

**THE DISTRICT OF COLUMBIA
LOTTERY AND CHARITABLE GAMES CONTROL BOARD
NOTICE OF PROPOSED RULEMAKING**

The Executive Director of the District of Columbia Lottery and Charitable Games Control Board, pursuant to the authority set forth in D.C. Official Code §3-1306, District of Columbia Financial Responsibility and Management Assistance Authority Order issued September 21, 1996, and Office of the Chief Financial Officer Financial Management Control Order No. 96-22 issued November 18, 1996, hereby gives notice of the adoption of amendments to Chapters 6 and 9 of Title 30 DCMR, "Lottery and Charitable Games." These amendments are necessary to implement changes to the POWERBALL® game in concert with the Multi-State Lottery Association ("MUSL") twenty-nine lottery organizations members starting January 2009. MUSL finalized these changes to the POWERBALL® game on June 17, 2008. The Executive Director gives notice of her intent to take final rulemaking action to adopt the amendments in not less than twenty-nine (29) days from the date of publication of this notice in the D.C. Register.

AMEND CHAPTER 6, "CLAIMS AND PRIZE PAYMENTS"

Amend section 606.3 to read as follows:

606.3 Except as otherwise provide in Chapter 9 of this title, annuitized prizes shall be paid annually in thirty (30) payments with the initial payment being made in cash or check, to be followed by twenty-nine (29) payments funded by the annuity. All annuitized prizes shall be paid annually in thirty (30) graduated payments (increasing each year) by a rate as determined by the Executive Director. Prize payments may be rounded down to the nearest one thousand dollars (\$1,000).

AMEND CHAPTER 9, "DESCRIPTION OF ONLINE GAMES"

Amend section 906 to read as follows:

906 DESCRIPTION OF THE POWERBALL® GAME

906.1 POWERBALL® is a five (5) out of fifty-nine (59) plus one (1) out of thirty-nine (39) online lottery game which pays the Grand Prize, at the player's election, on an annuitized pari-mutuel basis or as a cash lump sum payment of the total cash held for this prize pool on a pari-mutuel basis. Except as provided in these rules, all other prizes are paid on a fixed cash basis. To play POWERBALL®, a player must select five (5) different numbers, between one (1) and fifty-nine (59) and one additional number between one (1) and thirty-nine (39) for input into a terminal.

Amend section 908 to read as follows:

908 POWERBALL® GRAND PRIZE PAYMENT

Amend section 908.1 to read as follows:

908.1 Except as provided in section 908.19, POWERBALL® Grand prizes shall be paid with either a per winner annuity or cash payment. Annuitized prizes shall be paid in thirty (30) annual graduated installments over a period of twenty-nine (29) years.

Amend section 909 to read as follows:

909 POWERBALL® FIXED PRIZE STRUCTURE

909.1 Provided the prize pools are fully funded, the fixed prize payments for POWERBALL® based on a one dollar (1) bet are as follows:

Number of Matches Per Play

(a)	All five (5) of the first set and none of the second set	\$ 200,000.00
(b)	Any four (4) of the first set plus one (1) of the second set	\$ 10,000.00
(c)	Any four (4) of the first set and none of the second set	\$ 100.00
(d)	Any three (3) of the first set plus one (1) of the second set	\$ 100.00
(e)	Any three (3) of the first set and none of the second set	\$ 7.00
(f)	Any two (2) of the first set plus one (1) of the second set	\$ 7.00

- (g) Any one (1) of the first set plus one (1) of the second set \$ 4.00
- (h) None of the first set plus one (1) of the second set \$ 3.00

Amend section 910 to read as follows:

910 PROBABILITY OF WINNING

910.1 The following table sets forth the probability of winning and the probable distribution of winners in and among each prize category, based upon the total number of possible combinations in POWERBALL®

PROBABILITY DISTRIBUTION

<u>Number of Matches Per Ticket</u>	<u>Winners</u>	<u>Probability</u>	<u>Probable Set Prize Amount</u>
All five (5) of first set plus one (1) of the second set	1	1: 195,249,054	Jackpot
All five (5) of the first set and none of the second set	38	1: 5,138,133	\$200,000.00
Any four (4) of the first set plus one (1) of the second set	270	1: 723,145	\$10,000.00
Any four (4) of the first set and none of the second set	10,260	1: 19,030	\$100.00
Any three (3) of the first set plus one (1) of the second set	14,310	1: 13,644	\$ 100.00
Any three (3) of the first set plus none of the second set	543,780	1: 359	\$7.00

Any two (2) of the first set plus one (1) of the second set	248,040	1:	787	\$7.00
Any one (1) of the first set plus one (1) of the second set	1,581,255	1:	123	\$4.00
None of the first set plus one (1) of the second set	3,162,510	1:	62	\$3.00
Overall	5,560,464	1:	35	

Amend sections 913.3 and 913.4 to read as follows:

913.3 A qualifying play which wins one of the seven lump sum set prizes (excluding the Match 5+0 prize) will be multiplied by the number selected (2 through 5), in a separate random Power Play drawing announced during the official POWERBALL® drawing.

913.4 The announced Match 5+0 prize, for players selecting the Power Play option shall be multiplied by five (5) unless a higher limited promotional multiplier is announced by the MUSL Group.

Add section 913.5 to read as follows:

913.5 A separate random Power Play drawing shall be conducted and results announced during each of the regular POWERBALL® drawings held during the promotion. During each POWERBALL® drawing a single number from a series of 15 numbers will be selected. The numbers available for selection are (2, 3, 4, 5) shall be drawn. The Executive Director may change one or more of these multiplier numbers for special promotions from time to time.

Amend section 914 to read as follows:

914 POWERBALL® POWER PLAY PRIZE POOL AND PRIZE PAYMENT

914.1 The prize pool for all prize categories shall consist of up to forty-nine and five tenths percent (49.5%) of each drawing period's sales, including tax, after the POWERBALL® prize reserve accounts reach the amounts designated by the Executive

Director in accordance with all agreements governing the conduct of POWERBALL® and Power Play. Once the prize reserve accounts exceed the designated amounts, the excess shall become part of the prize pool. Any amount remaining in the prize pool at the end of this game shall be carried forward to a replacement game prize reserve account or expended as otherwise directed by the Executive Director in accordance with all agreements governing the conduct of POWERBALL® and Power Play.

914.2 An additional half percent (0.5%) of sales, including tax, may be collected and placed in trust in one or more prize reserve accounts until the prize reserve accounts reach the amounts designated by the Executive Director in accordance with all agreements governing the conduct of POWERBALL® and Power Play.

914.3 Except as provided in these rules, all prizes awarded shall be paid as lump sum set prizes. Instead of the POWERBALL® set prize amounts, qualifying Power Play plays will pay the amounts shown below when matched with the Power Play number drawn:

	Prize Amount	5X	5X	5X	5X
Match 5+0	\$200,000	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000

	Prize Amount	5X	4X	3X	2X
Match 4+1	\$10,000	\$50,000	\$40,000	\$30,000	\$20,000
Match 4+0	\$100	\$500	\$400	\$300	\$200
Match 3+1	\$100	\$500	\$400	\$300	\$200
Match 3+0	\$7	\$35	\$28	\$21	\$14
Match 2+1	\$7	\$35	\$28	\$21	\$14
Match 1+1	\$4	\$20	\$16	\$12	\$8
Match 0+1	\$3	\$15	\$12	\$9	\$6

In certain rare instances, the POWERBALL® set prize amount may be less than the amount shown. In such case, the Power Play prizes will be a multiple of the changed POWERBALL® prize amount announced at the draw. For example, if the Match 5 POWERBALL® set prize amount of \$200,000 becomes \$150,000 under the rules of the POWERBALL® game, then a Power Play player winning that prize amount with a 5X multiplier would win \$750,000 (\$150,000 x 5).

914.4 The following table sets forth the probability of the various Power Play numbers being drawn during a single POWERBALL® drawing, except that the Power Play number for the Match 5+0 prize will be at least five (5X) ; setting the probability of

the 5X being drawn for the Match 5+0 prize at 1 in 1. The MUSL Group may elect to run limited promotions that may increase the multiplier numbers.

Power Play

Probability of Prize Increase

5X – Prize Won Times 5	1 in 4
4X – Prize Won Times 4	1 in 4
3X – Prize Won Times 3	1 in 4
2X – Prize Won Times 2	1 in 4

Power Play does not apply to the POWERBALL® Grand Prize or to any Bonus Prize.

- 914.5 The prize money allocated to the Match 5 Bonus Prize shall be divided equally by the number of games boards winning the Match 5 prize when a game board wins the new high jackpot amount.

All persons desiring to comment on the subject matter of this proposed rulemaking should file comments in writing not later than twenty-nine (29) days from the date of publication of this notice in the Register. Comments should be filed with the Executive Director, District of Columbia Lottery and Charitable Games Control Board, 2101 Martin Luther King, Jr., Avenue, S.E., Washington, D.C. 20020. Copies of these proposed rules may be obtained at the address stated above.

MAYOR OF THE DISTRICT OF COLUMBIA**NOTICE OF PROPOSED RULEMAKING**

The Mayor of the District of Columbia pursuant to section 502 of the Revenue Act for Fiscal Year 1978 (“Revenue Act”), effective April 19, 1977 (D.C. Law 1-124, D.C. Official Code § 5-416) hereby gives notice of the intent to adopt the following amendments to subsections 525.1, 525.2 and 525.3 of Title 29 of the District of Columbia Municipal Regulations (DCMR).

Section 3004 of Title III(B) of the Fiscal Year 2009 Budget Support Emergency Act of 2008, (“Ambulance Fee Emergency Act”), effective July 28, 2008 (D.C. Law 17-0468; 55 DCR 8746) repealed the final rules amending section 525.1 of 29 DCMR, effective March 21, 2008 (55 DCR 2948) and April 18, 2008 (55 DCR 4373), respectively. Further, pursuant to section 3006 of the Ambulance Fee Emergency Act of 2008, the Mayor was required to “explore all reasonable options for billing Medicaid and Medicare for costs of ambulance services” and provides that if the attempts to obtain revenue through these sources were insufficient to generate an additional \$3.5 million per annum during fiscal years 2009 and 2010, the Mayor shall issue rules pursuant to section 502 of the Revenue Act, to increase ambulance fees effective October 1, 2008 to an amount sufficient to meet this specified revenue target.

Pursuant to these requirements, the Mayor directed the District of Columbia Fire & Emergency Medical Services Department (Fire & EMS) to perform a comprehensive fiscal analysis of the costs associated with providing ambulance services to Medicaid and Medicare patients. This cost analysis was conducted in conjunction with the DC Department of Health, Medical Assistance Administration, and the federal Centers for Medicare & Medicaid Services. Projections indicate that a Medicaid and Medicare cost adjustment will not result in an increase in revenue sufficient to meet the \$3.5 million target. Therefore, the Mayor submits these proposed rules based on the projected costs associated with providing emergency ambulance services during Fiscal Years 2009-10.

District residents who are Medicare beneficiaries, and are not covered by any other secondary health insurance program, will no longer be billed nor have any personal financial responsibility for any portion of ambulance transportation charges not completely covered by Medicare.

The Mayor has directed the District of Columbia Fire & Emergency Medical Services Department (Fire & EMS) to develop policies including, but not limited to, payment standards for those persons who demonstrate economic hardship.

The comment period for the proposed rules has been abbreviated to 10 days as Section 3006 of the Ambulance Fee Emergency Act required that the rules be effective on October 1, 2008. As that date has already past, the rules will become effective 24 hours after the Council approves them, but not before December 15, 2008. The final rules

contain no changes to the billing structure, but retain the Department's discretion in their billing methods.

Pursuant to Section 3006 of the Ambulance Fee Emergency Act, the proposed rulemaking has been transmitted to the Council of the District of Columbia for approval. The proposed rules will not become effective until approved by the Council.

Subsection 525.1 of Title 29 DCMR is amended as follows:

525.1 Effective October 1, 2008, the following fees are hereby established for emergency ambulance life support service, and for the transportation of a person in a District of Columbia Fire and Emergency Medical Services Department emergency ambulance vehicle:

(a) Basic Life Support (BLS) Unit Transportation Fee: A fee of four hundred twenty eight dollars (\$428) shall be charged for the transportation of each person in any ambulance staffed by an Emergency Medical Technician, an Emergency Medical Technician/Driver or a Paramedic who administers basic life support to the person or persons being transported;

(b) Advanced Life Support (ALS) Unit Transportation Fee: A fee of five hundred eight dollars (\$508) shall be charged for the transportation of each person in any ambulance staffed by a Paramedic if advanced life support is actually administered to the person being transported;

(c) Advanced Life Support- Level 2 (ALS2) Unit Transportation Fee: A fee of seven hundred thirty five dollars (\$735) shall be charged for the transportation of each person by ground ambulance vehicle requiring the provision of medically necessary supplies and services including (1) at least three separate administrations of one or more medications by intravenous push/bolus or by continuous infusion (excluding crystalloid fluids) or (2) ground ambulance transport, medically necessary supplies and services, and the provision of at least one of the ALS2 procedures listed below:

1. Manual defibrillation/cardioversion;
2. Endotracheal intubation;
3. Central venous line;
4. Cardiac pacing;
5. Chest decompression;
6. Surgical airway; or
7. Intraosseous line; and

(d) Total Mileage Transportation Fee: A fee of six dollars and fifty five cents (\$6.55) per mile traveled, or any fraction thereof, shall be charged to each patient transported in any of the above noted methods.

(e) The Department retains its discretion to waive or reduce the charges imposed by this section for those persons who demonstrate economic hardship.

(f) The Department retains its discretion to waive or reduce the charges imposed by this section including, but not limited to, in extraordinary cases of non-economic personal hardship or to avoid collecting more money than is necessary to comply with the Ambulance Fee Amendment Act of 2008, where to do so is in the District's best interest, as determined by the Chief of the Fire and Emergency Medical Services Department, or the Chief's designee, in the exercise of his or her discretion.

Subsection 525.2 of Title 29 DCMR is amended to include:

525.2 (d) The Department shall not bill or hold financially responsible, any District resident who is a Medicare beneficiary not covered by any other secondary health insurance program for any out of pocket expenses, including co-payments, deductibles and co-insurance.

Subsection 525.3 of Title 29 DCMR is amended as follows:

525.3 Any person transported shall remain personally liable for any fee or portion of a fee not covered by any of the exceptions listed in § 525.2.

Subsection 599 ("Definitions") of Title 29 DCMR is amended as follows:

Insert the following after the definition for "Ambulance":

Economic hardship – A District resident who:

- a) Has an annual income of less than one hundred fifty percent (150%) of poverty level for an individual or family/domestic partner arrangement as determined by "Poverty Guidelines for the 48 Contiguous States and the District of Columbia" published each year by the Federal Department of Health and Human Services, or
- b) Is unemployed and receiving unemployment benefits, or
- c) Is considered "permanently disabled" for tax reporting purposes, or

- d) Is not and will not be eligible for Medicare, Medicaid or other public healthcare insurance coverage during a twelve (12) month period after the date of transport by Department ambulance, and
- e) Is not and will not be eligible for private healthcare insurance or other insurance coverage during a twelve (12) month period after the date of transport by Department ambulance, and
- f) Is not eligible to receive any other recognized insurance or other third party payment that could pay due and owing ambulance charges during a twenty four (24) month period after the date of transport by Department ambulance.

Persons wishing to submit written comments on these proposed rules should submit their comments by December 12, 2008 to: Fire & Emergency Medical Services Department, Government of the District of Columbia, 1923 Vermont Ave., NW, Washington, DC 20004, attn: Martin Hamlette, Administrator. Copies of these proposed rules may be obtained from this Office.

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF PROPOSED RULEMAKING**

Z.C. Case No. 06-32

(Text Amendment – 11 DCMR)

(Text Amendments to Include Square 766 in the Capitol South TDR Receiving Zone)

The Zoning Commission for the District of Columbia, pursuant to its authority under § 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, as amended; D.C. Official Code § 6-641.01), hereby gives notice of its intent to amend §§ 1709.18 and 1709.21 of the Zoning Regulations (Title 11 DCMR).

The proposed text amendments add Square 766 to the Downtown Development Overlay District's Capitol South receiving zone; but require Zoning Commission review and approval of the portion of any building in Square 766 that exceeds 90 feet.

Final rulemaking action shall be taken in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

The following rulemaking action is proposed (new text is shown bolded and underlined):

The Zoning Regulations of the District of Columbia (Title 11 DCMR) is amended as follows:

A. Chapter 17, DOWNTOWN DEVELOPMENT OVERLAY DISTRICT, is amended by:

1. Amending § 1709.18 to read as follows:

1709.18 The Capitol South receiving zone consists of those portions of Squares 695 through 697, N697, 698, 699, N699, 737 through 742, and N743 **and 766**, each zoned C-3-C.

2. Amending § 1709.21 to read as follows:

1709.21 **Except as provided in the second sentence**, in the New Downtown, North Capitol, Capitol South, and Southwest receiving zones, the maximum permitted building height shall be that permitted by the Act to Regulate the Height of Buildings in the District of Columbia, approved June 1, 1910 (36 Stat. 452, as amended; D.C. Official Code §§ 6-601.01 to 6-601.09 (formerly codified at D.C. Code §§ 5-401 to 5-409 (1994 Repl. & 1999 Supp.))), and the maximum permitted FAR shall be 10.0 for buildings permitted a height of one hundred thirty feet (130 ft.), and 9.0 for buildings permitted a lesser height. **A building on Square 766 may exceed a height of ninety (90) feet if the Zoning Commission, after hearing, finds that the additional height:**

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- (a) Will be sufficiently setback from the eastern building face to avoid shadowing the lower buildings in Square 797 to the east; and
- (b) Will provide a suitable northern focal point for the Canal Blocks Park.

B. Chapter 30, ZONING COMMISSION PROCEDURES, is amended as follows:

1. Subparagraph 3010.2 (d) is amended to read as follows:

- (d) Applications for Zoning Commission review and approval pursuant to Chapters 16-18, and 28¹ of this Title, as well as § 1709.21.

2. Subsection 3022.1 is amended to read as follows:

3022.1 The procedures set forth in D.C. Official Code § 2-509 (2001), and this section shall apply to applications for a change in the Zoning Map pursuant to § 102 and to applications for planned unit developments, air space developments, and similar plan review activities of the Commission, including those required by Chapters 16-18, and 28² of this Title, as well as § 1709.21, except as otherwise provided in § 3010.7.

3. Subsection 3027.4 is amended to read as follows:

3027.4 The Commission need not take proposed action with respect to an application for Zoning Commission review and approval pursuant to Chapters 16-18, and 28³ of this Title, as well as § 1709.21, but may take final action in accordance with § 3028, either at the close of the hearing or at a subsequent public meeting.

All persons desiring to comment on the subject matter of this proposed rulemaking action should file comments in writing no later than thirty (30) days after the date of publication of this notice in the D.C. Register. Comments should be filed with Sharon Schellin, Secretary to the Zoning Commission, Office of Zoning, 441 4th Street, N.W., Suite 200/210-S, Washington, D.C. 20001. Copies of this proposed rulemaking action may be obtained at cost by writing to the above address.

¹ The highlighted text is being concurrently proposed in Z.C. Case No. 04-05 (Text and Map Amendments – 11 DCMR -- Hill East District (Reservation 13)).

² See FN 1.

³ See FN 1.