclamation periods.

(a) An impounded vehicle removed from public or private property pursuant to this act shall be reclaimed within 28 days after the impoundment notice sent pursuant to section 7(b).

(b) All other vehicles impounded pursuant to this act, or pursuant to any other law or regulation, shall be reclaimed within 28 days after the date of the impoundment notice sent pursuant to section 7(b).

(c) If the address of the owner and lienholders of an impounded vehicle is unknown, the vehicle shall be reclaimed within 14 days after the publication date of reclamation notices published pursuant to section 7(d).

Sec. 9. Procedures for reclaiming impounded vehicles; lien; penalties.

(a) An owner or lienholder, or a person duly authorized by either, may reclaim an impounded vehicle at any time prior to the expiration of the applicable reclamation period, by:

- (1) Appearing at the Department of Motor Vehicles;
- (2) Answering all outstanding notices of parking infractions for the vehicle, other than those tickets deemed admitted pursuant to section 305(d)(2) of the Traffic Adjudication Act of 1978, effective September 12, 1978 (D.C. Law 2-104; D.C. Official Code § 50-2303.05(d)(2));
- (3) Attending a hearing, to be held within one working day of the answer, for all infractions that are denied;
- (4) Paying any booting fee and all outstanding fines and penalties for infractions for which liability has been admitted, deemed admitted, or sustained after hearing;
- (5) Furnishing proof of entitlement to possession of the vehicle;
- (6) Paying to the District government, or the towing company, as directed by the Department, a towing fee of \$100 and a storage fee of \$20 per day; provided, that the towing fee shall be \$275 and a storage fee of \$20 per day shall be imposed if the size or the weight of the

ENROLLED ORIGINAL

impounded vehicle requires the Department or an outside contractor to use special equipment to tow the vehicle.

(b) Fines and penalties due for parking tickets issued to a vehicle and the towing and storage fee charges due pursuant to subsection (a)(6) of this section shall constitute a continuing lien against the impounded motor vehicle. The lien thus created shall be an automatic lien, which is perfected as of the first date that the fines, penalties, or fees are due and shall be a prior and preferred claim over all other liens.

(c) Any person who has paid a fine for parking, storing, or leaving an abandoned or dangerous vehicle on public space, and who, after reclaiming the vehicle, thereafter again parks, stores, or leaves that vehicle on public space in violation of section 3(1), shall be prosecuted by the Office of the Corporation Counsel, and shall be punished by a fine of not more than \$500, imprisonment of not more than 90 days, or both.

Sec. 10. Disposal of unclaimed vehicles; penalties; auction admission fees.

(a) The Department may, consistent with reasonable business practices, sell or otherwise dispose of an unclaimed vehicle.

(b) If an unclaimed vehicle is sold at a public auction or through other means pursuant to subsection (a) of this section, the purchaser shall take title to the vehicle free and clear of all liens and claims of ownership by others, receive a sales receipt, and be entitled, upon application and the payment of all applicable fees, to a certificate of title and registration; provided, that all other eligibility requirements are met.

(c) The Department shall retain from the proceeds of the sale or disposition of any vehicle an amount that represents reimbursement for the costs of sale, the costs of towing and storing the vehicle, the costs of furnishing notice and other related enforcement activities, the payment of such liens as were declared null and void, and the remainder shall be deposited into the General Fund.

(d) Except for vehicles enclosed on private property or located on the property of a business engaged in the lawful repair, storage, salvage, or disposal of vehicles, any person who purchases a vehicle that has been sold for salvage only from the Department, and who, thereafter, leaves, stores, or parks the vehicle on public space or private property, shall be guilty of a misdemeanor prosecuted by the Office of the Corporation Counsel, and shall be subject to a fine for each offense not to exceed \$5,000, imprisonment for a period not to exceed one year, or both.

(e) The Director is authorized to establish a non-refundable cost-based auction admission fee. The proceeds from this fee shall be used to offset the costs of all vehicle auctions held on that day, and the remainder shall be deposited into the General Fund.

Sec. 11. Owners and lienholders remedy.

An owner or lienholder who fails to reclaim a vehicle within the time prescribed shall nevertheless be entitled to recover the fair market value of any vehicle disposed of pursuant to this act if:

- (1) The owner or lienholder requests a hearing with respect to the notices of infractions that provided the basis for the impoundment of the vehicle;
- (2) The hearing is requested within 60 days after the issuance of the notices of

ENROLLED ORIGINAL

infraction;

(3) A hearing examiner dismisses the notices of infraction or finds no liability;

and

(4) The owner or lienholder establishes the vehicle's fair market value by a preponderance of the evidence; provided, that if the District has sold the vehicle, the price paid by a good faith purchaser, other than the owner, shall establish a rebuttable presumption of the fair market value of the vehicle.

Sec. 12. Rulemaking authority.

The Directors of the Department of Public Works ("DPW") and the Department of Motor Vehicles ("DMV") are authorized, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1986 (82 Stat. 1204; D.C. Official Code § 2-501 et seq.), to promulgate, amend or repeal rules, or establish or modify cost-based fees that are within the scope of their individual authority in order to implement the provisions of this act, through separate or joint rulemakings. If the District enters into contracts with towing companies, or other contractors, that provide for such companies to receive full or salvage title to unclaimed vehicles, the Director of DPW or the DMV may promulgate rules to implement the transfers consistent with the provisions of this act.

Sec. 13. Conforming amendments.

(a) Section 417(e) of the Revised Statutes of the District of Columbia, approved September 1, 1916 (D.C. Official Code § 5-119.10(e)), is repealed.

Note, Repeal
§ 50-119.10

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

Note,
§ 50-2201.03

(1) Paragraph (2) is amended by striking the first sentence and inserting a new sentence in its place to read as follows: "The notice, reclamation, and disposition procedures set forth in sections 6 through 10 of the Removal and Disposition of Abandoned and other Unlawfully Parked Vehicles Reform Act of 2003, shall apply to any vehicle impounded pursuant to this section."

(2) Paragraph (3) is repealed.

(3) Paragraph (4) is amended by striking the second and third sentences.

(c) The District of Columbia Abandoned and Junk Vehicle Removal Amendment Act of 1989, effective September 9, 1989 (D.C. Law 8-24; D.C. Official Code § 50-2401 et seq.), is amended as follows:

(1) Section 2 (D.C. Official Code § 50-2401) is amended to read as follows:

Note,
§ 50-2401

"Sec. 2. Definitions.

For the purposes of this act, the terms used shall have the same meaning as those defined in section 2 of the Removal and Disposition of Abandoned and other Unlawfully Parked Vehicles Reform Act of 2003."

(2) Section 3(a) (D.C. Official Code § 50-2402(a)) is amended as follows:

Note,
§ 50-2402

(A) The first sentence is amended as follows:

(I) Strike the phrase "any abandoned or junk vehicle" and insert the phrase "any abandoned or dangerous vehicle" in its place.

(ii) Strike the word "highway" and insert the word "space" in its

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place.

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

"(1) Determine whether the vehicle is an abandoned or dangerous vehicle in accordance with section 2 of the Removal and Disposition of Abandoned and other Unlawfully Parked Vehicles Reform Act of 2003;"

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

"(3) Place or mail, as applicable, the appropriate warning notice described in sections 4 and 5 of the Removal and Disposition of Abandoned and other Unlawfully Parked Vehicles Reform Act of 2003;"

(D) Paragraph (4) is amended by adding the phrase "or dangerous" after the word "abandoned".

(E) Paragraph (5) is amended to read as follows:

"(5) Mail the impoundment notice required by section 7(b) of the Removal and Disposition of Abandoned and other Unlawfully Parked Vehicles Reform Act of 2003, to the owner and lienholders of any impounded vehicle;"

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

"(6) Sell or dispose of unclaimed impounded vehicles, including all items of personal property left therein, pursuant to section 10 of the Removal and Disposition of Abandoned and other Unlawfully Parked Vehicles Act of 2003;"

(G) Paragraphs (7) and (8) are repealed.

(3) Section 4 (D.C. Official Code § 50-2403) is repealed.

Note, Repeal
§ 50-2403

(d) Section 2(6) and (7) of the District of Columbia Motor Vehicle Parking Facility Act of 1942, approved February 16, 1942 (56 Stat. 93, ch. 76; D.C. Official Code § 50-2602(6) and (7)), is repealed.

Note,
§ 50-2602

(e) An Act To prohibit parking vehicles upon public or private property in the District of Columbia without the consent of the owner of such property, approved January 15, 1942 (56 Stat. 5; D.C. Official Code § 50-2621 et seq.), is amended as follows:

Note, Repeal
§§ 50-2621 -
50-2623

(1) Sections 1, 1a, and 1b (D.C. Official Code §§ 50-2621, 50-2622, and 50-2623) are repealed.

(2) Section 2 (D.C. Official Code § 50-2624) is amended by striking the phrase "section 1" wherever it appears and inserting the phrase "the Removal and Disposition of Abandoned Unlawfully Parked Vehicles Reform Act of 2003" in its place.

(f) Title 18 of the District of Columbia Municipal Regulations, is amended as follows:

DCMR

(1) Subsection 2405.4 is repealed.

(2) Subsection 2411.1 is amended by adding a second and third sentence to read as follows: "Any vehicle that does not display a valid residential parking permit sticker and which remains parked on a residential parking permit street for more than seventy-two (72) hours shall be subject to removal. The notice, reclamation, and disposition procedures set forth in Sections 6 through 10 of the Removal and Disposition of Abandoned and other Unlawfully Parked Vehicles Reform Act of 2003 shall apply to any vehicle removed pursuant to this section."

(3) Section 2421 is amended as follows:

(A) Subsection 2421.2 is amended to read as follows:

"2421.2 The notice, reclamation, and disposition procedures set forth in sections 6 through 10 of the Removal and Disposition of Abandoned and other Unlawfully Parked

ENROLLED ORIGINAL

Vehicles Reform Act of 2003 shall apply to any vehicle impounded pursuant to this section."

(B) Subsections 2421.3, 2421.4, 2421.5, and 2421.6 are repealed.

(4) Section 2601.1 is amended as follows:

(A) The following new fines are added to read as follows:

- "Abandoned vehicle on public space or private property.....First Offense \$250
 Second offense same owner \$500
 Third and subsequent offense same owner \$1,000"
- "Abandoned vehicle with solid waste or rat harborage.....\$100 in addition to fine for Abandoned Vehicle"
- "Dangerous vehicle on public space or private property.....First Offense \$250
 Second offense same owner \$500
 Third and subsequent offense same owner \$1,000"
- "Dangerous vehicle with solid waste or rat harborage.....\$100 in addition to fine for Abandoned Vehicle"
- "Private Property, vehicle on without consent of property owner.....First offense \$250
 Second offense same owner \$500
 Third and subsequent offense same owner \$1,000"

(B) The fine entitled "Overtime 72 consecutive hours on roadway" is repealed.

(C) The fine entitled "Public and Private property" is repealed.

Sec. 14. Effect of the repeal of provisions.

Any repeal of a law or regulation by this act shall not invalidate any enforcement action, adjudication, or any other action made or taken pursuant to such law or regulation.

Sec. 15. Applicability

(a) This act shall apply to all vehicles impounded after its effective date. This act shall also apply to all vehicles impounded prior to its effective date provided that notice is sent to the owners and lien holders in accordance with the provisions of subsections 7(b) or (c), as is applicable.

(b) This act shall apply as of September 18, 2003.

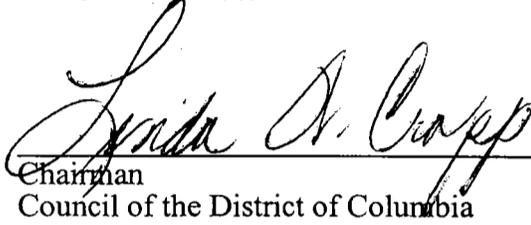
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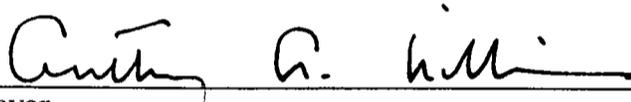
Sec. 16. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report for Bill 15-78 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. 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, 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
OCTOBER 6, 2003

AN ACT

D.C. ACT 15-172

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 6, 2003

*Codification
District of
Columbia
Official Code*

2001 Edition

2004 Winter
Supp.

West Group
Publisher

To transfer, on an emergency basis, due to Congressional review, the operation of the Disability Compensation Program from the Office of Personnel to the Office of the City Administrator; to amend the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to make a conforming amendment; to require the Office of the City Administrator to report annually to the Council on its risk management activities; and to limit the number of full-time equivalent employees engaged in the performance of the risk management function in fiscal year 2004.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Disability Compensation Program Transfer and Risk Management Second Congressional Review Emergency Amendment Act of 2003".

Sec. 2. (a) All of the powers, duties, and functions transferred to the Office of Personnel under section 1202 of the District of Columbia Government Employees Disability Compensation Reorganization and Amendment Act of 2001, effective October 3, 2001 (D.C. Law 14-28; 48 DCR 6891), are hereby transferred to the Office of the City Administrator.

(b) All property, records, and unexpended balances of appropriations, allocations, and other funds available or to be made available to the Office of Personnel under section 1202 of the District of Columbia Government Employees Disability Compensation Reorganization and Amendment Act of 2001, effective October 3, 2001 (D.C. Law 14-28; 48 DCR 6891), are hereby transferred to the Office of the City Administrator.

Sec. 3. Section 2302a of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective October 3, 2001 (D.C. Law 14-28; D.C. Official Code § 1-623.02a), is amended by striking the phrase "to the Director of Personnel" and inserting the phrase "to the City Administrator" in its place.

Note,
§ 1-623.02a

Sec. 4. Report by the Office of the City Administrator to the Council on risk management activities.

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

(1) "Actual losses sustained" means actual claims, judgements, or settlements paid by the District of Columbia government.

(2) "Administrative costs of risk management" means the actual cost of operating a risk management program.

(3) "Cost of funding losses" means the total cost incurred by the District of Columbia government on an annual basis for funding losses.

(4) "Cost of risk" means the costs of actual losses sustained, administrative costs of the risk management program, costs of funding losses, cost of risk control efforts and other outside service costs.

(5) "Outside service costs" means all funds expended by the District of Columbia government to external entities involved in risk management activities.

(6) "Risk management" means the process of making and implementing decisions to systematically preserve the physical, human, and financial resources of organizations, with the goals of minimizing the adverse effects of accidental losses on organizations and clarifying an organization's understanding of its exposure to risks, including loss of, or damage to, property; liability loss; interrupted revenue; and loss of personnel resources.

(b) On or before February 1 of each year, the Office of the City Administrator, or any successor agency which shall perform its risk management functions, shall provide a report to the Council delineating the savings realized by the District of Columbia as a result of implementing risk management plans and strategies. The report shall:

(1) Be prepared on an agency-by-agency basis;

(2) State the itemized cost of risk in the prior fiscal year;

(3) State the changes in the total cost of risk realized in the prior fiscal year resulting from implementing risk management plans compared to the cost of risk in both the next preceding fiscal year and the baseline fiscal year 2004 (comparative cost of risk information for fiscal years 2002 and 2003 shall be used to the extent that is available); and

(4) Include all data, on an agency-by-agency basis, reported to the City Administrator by agencies on the Risk Management Council addressing risk within agencies and plans implemented to control those risks.

Sec. 5. Limitation on number of full-time equivalent employees in fiscal year 2004.

(a) In the performance of its risk management functions, the Office of the City Administrator, or any successor agency, which shall perform such functions shall not employ more than 23 full-time equivalent employees during fiscal year 2004; provided, that if funds become available, new positions created shall be filled first in the Disability Compensation

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: JUN -4 2002

SUBJECT: Fiscal Impact Statement: "Disability Compensation Program
Transfer Amendment Act of 2002"

REFERENCE: Draft Legislation as Introduced- No Number Available

Conclusion

Funds are sufficient in the FY 2002 budget and the FY 2003 through FY 2006 budget and financial plan as currently agreed to by the Mayor and the Council of the District of Columbia. The City Administrator's Office will be required to absorb all costs associated with implementing the proposed legislation.

Background

The proposed legislation would approve the transfer of the Disability Compensation Program from the District Office of Personnel to the Office of the City Administrator, Risk Management Program. Transfer of the Disability Compensation Program would include the transfer of program authority, budget and full-time equivalent positions.

Financial Plan Impact

Funds are sufficient in the FY 2002 budget and the proposed FY 2003 through FY 2006 budget and financial plan to implement the provisions of the proposed legislation. The Office of the City Administrator will be required to absorb any additional costs that are incurred when implementing the provisions of the proposed legislation.

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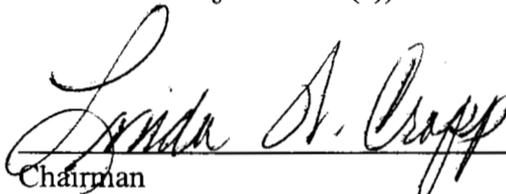
Claims Bureau Unit (3 positions) and Risk Identification and Analysis Division (one position) as funds become available. For the purpose of this section, the term "risk management" shall have the same meaning as in section 4(a)(2).

(b) This section shall apply as of October 1, 2003.

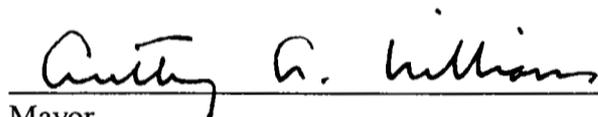
Sec. 6. Fiscal impact statement.

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. 7. 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
OCTOBER 6, 2003

AN ACT
D.C. ACT 15-173

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
OCTOBER 6, 2003

Codification
District of
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Official Code

2001 Edition

2004 Winter
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Publisher

To amend, on an emergency 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 Emergency 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) at the end to read as follows:

Note,
§ 3-1410

"(d) The Sports and Entertainment Commission shall comply with the requirements of the District Anti-Deficiency Act of 2002, effective April 4, 2003 (D.C. Law 14-285; D.C. Official Code § 47-355.01 *et seq.*)

"(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."

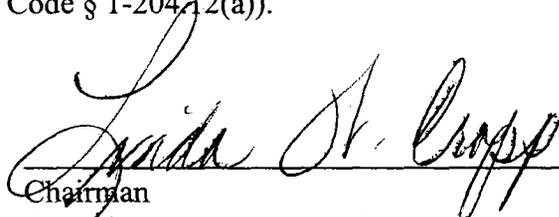
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Sec. 3. Fiscal impact statement.

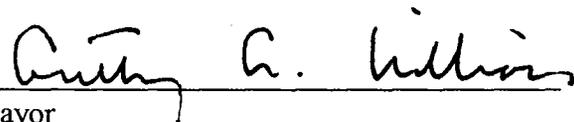
The Council adopts the attached fiscal impact statement as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

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
OCTOBER 6, 2003

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

PR Number:	Type: Emergency (<input type="checkbox"/>) Temporary (<input checked="" 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 <i>9/16/03</i>

ENROLLED ORIGINAL

AN ACT

D.C. ACT 15-174

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 6, 2003Codification
District of
Columbia
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2001 Edition

2004 Winter
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Publisher

To amend, on an emergency basis, the Uniform Per Student Funding Formula for Public Schools and Public Charter Schools Act of 1998 and the District of Columbia School Reform Act of 1995 to provide a definition for resident student, to clarify the dates of the pupil counts to which appropriations under the Uniform Per Student Funding Formula apply for District of Columbia public schools versus that for public charter schools, to require the Mayor to establish a committee to adopt a policy governing proof of District residency for school enrollment purposes, to define requirements and responsibility for audits of enrollment at District of Columbia public schools and public charter schools, to provide for quarterly payments to the public charter schools, to define their schedule and basis in enrollment, to clarify the effect the annual enrollment audit is to have upon the schedule and amount of payments, to make conforming amendments regarding the definition of nonresident and quarterly enrollment reporting Funding Formula, to require that the Mayor be responsible for collecting enrollment reports until the State Education Office assumes the role to eliminate redundant or inconsistent audit provisions, to make conforming amendments to the fund transfer provisions for public charter schools, and to clarify the definition of new schools.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Public School Enrollment Integrity Clarification Emergency Amendment Act of 2003".

Sec. 2. The Uniform Per Student Funding Formula for Public Schools and Public Charter Schools Act of 1998, effective March 26, 1999 (D.C. Law 12-207; D.C. Official Code § 38-2901 *et seq.*), is amended as follows:

(a) Section 102 (D.C. Official Code § 38-2901) is amended by adding a new paragraph (10A) to read as follows:

Note,
§ 38-2901

“(10A) “Resident student” means a minor enrolled in a District of Columbia public school or public charter school who has a parent, guardian, or custodian residing in the

ENROLLED ORIGINAL

District of Columbia or an adult enrolled in a District of Columbia public school or a public charter school who resides in the District of Columbia.”

(b) Section 107 (D.C. Official Code § 38-2906) is amended to read as follows:

Note,
§ 38-2906

"(a) Annual appropriations for the DCPS pursuant to the Formula shall be based on the number of resident students enrolled in the DCPS on October 5 in the year preceding the fiscal year for which the appropriation is made. This count shall be verified as provided in subsection (e) of this section.

"(b) Annual appropriations for the public charter schools pursuant to the Formula shall equal the total estimated costs for the following:

"(1) The number of resident students enrolled in all public charter schools combined as of October 5 in the year preceding the fiscal year for which the appropriation is made, and verified as provided in subsection (e) of this section, plus or minus;

"(2) The number of resident students projected to be enrolled in all public charter schools combined during the fiscal year for which the appropriation is made, and calculated as provided in subsection (f) of this section, plus;

"(3) The annual budget of the District of Columbia Public Charter School Board and, beginning in fiscal year 2002, the Public Charter School Office of the Board of Education, plus;

"(4) Five percent of the total amount generated pursuant to paragraphs (1), (2) and (3) of this subsection, to be put into escrow as a reserve for payments to public charter schools in case enrollment, including enrollment in special needs categories, should exceed that of the projections on which costs are based pursuant to paragraph (2) of this subsection. Any amount remaining in the escrow at the end of each fiscal year shall revert to the General Fund.

"(c) The Mayor shall establish a committee to develop and implement, within 90 days of the effective date of the Public School Enrollment Integrity Congressional Review Emergency Amendment Act of 2001, effective November 29, 2001 (D.C. Act 14-19; 48 DCR 11239), a policy governing proof of District residency for the purposes of this section and the District of Columbia Nonresident Tuition Act, approved September 8, 1970 (74 Stat. 853; D.C. Official Code § 38-302 *et seq.*). The committee shall be composed of the Mayor, the Chair of the Council Committee on Education, Libraries and Recreation, the Superintendent of District of Columbia Public Schools, a representative of each of the eligible chartering authorities, and a representative of the D.C. Charter Public School Coalition. Upon establishment of a state education office, the Mayor shall transfer this function to that office.

"(d) The residency policy developed pursuant to subsection (c) of this section shall apply to students in DCPS and the public charter schools.

"(e) The student counts reported for October 5 of each year shall be verified by an independent contractor commissioned by the Mayor. The independent contractor shall perform a census on the student enrollment of each DCPS and of each public charter school. The verification process shall begin no later than one week following the day on which the count is

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taken. The verification shall cover the information required by section 2402 of the District of Columbia School Reform Act of 1995, approved April 26, 1996 (110 Stat. 257; D.C. Official Code § 38-1804.02) ("School Reform Act"), and shall be transmitted by the Mayor to the Council, the Authority, the Comptroller General of the United States, and the appropriate congressional committees no later than the following December 31. Until the verification is transmitted, the unaudited October count shall serve as the basis for the annual appropriation for the following fiscal year and for quarterly payments.

"(f) Preliminary projections of Public Charter School enrollment shall be made by each chartering authority for the Public Charter Schools under its supervision, and submitted to the Mayor by the date on which the DCPS is required to submit its budget request to the Mayor. The chartering authorities may submit revisions of such projections to the Mayor and Council at any time before the Council committee with oversight responsibilities for the public education budget reports its recommendations on that budget to the Council."

(c) A new section 107a is added to read as follows:

Note, New
§ 38-2906.01

"Sec. 107a. Payments.

"(a) Except as provided in subsection (b)(2) of this section, following the enactment of an act making appropriations for the District of Columbia each fiscal year, the Mayor shall provide to DCPS the full amount of its appropriation in accordance with standard procedures for independent agencies. The Mayor shall make payments to each public charter school from the escrow account established under section 2403 of the School Reform Act to a bank designated by each school. The annual payment shall be made in the form of four equal quarterly payments calculated in accordance with subsections (b), (c) and (d) of this section, provided; however, that the entire annual payment for facilities pursuant to section 109 shall be included in the first payment of the fiscal year and that any payment for new charter schools pursuant to section 2403 of the School Reform Act shall also be included in the first payment of the fiscal year. The first payment shall be made no later than July 15; subsequent payments shall be made no later than October 15, January 15, and April 15.

"(b)(1) Except as provided in paragraph (2) of this subsection, each payment shall be one-fourth of each public charter school's entitlement based on its October enrollment count. The basis of the July 15 and October 15 payments shall be the unaudited numbers contained in the reports submitted by the eligible chartering authorities under section 2402(a) of the School Reform Act. The basis of the January 15 and April 15 payments shall be the audited October enrollment numbers, provided that these amounts shall be adjusted in accordance with the provisions of subsection (c) of this section.

"(2) The payment of October 15, 2000 shall be 50% of each public charter school's entitlement based on its unaudited October 5 enrollment count.

"(c) Payments shall not be reduced or delayed pending the conduct and results of the audit prescribed by section 107(e). If the audit finds that the number of verified resident students in enrollment at any public charter school differs from that on which its July 15 and

ENROLLED ORIGINAL

October 15 payments were based, the Mayor shall recalculate the appropriate amount of subsequent payments accordingly, adjusting them by the amount of the discrepancy.

"(d) Payments for special education, limited English proficient students, and other add-on components of the Funding Formula shall be included in the quarterly payments to public charter schools. Payments shall reflect one-quarter of the annual per student amount for each add-on; provided, however, that add-ons for special education and limited English proficient students shall be added on a pro rata basis from the date on which a public charter school begins to provide add-on services for such students.

"(e) Prior to or concurrent with any payment made pursuant to this section, the Chief Financial Officer of the District of Columbia shall provide to each public charter school an accounting indicating what the payment is for and how it was calculated."

Sec. 3. The District of Columbia School Reform Amendment Act of 1995, approved April 26, 1996 (110 Stat. 226; D.C. Official Code § 38-1800.01 *et seq.*), is amended as follows:

(a) Section 2002(25)(A) (D.C. Official Code § 38-1800.02(25)(A)) is amended by striking the word "parent" and inserting the phrase "parent, guardian or custodian" in its place.

Note,
§ 38-1800.02

(b) Section 2402 (D.C. Official Code § 38-1804.02) is amended as follows:

Note,
§ 38-1804.02

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

"(a) *Quarterly reporting requirement.* – On June 30, October 15, December 15, and March 30 of each year the District of Columbia public schools and each eligible chartering authority shall submit a report to the Mayor containing the information described in subsection (b) of this section that is applicable to their schools; provided, however, that in the case of the June 30 report, the information submitted by each eligible chartering authority shall be in the form of estimates of the number of students who will fall into each category on the following October 5."

(2) Subsection (b) is amended by striking the phrase "*Calculation of the number of students.* -- Not later than 30 days after April 26, 1996, and not later than October 15, of each year thereafter, the State Education Office shall calculate the following:" and inserting the phrase "*Information required.* -- The reports described in subsection (a) of this section shall contain the following information:" in its place.

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

"(c) *Annual reports.* – Not later than October 30 of each year the Mayor shall prepare and submit to the Authority (during a control year), the Council, the Comptroller General of the United States, and the appropriate congressional committees a report containing a summary of the calculations made pursuant to subsection (b) of this subsection, including the four immediately prior reporting periods specified in subsection (a) of this section."

(4) Subsection (d) is repealed.

(c) Section 2403 (D.C. Official Code § 38-1804.03) is amended as follows:

Note,
§ 38-1804.03

(1) Subsection (a)(2) is amended as follows:

ENROLLED ORIGINAL

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

"(A) *Initial payment.* --

"(i) *In General.* -- Except as provided in sub-subparagraph (ii) of this subparagraph, no later than July 15, October 15, January 15, and April 15 of each year, the Mayor shall transfer, by electronic funds transfer, the quarterly payments for each public charter school as prescribed in section 107a of the Uniform Per Student Funding Formula for Public Schools and Public Charter Schools Act of 1998, passed by the Council on an emergency basis on September 16, 2003 (Enrolled version of Bill 15-431), to a bank designated by such school.

"(ii) *Reduction in case of a new school.* -- In the case of a public charter school that has received a payment pursuant to subsection (b) of this section in the fiscal year immediately preceding the fiscal year in which a transfer pursuant to sub-subparagraph (i) of this subparagraph is made, the amounts transferred to the school under sub-subparagraph (i) of this subparagraph shall be reduced by an amount equal to 25% of the amount of the payment made pursuant to subsection (b) of this section."

(B) Subparagraph (B) is repealed.

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

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

"(4) *Credits to fund.* -- Upon the receipt of each of its payments pursuant to subsection (a)(2)(A) of this section by a public charter school described in paragraph (5) of this subsection, the Chief Financial Officer of the District of Columbia shall credit the New Charter School Fund with 25 % of the amount paid to the school pursuant to paragraph (3) of this subsection."

(B) Paragraph (5)(B) is amended to read as follows:

"(B) Has had its petition to establish a public charter school approved pursuant to section 2203 and is scheduled to begin operation as a public charter school in the fiscal year for which funds are appropriated to carry out the provisions of this subsection."

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

"(d) *Additional payment to new schools.* -- Until section 441 of the District of Columbia Home Rule Act is amended to establish the first day of the fiscal year for D.C. Public Schools and Public Charter Schools as July 1, the amount of payment to a public charter school described in subsection (b)(5)(B) of this section, shall be increased by 1/12 of the total dollar amount to which the public charter school is entitled for the fiscal year based on its unaudited October 5 enrollment."

Sec. 4. Repealers.

(a) The Public School Enrollment Integrity Emergency Amendment Act of 2003, effective July 29, 2003 (D.C. Act 15-139; 50 DCR 6866), is repealed.

(b) The Public School Enrollment Integrity Temporary Amendment Act of 2003, passed on second reading on September 16, 2003 (Enrolled version of Bill 15-404), is repealed.

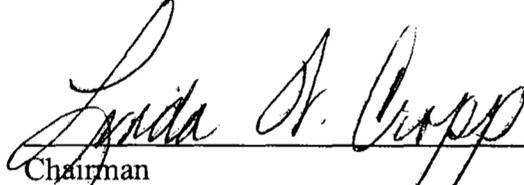
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Sec. 5. Fiscal impact statement.

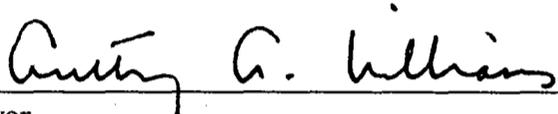
The fiscal impact statement is attached.

Sec. 6. Effective date.

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
OCTOBER 6, 2003

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

Bill Number:	Type: Emergency (<input checked="" type="checkbox"/>) Temporary (<input checked="" type="checkbox"/>) Permanent ()	Date Reported: Sept. 16, 2003
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Subject/Short Title: "Public School Enrollment Integrity Clarification 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.	()	()
b) It will affect federal expenditures.	()	()
c) It will affect private/other expenditures.	()	()
d) It will affect intra-District expenditures.	()	()
2. It will impact revenue. (If "Yes," complete Section 2 in the Fiscal Estimate Worksheet).	()	(x)
a) It will impact local revenue.	()	()
b) It will impact federal revenue.	()	()
c) It will impact private/other revenue.	()	()
d) It will impact intra-District revenue.	()	()
3. The bill will have NO or minimal fiscal impact. (If "Yes," explain below).	(x)	()
<p>Explanation: This bill no fiscal impact because it does not cause the District to do anything new. It only legalizes the current practices of the OCFO, Public Schools and Public Charter Schools. This bill is need because prior legislation that mandated these practices has expired.</p>		

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?	()	()
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: SEO, OCFO, Office of Corporation Council. General Counsel for the Council of D.C.	Councilmember: Kevin P. Chavous
	Staff Person & Tel: Kevin K. Otuome
	Council Budget Director's Signature: <i>[Signature]</i> 9/16/03

ENROLLED ORIGINAL

AN ACT
D.C. ACT 15-175

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
OCTOBER 6, 2003

*Codification
District of
Columbia
Official Code*

2001 Edition

2004 Winter
Supp.

West Group
Publisher

To amend the Holding Company System Act of 1993 to change the burden of proof for an acquiring company's proposition to acquire a nonprofit domestic insurer, to extend the length of the review period of the Mayor for certain insurance mergers, and to clarify who may participate in the public hearing; to amend the Hospital and Medical Services Corporation Regulatory Act of 1996 to change the burden of proof for an acquiring company's proposition to acquire a nonprofit domestic insurer.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Department of Insurance and Securities Regulation Merger Review Amendment Act of 2003".

Sec. 2. The Holding Company System Act of 1993, effective October 21, 1993 (D.C. Law 10-44; D.C. Official Code § 31-701 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 31-701) is amended by adding new paragraphs (3A), (4A), and (5A) to read as follows:

Amend
§ 31-701

"(3A) "Hospital service plan" means a plan for providing hospital and related services by hospitals and others which entitles a subscriber to certain hospital and related services, or to benefits and indemnification for such services.

"(4A) "Medical service plan" means a plan for providing medical services and related services by physicians and others which entitles a subscriber to certain medical and related services, or to benefits and indemnification for such services.

"(5A) "Party" means the Mayor and any person or District government agency named or admitted as a party, or properly seeking and entitled as of right to be admitted as a party, in any proceeding before the Mayor or an agency, but nothing herein shall be construed to prevent the Mayor or an agency from admitting the Mayor or any person or agency as a party for limited purposes."

(b) Section 4(g) (D.C. Official Code § 31-703(g)) is amended as follows:

Amend
§ 31-703

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

"(1)(A) If the acquiring company proposes to acquire a domestic insurer which is

ENROLLED ORIGINAL

not a nonprofit hospital service plan or medical service plan, the Mayor shall approve any merger or other acquisition of control referred to in subsections (a) and (b) of this section unless, after a public hearing, the Mayor finds that:

"(i) After the change of control, the domestic insurer referred to in subsections (a) and (b) of this section would not be able to satisfy the requirements for the issuance of a license to write the line or lines of insurance for which it is presently licensed;

"(ii) The effect of the merger or other acquisition of control would be substantially to lessen competition in insurance in the District or tend to create a monopoly. In applying the competitive standard in this sub-subparagraph:

"(I) The informational requirements of section 5(c)(1) and the standards of section 5(d)(2) shall apply;

"(II) The merger or other acquisition shall not be disapproved if the Mayor finds that any of the situations meeting the criteria provided by section 5(d)(3) exist; and

"(III) The Mayor may condition the approval of the merger or other acquisition on the removal of the basis of disapproval within a specified period of time;

"(iii) The financial condition of any acquiring company is such as might jeopardize the financial stability of the insurer, or prejudice the interest of its policyholders;

"(iv) The plans or proposals which the acquiring company has to liquidate the insurer, sell its assets, or consolidate or merge it with any person, or to make any other material change in its business or corporate structure or management are unfair and unreasonable to policyholders of the insurer or are not in the public interest;

"(v) The competence, experience, and integrity of those persons who would control the operation of the insurer are such that it would not be in the interest of policyholders of the insurer and of the public to permit the merger or other acquisition of control; or

"(vi) The acquisition is likely to be hazardous or prejudicial to the insurance buying public.

"(B)(i) If an acquiring company proposes to acquire a domestic insurer which is a nonprofit hospital plan or medical service plan, the same procedure shall apply as provided in subparagraph (A) of this paragraph; provided, that the acquiring company shall have the burden of establishing that the proposed merger or acquisition of control does not result in the existence of any of the conditions set forth in sub-subparagraphs (i) through (vi) of subparagraph (A).

"(ii) The determination made by the Mayor as provided in subparagraph (A) of this paragraph shall not become effective until 90 days after the Mayor makes the determination."

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

ENROLLED ORIGINAL

(A) Strike the sentence "The public hearing referred to in paragraph (1) of this subsection shall be held within 30 days after the statement required by subsections (a) and (b) of this section is filed, and at least 20-days notice shall be given by the Mayor to the person filing the statement." and insert the sentence "The public hearing referred to in paragraph (1) of this subsection shall be held within 120 days after the statement required by subsections (a) and (b) of this section is filed, and at least 20-days notice shall be given by the Mayor to the person filing the statement; provided, that the Mayor may extend the 120-day period if all parties consent to the extension." in its place.

(B) Strike the sentence "The Mayor shall make a determination within 30 days after the conclusion of the hearing." and insert the sentence "The Mayor shall make a determination within 120 days after the conclusion of the hearing; provided, that the Mayor may extend this period if all parties consent to the extension." in its place.

(C) Strike the phrase "any person to whom notice of hearing was sent, and any other person whose interest may be affected" and insert the phrase "and any party" in its place.

Sec. 3. The Hospital and Medical Services Corporation Regulatory Act of 1996, effective April 9, 1997 (D.C. Law 11-245; D.C. Official Code § 31-3501 *et seq.*), is amended as follows:

(a) Section 16 (D.C. Official Code § 31-3515) is amended as follows:

Amend
§ 31-3515

(1) Subsection (b) is amended by striking the phrase "company unless" and inserting the phrase "company not involving a nonprofit hospital service plan or medical service plan unless" in its place.

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

"(b-1) In a conversion of a nonprofit hospital service plan or medical service plan to a for-profit insurance company under this section, the acquiring company shall have the burden of establishing that the proposed conversion does not result in the existence of any of the conditions set forth in section (b)(1) through (4) of this subsection."

(b) Section 17 (D.C. Official Code § 31-3516) is amended as follows:

Amend
§ 31-3516

(1) Subsection (b) is amended by striking the phrase "company unless" and inserting the phrase "company not involving a nonprofit hospital service plan or medical service plan unless" in its place.

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

"(b-1) In a conversion of a nonprofit hospital service plan or medical service plan to a mutual insurance company under this section, the acquiring company shall have the burden of establishing that the proposed conversion does not result in the existence of any of the conditions set forth in section (b)(1) through (4) of this subsection."

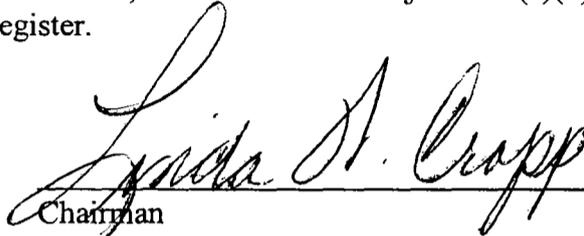
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Sec. 4. Fiscal impact statement.

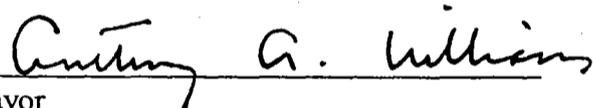
The Council adopts the attached fiscal impact statement as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

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), 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 §1-206.2(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
OCTOBER 6, 2003

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF THE CHIEF FINANCIAL OFFICER★ ★ ★
■■■■■
■■■■■Natwar M. Gandhi
Chief Financial OfficerMEMORANDUM

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

FROM: Natwar Gandhi
Chief Financial Officer

DATE: JUL 7 2003

SUBJECT: Fiscal Impact Statement: "Department of Insurance and Securities
Regulation Merger Review Amendment Act of 2003"

REFERENCE: Bill 15-18

Conclusion

Funds are 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 to implement the "Department of Insurance and Securities Regulation Merger Review Amendment Act of 2003." **The proposed legislation has no fiscal impact.**

Background

The "Department of Insurance and Securities Regulation Merger Review Amendment Act of 2003" amends the "Holding Company System Act of 1993" and the "Hospital and Medical Services Corporation Regulatory Act of 1996" to give the acquiring company the burden of proof to establish that the proposed merger or acquisition of control will not result in any of the conditions that would cause the Mayor to disapprove the merger or acquisition of control. The proposed legislation also amends the "Holding Company System Act of 1993" to extend the time period within which a public hearing must be held and to extend the Mayor's review period following the public hearing. In addition, the proposed legislation clarifies who may participate in a public hearing.

The Honorable Linda W. Cropp
FIS: "Department of Insurance and Securities Regulation Merger
Review Amendment Act of 2003"
Page 2 of 2

Financial Plan Impact

The "Department of Insurance and Securities Regulation Merger Review Amendment Act of 2003" will not affect District staff or resources. The proposed legislation therefore has no fiscal impact.

ENROLLED ORIGINAL

AN ACT
D.C. ACT 15-176

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
OCTOBER 6, 2003

*Codification
District of
Columbia
Official Code*

2001 Edition

2004 Winter
Supp.

West Group
Publisher

To amend, on a temporary basis, the Office of Property Management Establishment Act of 1998 to impose a requirement that the Office of Property Management report to the Council before entering into a contract in excess of \$500,000, including a contract with a party where multiple contracts with that party over a 12-month period exceed \$500,000 in the aggregate (in the case of sole source contracts in excess of \$50,000), and to require that all planned relocations of District government facilities be accompanied by a complete funding certification which analyzes all material, operational and other direct costs, such as anticipated lost revenue, likely to be incurred in relocating District government facilities; and to require a report by the Office of Property Management on the tenant representation program.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Office of Property Management Reform Temporary Amendment Act of 2003".

Sec. 2. The Office of Property Management Establishment Act of 1998, effective March 26 1999 (D.C. Law 12-175; D.C. Official Code § 10-1001 *et seq.*), is amended by adding new sections 1806a and 1806b to read as follows:

"Sec. 1806a. Report to the Council on certain contracts.

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

"(1) "Contract" includes a contract, lease, or any amendment or addendum to a contract or lease; task order; or purchase order.

"(2) "Party" includes any person or entity, including a corporation, general or limited partnership, limited liability company, trust, association, or cooperative, or any person, entity, owning or owned by (in any percentage) such person or entity.

"(b) At least 30 days before entering into any contract, the Office shall provide a report to the Council if the contract:

"(1) Exceeds \$500,000;

"(2) Is an addendum or an amendment to a contract, which contract, together

ENROLLED ORIGINAL

with all addenda or amendments, in the aggregate, exceeds \$500,000;

“(3) Together with all contracts between the Office and a single party, in the aggregate during a 12-month period, exceeds \$500,000;

“(4) Is a sole source contract which exceeds \$50,000;

“(5) Is an addendum or an amendment to a sole source contract, which contract, together with all addenda or amendments, in the aggregate, exceeds \$50,000; or

“(6) Together with all sole source contracts between the Office and a party which in the aggregate during a 12-month period, exceeds \$50,000 .

“(c) The report shall include:

“(1) A summary of the material terms of the contract;

“(2) A copy of the contract; and

“(3) If subsection (b)(2), (3), (5), or (6) apply, a summary of the material terms of each contract and a copy of each contract.

”Sec. 1806b. Report to the Council on relocation.

At least 90 days prior to any relocation of District government facilities, the Office shall provide to the Council, a complete funding certification which analyzes all material, operational, and other direct costs, including anticipated lost revenues, likely to be incurred in relocating District government facilities.”.

Sec. 3. The Office of Property Management shall provide to the Council an analysis of the costs and benefits of instituting a new tenant representation program within 90 days of the effective date of the Office of Property Management Reform Emergency Amendment Act of 2003, passed on an emergency basis on July 8, 2003 (Enrolled version of Bill 15-342).

Sec. 4. Fiscal impact statement.

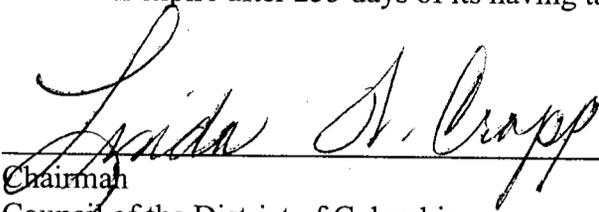
The Council adopts the attached fiscal impact statement as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. (a) This act shall take effect following approval by the Mayor (or in the vent 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

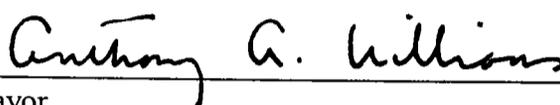
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December 24, 1973 (87 Stat.813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 255 days of its having taken effect.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
OCTOBER 6, 2003

ENROLLED ORIGINAL

AN ACT
D.C. ACT 15-177

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
OCTOBER 6, 2003

*Codification
District of
Columbia
Official Code*

2001 Edition

2004 Winter
Supp.

West Group
Publisher

To establish, on a temporary basis, 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 Temporary Act of 2003".

Sec. 2. Definitions.

For the purposes of this act, the term:

Note,
§ 1-204.90

(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,

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406, 408.1, 428, 429, 430, 431, 452, 453, 454, 455, 456, 457, and 458.

(8) "Home Rule Act" means the District of Columbia Home Rule Act, approved December 24, 1983 (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 12-143; 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.

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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 \$300 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 such 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 \$300 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 the Retail Incentive Emergency Act of 2003, effective July 29, 2003 (D.C. Act 15-140; 50 DCR 6868), through the year ending December 31, 2013. The annual report shall contain a listing and description of each Retail Development Project

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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 the Retail Incentive Emergency Act of 2003, effective July 29, 2003 (D.C. Act 15-140; 50 DCR 6868), 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 of a resolution pursuant to section 4(a) with respect to any Retail Priority Area, or upon the effective date of the Retail Incentive Emergency Act of 2003, effective July 29, 2003 (D.C. Act 15-140; 50 DCR 6868), 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 such 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

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nearby;

(D) The position of the retailer in its market and whether the retailer is 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 Projects 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

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enter into a development agreement, satisfactory to the Mayor, that sets forth:

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

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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 be nonrecourse to the District.

(b) In the case of the Downtown 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.

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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 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 issued, 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

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

(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

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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 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. 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, 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.

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(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 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. 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)).

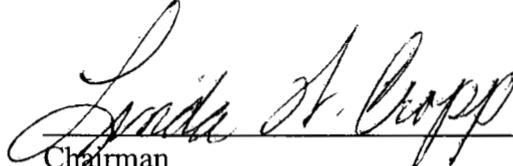
Sec. 18. Effective date.

(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

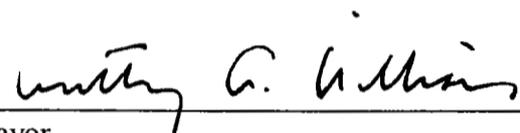
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December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(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
OCTOBER 6, 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: "District of Columbia Retail Incentive 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)
This legislation will have a positive fiscal impact of an increase of \$33.2 million in tax revenues over 10 years. See attached memo.	()	(x)
3. The bill will have NO or minimal fiscal impact. (If "Yes," explain below).		

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)

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

7/2/03

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AN ACT

D.C. ACT 15-178

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To amend, on an temporary basis, Title 47 of the District of Columbia Official Code to exempt from taxation certain property owned by the Veterans of Foreign Wars Department of the District of Columbia and to provide equitable real property tax relief to the organization.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Veterans of Foreign Wars Real Property Tax Exemption and Equitable Real Property Tax Relief Temporary 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 to the chapter is amended by adding a new section designation to read as follows:

"§47-1057. Property owned by the Veterans of Foreign Wars Department of the District of Columbia ; lot 0040, square 5167."

(b) A new section 47-1057 is added to read as follows:

"§47-1057. Veterans of Foreign Wars Department of the District of Columbia; lot 0040, square 5167.

"Property situated in square 5167, located at 1601 Kenilworth Avenue, N.E., described as lot 0040, owned, occupied, and used by the Veterans of Foreign Wars Department of the District of Columbia, is hereby exempt from all taxation so long as this same property continues to be owned and occupied by the Veterans of Foreign Wars Department of the District of Columbia, and not used for commercial purposes, subject to the provisions of § 47-1002, providing for exemption of certain real properties."

Sec. 3. The Council of the District of Columbia orders that all real property taxes, interest, penalties, fees, and other related charges assessed against the property owned by the Veterans of Foreign Wars Department of the District of Columbia for the period of May 1, 2002, until the effective date of this act, on real property located at 1601 Kenilworth Avenue,

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: MAY 27 2003

SUBJECT: Fiscal Impact Statement: "Veterans of Foreign Wars Real Property Tax Exemption and Equitable Real Property Tax Relief Act of 2003"

REFERENCE: Bill 15-126 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 tax refunds and foregone real property tax, thus reducing the local General Fund. The proposed legislation will result in unbudgeted costs of approximately \$3,200 from real property tax refunds in FY 2003 and \$7,600 in refunds and foregone revenue in FY 2003 through FY 2007.

Background

The proposed legislation approves a real property tax exemption for property located in Square 5167, Lot 0040 located at 1601 Kenilworth Avenue, N.E. The property is used, owned and occupied by the Department of the District of Columbia Veterans of Foreign Wars. In addition, the proposed legislation foregoes all real property taxation, fees, interest and penalties on the subject property for a period beginning May 1, 2002. The occupants would be entitled to a refund of all amounts paid for real property taxes assessed during the period of May 1, 2002 to present.

9211

The Honorable Linda W. Cropp
 FIS: Bill 15-126, "VFW RPTx Exemption and
 Equitable RPTx Relief Act of 2003"
 Page 2 of 2

Financial Plan Impact

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. The Department of the District of Columbia Veterans of Foreign Wars has never petitioned for real property tax exemption with the Office of Tax and Revenue. Under D.C. Official Code § 47-1002 a veteran group or a club would not qualify for an exemption.

The Department of the District of Columbia Veterans of Foreign Wars paid \$800 in FY 2002 and \$2,405 in FY 2003 which will need to be refunded by the provisions of the proposed legislation. The property is currently assessed at \$130,000 and would result in annual real property taxation of \$1,024. The following table represents the approximate foregone revenue, refunds and exempted taxation as a result of implementing the proposed legislation.

Revenue Impact to the Financial Plan					
(S in 000s)					
FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	TOTAL
(\$3.2)	(\$1.0)	(\$1.1)	(\$1.1)	(\$1.2)	(\$7.6)

As the property is owned by the Department of the District of Columbia Veterans of Foreign Wars, Deed Recordation and Deed Transfer taxes are not impacted by the proposed legislation.

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>.

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N.E., Washington, D.C., lot 0040 in square 5167 be forgiven.

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

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

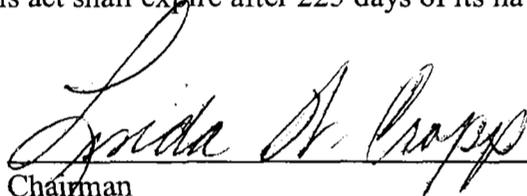
Sec. 5. Fiscal impact statement.

The Council adopts the 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)).

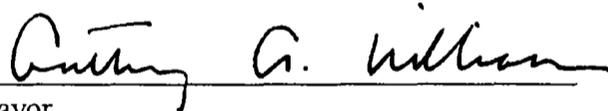
Sec. 6. Effective date.

(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
OCTOBER 6, 2003

AN ACT
D.C. ACT 15-179

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
OCTOBER 6, 2003

*Codification
District of
Columbia
Official Code*

2001 Edition

2004 Winter
Supp.

West Group
Publisher

To amend, on an temporary basis, 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 Temporary 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 to read 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. To create staggered terms, the initial non-ANC members shall determine by lot that half shall serve for one year."

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

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

Bill	Type: Emergency () Temporary (x) Permanent ()	Date Reported: July 8, 2003
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Subject/Short Title: "Eastern Market 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. 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:

Council staff

Councilmember: Sharon Ambrose, Chair, Committee on Consumer and Regulatory Affairs

Staff Person & Tel: Esther Bushman, Committee Clerk, Committee on Consumer and Regulatory Affairs

Council Budget Director's Signature:

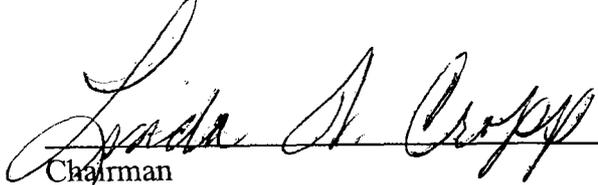
AMBROSE

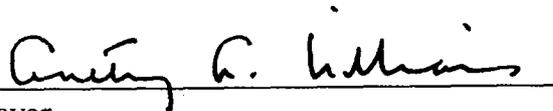
6/30/03

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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
OCTOBER 6, 2003

ENROLLED ORIGINAL

AN ACT

D.C. ACT 15-180

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 10, 2003Codification
District of
Columbia
Official Code

2001 Edition

2004 Winter
Supp.West Group
Publisher

To amend, on a temporary basis, 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 Temporary 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.

Note,
§ 2-303.22

"(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 non-personal services budget;

"(4) The daily and monthly credit limit the agency director establishes for each

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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 immediately to all agencies that participate in the purchase card program instituted by the OCP.”.

Sec. 3. Fiscal impact statement.

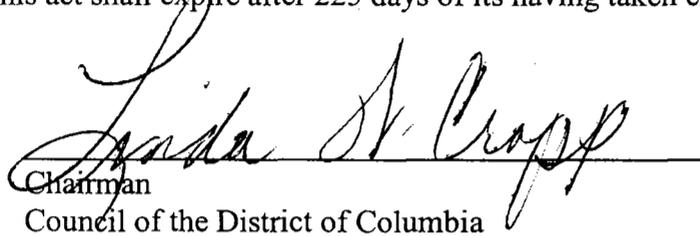
The fiscal impact of this program in the current year is minimal because the procurement of goods and services in the present fiscal year are substantially completed. With respect to fiscal year 2004, the agencies have 60 days to develop reporting procedures that comply with this act, therefore the fiscal 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.

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Sec. 4. Effective date.

(a) 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), 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

UNSIGNED

Mayor
District of Columbia
October 6, 2003