

AN ACT

*Codification
District of
Columbia
Official Code*

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To approve the Draft Master Plan for the 67 acres of public land known historically as Reservation 13, the existing site of the D.C. Jail and the D.C. General Hospital, to require that land be set aside within the site for the development of a new full-service hospital, to establish a Reservation 13 Benefit Area, and to establish a special taxing district.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Draft Master Plan for Public Reservation 13 Approval Act of 2002".

New Chapter
15,
Title 10

Sec. 2. Approval of Draft Master Plan.

New
§ 10-1501

Pursuant to the District of Columbia Appropriations Act, 2002, approved December 21, 2001 (Pub. L. No. 107-96; 115 Stat. 923) ("Public Law 107-96"), the Mayor transmitted to the Council a Draft Master Plan for Public Reservation 13, dated March 31, 2002. Public Law 107-96 provides that the Mayor shall present to the Council for its approval a plan for the development of Reservation 13. The Draft Master Plan for Public Reservation 13, dated March 31, 2002, is hereby approved.

Sec. 3. Hospital Set Aside.

New
§ 10-1502

Approximately 2 acres within the Independence Avenue District of Reservation 13 shall be set aside for the development of a new full-service hospital, including approximately 200 beds, an emergency department with level 1 trauma care, general pediatric care, behavioral health services including substance abuse and mental health, long-term or transitional care capability, outpatient diagnostic and ambulatory care, and specialty clinic services.

Sec. 4. Establishment of Reservation 13 Benefit Area.

New
§ 10-1503

(a) There is established a Reservation 13 Benefit Area ("R13BA"), which shall be comprised of the 67 acres of land historically know as Reservation 13.

(b) The proceeds from the lease or sale of any real property in the R13BA, which includes all structures of a permanent character erected on or affixed to, any natural resources

located on or under, all riparian rights attached to, or any air space located above or below the property or any street or alley, owned, controlled, or administered by the District, shall be deposited in the Tobacco Settlement Trust Fund, established by the Tobacco Settlement Trust Fund Establishment Act of 1999, effective October 20, 1999 (D.C. Law 13-38; D.C. Official Code § 7-1811.01) ("Tobacco Settlement Trust Fund") into a dedicated R13BA Hospital account to be used solely for the purpose of constructing and maintaining a new full-service public hospital on the acreage within the R13BA set aside for that purpose, pursuant to section 3.

(c) If, instead of a public hospital, a private full-service hospital is constructed within the R13BA, the proceeds from the lease or sale of any real property in the R13BA shall be deposited in the Tobacco Settlement Trust Fund into a dedicated R13BA Health Care account to be used solely for the purpose of providing health care to the uninsured residents of the District.

New
§ 10-1504

Sec. 5. Establishment of special taxing district.

(a) The R13BA shall be a special taxing district.

(b) All taxes on any real property, except for the real property special tax set aside to pay debt service on general obligation bonds issued by the District of Columbia, and all payments made in lieu of taxes on any real property, which is exempt or immune from real property taxation that is leased, loaned, or otherwise made available to any person in connection with a commercial enterprise or as a residence in an amount equivalent to the tax that would be lawfully assessed if the real property were not exempt or immune from real property taxation, that are collected within the R13BA shall be deposited in the Tobacco Settlement Trust Fund into a dedicated R13BA Health Care account to be used solely for the purpose of providing health care to the uninsured residents of the District.

(c) One hundred percent of the sales tax revenue generated from all commercial enterprises within the R13BA shall be deposited in the Tobacco Settlement Trust Fund into the dedicated R13BA Health Care account to be used solely for the purpose of providing health care to the uninsured residents of the District.

New
§ 10-1505

Sec. 6. Allocation and administration of R13BA funds.

(a) All funds collected pursuant to sections 4 and 5 shall be deposited in the Tobacco Settlement Trust Fund dedicated accounts without regard to fiscal year limitation and shall not revert to the General Fund at the end of any fiscal year, or at any other time.

(b) Except as provided in subsections (c) and (d) of this section, all funds deposited into the R13BA Hospital account or the R13BA Health Care account (collectively, "R13BA funds") shall be continually available solely for the purpose of constructing and maintaining a full-service public hospital within R13BA or, if a public hospital is not constructed within the R13BA, for the purpose of providing health care to the uninsured residents of the District, subject to authorization by Congress.

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(c) A percentage, as determined by the Mayor, of the R13BA funds shall be allocated for the cost of administration, including the cost of preparing an annual audit report.

(d) Expenditures from the R13BA funds shall be audited annually by the Mayor. The audit report shall be submitted to the Council for review within 90 days after the end of the fiscal year.

(e) The Mayor may promulgate rules to implement the provisions of this act.

Sec. 7. Conforming amendments.

(a) Title 47 of the District of Columbia Official Code is amended by adding a new section 47-1053 to read as follows:

New
§ 47-1053

"§ 47-1053. Payments in lieu of taxes, Reservation 13 Benefit Area.

"If, upon transfer of jurisdiction or title from the United States of America to the District of Columbia, the real property located in the District of Columbia historically known as Reservation 13 is exempt from real property taxes, exempt real property that is leased, loaned, or otherwise made available to any person in connection with a commercial enterprise or as a residence shall be subject to payments in lieu of taxes, unless exempt pursuant to section 47-1002 of the District of Columbia Official Code, in an amount equivalent to the tax which would be lawfully assessed if the real property were not exempt or immune from real property taxation. Payments in lieu of taxes shall be treated in the same manner as a tax under § 47-1330(2) and shall be subject to collection under Chapter 13A of this title."

(b) The Tobacco Settlement Trust Fund Establishment Act of 1999, effective October 19, 2000 (D.C. Law 13-172; D.C. Official Code § 7-1811.01 *et seq.*), is amended as follows:

Amend
§ 7-1811.01

(1) Section 2302(a)(1)(C) (D.C. Official Code § 7-1811.01(a)(1)(C)) is amended by striking the phrase "by law." and inserting the phrase, "by law, which shall include funds to be deposited into a Reservation 13 Benefit Area ("R13BA") Hospital account or R13BA Health Care account (collectively, "R13BA funds") pursuant to the Draft Master Plan for Public Reservation 13 Approval Act of 2002, passed on 2nd reading on December 3, 2002 (Engrossed version of Bill 14-648)." in its place.

Amend
§ 7-1811.03

(2) Section 2302b (D.C. Law 13-172; D.C. Official Code § 7-1811.03) is amended by adding a subsection (c) to read as follows:

"(c) The R13BA funds, including all accrued interest, shall be used as follows:

- "(1) To construct and maintain a public full-service hospital within the R13BA;
- "(2) To provide health care to the uninsured residents of the District;
- "(3) For administrative support in the provision of health care to the uninsured;

and

"(4) For costs relating to an annual audit of expenditures."

Sec. 8. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal

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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. 9. 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 a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

Chairman
Council of the District of Columbia

Mayor
District of Columbia