

DISTRICT OF COLUMBIA
OFFICIAL CODE

TITLE 1.
GOVERNMENT ORGANIZATION.

CHAPTER 1.
DISTRICT OF COLUMBIA GOVERNMENT
DEVELOPMENT.

2001 Edition

DISTRICT OF COLUMBIA OFFICIAL CODE
CHAPTER 1. DISTRICT OF COLUMBIA
GOVERNMENT DEVELOPMENT.

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CHAPTER 1. DISTRICT OF COLUMBIA GOVERNMENT DEVELOPMENT.

SUBCHAPTER I. DISTRICT OF COLUMBIA ESTABLISHMENT.

§ 1-101. TERRITORIAL AREA.

The District of Columbia is that portion of the territory of the United States ceded by the State of Maryland for the permanent seat of government of the United States, including the river Potomac in its course through the District, and the islands therein.

(R.S., D.C., § 1; June 11, 1878, 20 Stat. 102, ch. 180, § 1.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 1-101.

1973 Ed., § 1-101.

Miscellaneous Notes

Organic Act of 1878: See Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1.

Boundary line between District of Columbia and Commonwealth of Virginia established: See Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1.

§ 1-102. DISTRICT CREATED BODY CORPORATE FOR MUNICIPAL PURPOSES.

The District is created a government by the name of the "District of Columbia," by which name it is constituted a body corporate for municipal purposes, and may contract and be contracted with, sue and be sued, plead and be impleaded, have a seal, and exercise all other powers of a municipal corporation not inconsistent with the Constitution and laws of the United States and the provisions of this Code.

(R.S., D.C., § 2; June 11, 1878, 20 Stat. 102, ch. 180, § 1.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 1-102.

1973 Ed., § 1-102.

Change in Government

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 401 of Reorganization Plan No. 3 of 1967 transferred all of the functions of the Board of Commissioners under this section to a single Commissioner. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made

in this section.

Miscellaneous Notes

Organic Act of 1878: See Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1.

§ 1-103. OFFICERS OF CORPORATION.

The Mayor of the District of Columbia and the members of the Council of the District of Columbia shall be deemed and taken as officers of such corporation.

(June 11, 1878, 20 Stat. 102, ch. 180, § 1; 1967 Reorg. Plan No. 3, § 405, 81 Stat. 978.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 1-103.

1973 Ed., § 1-103.

Change in Government

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 405 of Reorganization Plan No. 3 of 1967 transferred all of the functions of the Board of Commissioners under this section to the District of Columbia Council, subject to the right of the Commissioner as provided in § 406 of the Plan. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

Miscellaneous Notes

Organic Act of 1878: See Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1.

§ 1-104. DISTRICT AS SUCCESSOR CORPORATION.

The District of Columbia is the successor of the corporations of Washington and Georgetown, and all the property of said corporations, and of the County of Washington, is vested in the District of Columbia.

(R.S., D.C., § 96.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 1-104.

1973 Ed., § 1-104.

§ 1-105. FORMER CORPORATION CONTINUED FOR CERTAIN PURPOSES.

The corporation of the District of Columbia is continued for all the purposes of this section and other acts, for the collection of taxes, for suing and being sued, for causes arising prior to June 20, 1874, and for acquiring and holding real estate for school and municipal purposes.

(Mar. 3, 1877, 19 Stat. 402, ch. 117, § 15.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 1-105.

1973 Ed., § 1-105.

§ 1-106. RECORDS OF FORMER CORPORATIONS AND OF LEVY COURT MADE PROPERTY OF DISTRICT OF COLUMBIA.

All records, books, files, maps, plats, surveys, drawings, writings, and other papers, of the late corporations of Washington and Georgetown, or of the levy court of the District of Columbia, or made by persons in the employment or service of either of them, or of the District of Columbia, in the course of such employment or service, or which shall be so made after February 4, 1878, are, and shall be, the property of the District of Columbia.

(Feb. 4, 1878, 20 Stat. 23, ch. 12, § 3.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 1-106.

1973 Ed., § 1-106.

§ 1-107. "LIMITS OF CITY OF WASHINGTON" DEFINED; GEORGETOWN ABOLISHED; GENERAL LAWS OF WASHINGTON EXTENDED TO FORMER GEORGETOWN.

That portion of the District included within the limits of the City of Washington, as the same existed on the 21st day of February, 1871, and all that part of the District of Columbia embraced within the bounds and constituting on February 11, 1895, the City of Georgetown (as referred to in the Acts of Congress approved February 21, 1871, 16 Stat. 419, ch. 62, and June 20, 1874, 18 Stat. 116, ch. 337) shall be known as and shall constitute the City of Washington, the federal capital; and all general laws, ordinances, and regulations of the City of Washington are extended and made applicable to that part of the District of Columbia formerly known as the City of Georgetown. The title and existence of said Georgetown as a separate and independent city by law is abolished. Nothing in this section shall operate to affect or repeal existing law making Georgetown a port of entry, except as to its name.

(R.S., D.C., § 94; Feb. 11, 1895, 28 Stat. 650, ch. 79.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 1-107.

1973 Ed., § 1-107.

§ 1-108. NAME OF UNIONTOWN CHANGED TO ANACOSTIA.

That portion of the District of Columbia prior to April 22, 1886, known and designated as Uniontown, shall be known and designated as Anacostia.

(Apr. 22, 1886, 24 Stat. 14, ch. 58.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 1-108.

1973 Ed., § 1-108.

§ 1-109. LIABILITY.

(a) *District of Columbia.* -- The District of Columbia shall defend any civil action or proceeding pending on August 5, 1997 in any court or other official municipal, state, or federal forum against the District of Columbia or its officers, employees, or agents, and shall assume any liability resulting from such an action or proceeding.

(b) *State Justice Institute.* -- The State Justice Institute shall not be liable for damages or equitable relief on the basis of the activities or operations of any federal or District of Columbia agency which receives funds through the State Justice Institute pursuant to this title.

(c) *United States.* -- The United States, its officers, employees, and agents, and its agencies shall not:

(1) Be responsible for the payment of any judgments, liabilities or costs resulting from any action or proceeding against the District of Columbia or its agencies, officers, employees, or agents;

(2) Be subject to liability in any case on the basis of the activities of the District of Columbia or its agencies, officers, employees, or agents; or

(3) Be subject to liability in any case under section 1979 of the Revised Statutes (42 U.S.C. 1983).

(d) *Limitations.* -- Nothing in this section shall be construed as a waiver of sovereign immunity, or as limiting any other defense or immunity that would otherwise be available to the United States, the District of Columbia, their agencies, officers, employees, or agents.

(Aug. 5, 1997, 111 Stat. 786, Pub. L. 105-33, § 11723.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 1-109.

Effective Dates

Section 11721 of Title XI of Pub. L. 105-33, 111 Stat. 786, the National Capital Revitalization and Self-Government Improvement Act of 1997, provided that except as otherwise provided in this title, the provisions of this title shall take effect on the later of October 1, 1997, or the day the District of Columbia Financial Responsibility and Management Assistance Authority certifies that the financial plan and budget for the District government for fiscal year 1998 meet the requirements of section 201(c)(1) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, as amended by this title.

References in Text

"This title", referred to in subsection (b) of this section, is Title XI of Public Law 105-33.

SUBCHAPTER II. STATEHOOD.

PART A. CONSTITUTIONAL CONVENTION INITIATIVE.

SUBPART I. GENERAL.

§ 1-121. PURPOSE.

The purpose of this initiative is to propose to the registered qualified electors of the District of Columbia the question of calling a statehood constitutional convention for the purpose of forming a constitution and otherwise providing a process for a major portion of the territory now known as the District of Columbia to be admitted in the Union as a state on equal footing with the other states. The acts of the convention shall be submitted for ratification by the people, as provided for in this initiative.

(Mar. 10, 1981, D.C. Law 3-171, § 2, 27 DCR 4732; Oct. 8, 1981, D.C. Law 4-35, § 2(a), 28 DCR 3376.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 1-111.

Legislative History of Laws

Law 3-171 was submitted to the electors of the District of Columbia on November 4, 1980, as Initiative No. 3. The results of the voting, certified by the Board of Election and Ethics on November 21, 1980, were 90,533 for the Initiative and 60,972 against the Initiative. It was transmitted to both Houses of Congress for its review on January 19, 1981.

Law 4-35 was introduced in Council and assigned Bill No. 4-229, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on June 16, 1981 and June 30, 1981, respectively. Signed by the Mayor on July 20, 1981, it was assigned Act No. 4-62 and transmitted to both Houses of Congress for its review.

Miscellaneous Notes

Constitution approved: The Constitution developed by the Statehood Constitutional Convention, entitled the "Constitution of the State of New Columbia", was submitted to the electors of the District of Columbia for ratification on November 2, 1982. The results of the voting, certified by the Board of Elections and Ethics on November 10, 1982, were 61,405 for the Constitution and 54,964 against the Constitution.

§ 1-122. QUESTIONS TO BE PRESENTED TO ELECTORS.

For the purpose of this initiative, the District of Columbia Board of Elections is authorized and directed to conduct at the next scheduled general, special, or primary election held after March 10, 1981, an election

to fill the positions of delegate at-large and ward delegate to the constitutional convention, as prescribed in § 1-124.

(Mar. 10, 1981, D.C. Law 3-171, § 3, 27 DCR 4732; Oct. 8, 1981, D.C. Law 4-35, § 2(b), 28 DCR 3376; Apr. 27, 2012, D.C. Law 19-124, § 501(k)(1), 59 DCR 1862.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 1-112.

Effect of Amendments

D.C. Law 19-124 substituted "District of Columbia Board of Elections" for "District of Columbia Board of Elections and Ethics".

Emergency Act Amendments

For temporary (90 day) amendment of section, see § 401(k)(1) of Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Emergency Amendment Act of 2012 (D.C. Act 19-298, January 29, 2012, 59 DCR 683).

Legislative History of Laws

For legislative history of D.C. Law 3-171, see Historical and Statutory Notes following § 1-121.

For legislative history of D.C. Law 4-35, see Historical and Statutory Notes following § 1-121.

Law 19-124, the "Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011", was introduced in Council and assigned Bill No. 19-511, which was referred to the Committee on Government Operations. The Bill was adopted on first and second readings on December 6, 2011, and December 20, 2011, respectively. Signed by the Mayor on February 27, 2012, it was assigned Act No. 19-318 and transmitted to both Houses of Congress for its review. D.C. Law 19-124 became effective on April 27, 2012.

§ 1-123. CALL OF CONVENTION; DUTIES OF CONVENTION; ADOPTION OF CONSTITUTION; REJECTION OF CONSTITUTION; ELECTION OF SENATOR AND REPRESENTATIVE.

(a) Within 60 days after the Board of Elections has certified the election of at-large and ward delegates to the constitutional convention pursuant to § 1-124, the Mayor of the District of Columbia shall call a constitutional convention and assemble the elected delegates. The convention shall write a constitution within 90 days which shall be republican in form and shall not be repugnant to the Constitution or laws of the United States, and it shall otherwise prepare for the admission of a major portion of the territory now known as the District of Columbia as a state.

(b) The proposed Constitution for the State of New Columbia, approved by Congress June 24, 1987, is amended to read as set forth in Volume 1 of the District of Columbia Code.

(c) If a majority of the registered qualified electors voting reject the constitution, the Mayor shall within 60 calendar days call for the reassembly of the constitutional convention and thereafter a new constitution shall be framed and the same proceedings shall be taken for its submission to the electors of the District of Columbia: Except, that if the proposed constitution of a second constitutional convention is rejected by the registered qualified electors, then the task of writing a constitution acceptable to the electorate shall be abandoned until such time as a new constitutional convention is called for by either legislative action or voter initiative.

(d)(1) Following the approval of a proposed constitution by a majority of the electors voting thereon, there shall be held an election of candidates for the offices of Senator and Representative from the new state. Such election shall be partisan and shall be held at the next regularly scheduled primary and general elections following certification by the District of Columbia Board of Elections that the proposed constitution has been approved by a majority of the electors voting thereon. In the event that the proposed constitution is approved by the electors at the general election to be held in November, 1982, the primary and general elections authorized by this paragraph shall be held in September, 1990, and November, 1990, respectively.

(2) The qualifications for candidates for the offices of Senator and Representative shall conform with the provisions of Article I of the United States Constitution and the primary and general elections shall follow the same electoral procedures as provided for candidates for nonvoting Delegate of the District of Columbia in the District of Columbia Election Code of 1955, subchapter I of Chapter 10 of this title. The term of the 1st Representative elected pursuant to this initiative shall begin on January 2, 1991, and shall expire on January 2, 1993. The terms of the 1st Senators elected pursuant to this initiative shall begin on January 2, 1991, and shall expire on January 2, 1997, and January 2, 1995,

respectively. At the initial election, the candidate for Senator receiving the highest number of votes will receive the longer term and the candidate receiving the second highest number of votes will receive the shorter term. A primary and a general election to replace a Representative or a Senator whose term is about to expire shall be held in September and in November respectively, of the year preceding the year during which the term of the Representative or the Senator expires. Each Representative shall be elected for a 2-year term and each Senator shall be elected for a 6-year term as prescribed by the Constitution of the United States.

(3) The District of Columbia Board of Elections shall:

(A) Conduct elections to fill the positions of 2 United States Senators and 1 United States Representative; and

(B) Issue such rules and expressly delegate authority to officials and employees of the District of Columbia Board of Elections (such delegation of authority only to be effective upon publication in the District of Columbia Register) as are necessary to carry out the purposes of this initiative, and related acts requiring implementation by the District of Columbia Board of Elections.

(e) A Representative or Senator elected pursuant to this subchapter shall be a public official as defined in § 1-1162.24, and subscribe to the oath or affirmation of office provided for in § 1-604.08.

(f) A Representative or Senator:

(1) Shall inform the Congress and individual members of Congress that the District of Columbia residents meet the standards traditionally required by Congress for the admission of a United States territory as a state of the United States;

(2) Shall monitor the progress of the petition for admission of New Columbia to statehood pending before the Congress and report on the progress to the District of Columbia residents;

(3) May advise the District of Columbia on matters of public policy that bear on the achievement of statehood;

(4) In accordance with subsection (g) of this section, may employ staff and expend funds donated by private sources for public purposes related to the achievement of statehood; and

(5) Shall have any other powers or duties as may be provided by law.

(g)(1) A Representative or Senator may solicit and receive contributions to support the purposes and operations of the Representative's or Senator's public office. A Representative or Senator may accept services, monies, gifts, endowments, donations, or bequests. A Representative or Senator shall establish a District of Columbia statehood fund in 1 or more financial institutions in the District of Columbia. There shall be deposited in each fund any gift or contribution in whatever form, and any monies not included in annual Congressional appropriations. A Representative or Senator is authorized to administer the Representative's or Senator's respective fund in any manner the Representative or Senator deems wise and prudent, provided that the administration is lawful, in accordance with the fiduciary responsibilities of public office, and does not impose any financial burden on the District of Columbia.

(2) Contributions may be expended for the salary, office, or other expenses necessary to support the purposes and operations of the public office of a Representative or Senator, however, each Representative or Senator shall receive compensation no greater than the compensation of the Chairman of the Council of the District of Columbia, as provided in §§ 1-204.03 and 1-611.09.

(3) Each Representative or Senator shall file with the Director of Campaign Finance a quarterly report of all contributions received and expenditures made in accordance with paragraph (1) of this subsection. No campaign activities related to election or re-election to the office of Representative or Senator shall be conducted nor shall expenditures for campaign literature or paraphernalia be authorized under paragraph (1) of this subsection.

(4) The recordkeeping requirements of subchapter III of Chapter 11A of this title, shall apply to contributions and expenditures made under paragraph (1) of this subsection.

(5) Upon expiration of a Representative's or Senator's term of office and where the Representative or Senator has not been re-elected, the Representative's or Senator's statehood fund, established in accordance with paragraph (1) of this subsection, shall be dissolved and any excess funds shall be used to retire the Representative's or Senator's debts for salary, office, or other expenses necessary to support the purposes and operation of the public office of the Representative or Senator. Any remaining funds shall be donated to an organization operating in the District of Columbia as a not-for-profit organization within the meaning of section 501(c) of the Internal Revenue Code of 1986, approved October 22, 1986 (100 Stat. 2085; 26 U.S.C. 501(c)).

(h) A Representative or Senator elected pursuant to subsection (d) of this section, shall be subject to recall pursuant to § 1-1001.17, during the period of the Representative's or Senator's service prior to the admission of the proposed new state into the union.

(Mar. 10, 1981, D.C. Law 3-171, § 4, 27 DCR 4732; Oct. 8, 1981, D.C. Law 4-35, § 2(c), 28 DCR 3376; Aug. 14, 1982, D.C. Law 4-138, § 2, 29 DCR 2761; Aug. 2, 1983, D.C. Law 5-17, § 4, 30 DCR 3196; Aug. 10,

1984, D.C. Law 5-105, § 2, 31 DCR 3040; Apr. 23, 1985, D.C. Law 6-1, § 2, 32 DCR 1475; May 13, 1987, D.C. Law 7-2, § 2, 34 DCR 2153; June 24, 1987, D.C. Law 7-8, § 2, 34 DCR 3057; June 24, 1987, D.C. Law 7-10, § 2, 34 DCR 3286; June 8, 1990, D.C. Law 8-135, § 2, 37 DCR 2616; Apr. 27, 2012, D.C. Law 19-124, § 501(k)(2), 59 DCR 1862.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 1-113.

Effect of Amendments

D.C. Law 19-124, in subsecs. (a), (d)(1), and (d)(3), substituted "Board of Elections" for "Board of Elections and Ethics"; in subsec. (e), substituted "§ 1-1162.24" for "§ 1-1106.02(a)"; and, in subsec. (g)(4), substituted "subchapter III of Chapter 11A of this title" for "subchapter I of Chapter 11 of this title".

Emergency Act Amendments

For temporary (90 day) amendment of section, see § 401(k)(2) of Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Emergency Amendment Act of 2012 (D.C. Act 19-298, January 29, 2012, 59 DCR 683).

Legislative History of Laws

For legislative history of D.C. Law 3-171, see Historical and Statutory Notes following § 1-121.

For legislative history of D.C. Law 4-35, see Historical and Statutory Notes following § 1-121.

For legislative history of D.C. Law 4-138, see Historical and Statutory Notes following § 1-135.

Law 5-17 was introduced in Council and assigned Bill No. 5-11, which was referred to the Committee on Government Operations. The Bill was adopted on first, amended first and second readings on April 26, 1983, May 10, 1983 and May 24, 1983, respectively. Signed by the Mayor on June 9, 1983, it was assigned Act No. 5-34 and transmitted to both Houses of Congress for its review.

Law 5-105 was introduced in Council and assigned Bill No. 5-414. The Bill was adopted on first and second readings on April 30, 1984 and May 15, 1984, respectively. Signed by the Mayor on June 6, 1984, it was assigned Act No. 5-146 and transmitted to both Houses of Congress for review.

Law 6-1 was introduced in Council and assigned Bill No. 6-59, which was referred to the Committee on Government Operations. The Bill was adopted on first and second readings on January 29, 1985 and February 12, 1985, respectively. Signed by the Mayor on February 28, 1985, it was assigned Act No. 6-11 and transmitted to both Houses of Congress for its review.

Law 7-2 was introduced in Council and assigned Bill No. 7-126. The Bill was adopted on first and second readings on February 17, 1987 and March 3, 1987, respectively. Signed by the Mayor on March 19, 1987, it was assigned Act No. 7-6 and transmitted to both Houses of Congress for its review.

For legislative history of D.C. Law 7-8, see Historical and Statutory Notes following § 1-132.

Law 7-10 was introduced in Council and assigned Bill No. 7-134, which was referred to the Committee on Government Operations. The Bill was adopted on first and second readings on March 31, 1987 and April 14, 1987, respectively. Signed by the Mayor on May 6, 1987, it was assigned Act No. 7-21 and transmitted to both Houses of Congress for its review.

For legislative history of D.C. Law 8-135, see Historical and Statutory Notes following § 1-131.

For history of Law 19-124, see notes under § 1-122.

Miscellaneous Notes

Restriction on use of funds: Section 128 of Pub. L. 104-194, 110 Stat. 2368, the District of Columbia Appropriations Act, 1997, provided that none of the funds provided in this Act may be used by the District of Columbia to provide for salaries, expenses, or other costs associated with the offices of United States Senator or United States Representative under subsection (d) of this section.

Amendment of proposed Constitution: For text of proposed Constitution for the State of New Columbia as amended by D.C. Law 7-8, see Volume 1.

§ 1-124. COMPOSITION OF CONVENTION; ELECTION OF DELEGATE CANDIDATES; COMPENSATION; OFFICE SPACE; APPROPRIATIONS.

(a) The constitutional convention authorized by this initiative shall consist of 45 delegates selected in the following manner: Five delegates elected at large; and 5 delegates elected from each of the 8 election wards.

(b) Candidates for at-large delegates shall file with the Board of Elections a nominating petition signed by

at least 200 of the registered qualified electors of the District of Columbia such that there will be at least 25 certified signatures from each of the 8 election wards. The 5 candidates for at-large delegate who receive the highest number of votes shall be declared elected and shall serve for 3-year terms.

(c) Candidates for the ward delegate positions shall file with the Board of Elections a nominating petition signed by at least 50 of the registered qualified electors from the election ward from which the candidate seeks nomination. The 5 candidates from each of the 8 election wards receiving the highest number of votes shall be declared elected to represent that ward and shall serve for 3-year terms.

(d) Each of the elected delegates, as authorized by subsection (a) of this section, shall be entitled to receive \$30 per diem when engaged in the performance of the duties of the constitutional convention.

(e)(1) Except as they may be modified by this section, the election procedures prescribed by subchapter I of Chapter 10 of this title and subchapter III of Chapter 11A of this title for at-large and ward candidates for the Board of Education shall be applicable in respect to at-large and ward candidates for delegate to the constitutional convention.

(2) Each candidate for delegate and each delegate to the constitutional convention shall be a registered qualified voting resident of the District of Columbia and the discontinuance of such residence shall result in forfeiture of the convention seat occupied by such delegate. Each candidate for delegate and each delegate representing a ward shall be a registered qualified voting resident of that ward and the discontinuance of such residence in that ward shall result in forfeiture of the convention seat occupied by such ward delegate. No ward delegate shall forfeit his or her seat solely by reason of a change in ward boundaries.

(3) A vacancy in the convention arising from any cause shall be filled temporarily by the convention and such temporary appointee may serve for the remainder of the 3-year term or until such earlier time as the seat has been filled by an election which shall be held by the Board of Elections in accordance with its regulations concurrently with the earliest practicable special, primary, or general election being held to fill 1 or more offices other than that of convention delegate.

(f) The District of Columbia government shall furnish such space in public buildings for the constitutional convention as is necessary to accommodate public attendance at convention hearings, meetings, and sessions, and shall provide all records and services as may be required by the constitutional convention for carrying out its function.

(g) There is hereby authorized an appropriation from the General Fund of the District of Columbia a sum not in excess of \$400,000 to the constitutional convention for such expenses as it may have in carrying out its duties and responsibilities under this initiative.

(h) There is hereby authorized an appropriation from the General Fund of the District of Columbia a sum not in excess of \$50,000 to the Board of Elections for the administration of the elections authorized in §§ 1-122 and 1-123(b), and in otherwise carrying out the provisions of this initiative.

(Mar. 10, 1981, D.C. Law 3-171, § 5, 27 DCR 4732; Oct. 8, 1981, D.C. Law 4-35, § 2(d), 28 DCR 3376; Nov. 17, 1981, D.C. Law 4-52, § 3(a), 28 DCR 4348; Apr. 27, 2012, D.C. Law 19-124, § 501(k)(3), 59 DCR 1862.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 1-114.

Effect of Amendments

D.C. Law 19-124, in subsecs. (b), (c), (e)(3), and (h), substituted "Board of Elections" for "Board of Elections and Ethics"; and, in subsec. (e)(1), substituted "subchapter III of Chapter 11A of this title" for "subchapter I of Chapter 11 of this title".

Emergency Act Amendments

For temporary (90 day) amendment of section, see § 401(k)(3) of Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Emergency Amendment Act of 2012 (D.C. Act 19-298, January 29, 2012, 59 DCR 683).

Legislative History of Laws

For legislative history of D.C. Law 3-171, see Historical and Statutory Notes following § 1-121.

For legislative history of D.C. Law 4-35, see Historical and Statutory Notes following § 1-121.

Law 4-52 was introduced in Council and assigned Bill No. 4-270, which was referred to the Committee on Human Services. The Bill was adopted on first and second readings on July 28, 1981 and September 15, 1981, respectively. Signed by the Mayor on September 25, 1981, it was assigned Act No. 4-89 and transmitted to both Houses of Congress for its review.

For history of Law 19-124, see notes under § 1-122.

§ 1-125. STATEHOOD COMMISSION.

(a) The Statehood Commission shall consist of 27 voting members appointed in the following manner:

- (1) The Mayor of the District of Columbia shall appoint 2 members;
- (2) The Chairman of the Council of the District of Columbia shall appoint 2 members;
- (3) The at-large members of the Council shall each appoint 1 member;
- (4) The ward members of the Council shall each appoint 2 members from their respective wards;
- (5) The United States Senators shall each appoint 1 member;
- (6) The United States Representative shall appoint 1 member; and
- (7) The Mayor, the Chairman of the Council, and the Councilmember whose purview the Statehood Commission comes within shall be non-voting members of the Commission.

(a-1)(1) Notwithstanding any other provision of law, members serving unexpired terms on August 26, 1994, may continue to serve until appointments or reappointments are confirmed. Appointments or reappointments shall be made immediately after August 26, 1994, in the following manner:

(A) The Mayor shall appoint 1 member for a term of 4 years and 1 member for a term of 2 years.

(B) The Chairman shall appoint 1 member for a term of 4 years and 1 member for a term of 2 years.

(C) The 2 senior at-large members of the Council shall each appoint 1 member for a 4 year term.

(D) The 2 remaining at-large members of the Council shall each appoint 1 member for a 2 year term.

(E) The ward members of the Council shall each appoint 2 members from their respective wards in the following manner:

(i) One member for a 4 year term; and

(ii) One member for a 2 year term.

(F) The senior United States Senator shall appoint 1 member for a 4 year term.

(G) The junior United States Senator shall appoint 1 member for a 2 year term.

(H) The United States Representative shall appoint 1 member for a 2 year term.

(2) All appointments or reappointments pursuant to subsection (a) of this section shall be for a term of 4 years.

(3) A vacancy on the Commission shall be filled in the same manner that the original appointment was made.

(4) A member of the Commission may continue to serve after the expiration of that member's term until a successor is appointed.

(a-2) All members of the Statehood Commission shall be residents of the District of Columbia.

(a-3) The chairman of the Statehood Commission shall be elected every 2 years, by the members of the commission.

(b) It shall be the duty of the Statehood Commission to educate, advocate, promote, and advance the proposition of statehood for the District of Columbia within the District of Columbia and elsewhere.

(c) Repealed.

(d) The Commission shall meet at least once a month. All meetings of the Commission shall be open to the public.

(Mar. 10, 1981, D.C. Law 3-171, § 6, 27 DCR 4732; Oct. 8, 1981, D.C. Law 4-35, § 2(e), 28 DCR 3376; Aug. 26, 1994, D.C. Law 10-167, § 2(a), 41 DCR 4895; Sept. 26, 2012, D.C. Law 19-171, § 2, 59 DCR 6190.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 1-115.

Effect of Amendments

D.C. Law 19-171 redesignated subsec. (c-1) as subsec. (d).

Legislative History of Laws

For legislative history of D.C. Law 3-171, see Historical and Statutory Notes following § 1-121.

For legislative history of D.C. Law 4-35, see Historical and Statutory Notes following § 1-121.

Law 10-167, the "Statehood Commission Amendment Act of 1994," was introduced in Council and assigned Bill No. 10-549, which was referred to the Committee on Self-Determination. The Bill was adopted on first and second readings on June 7, 1994, and June 21, 1994, respectively. Signed by the Mayor on July 8, 1994, it was assigned Act No. 10-280 and transmitted to both Houses of Congress for its review. D.C. Law 10-167 became effective on August 26, 1994.

Law 19-171, the "Technical Amendments Act of 2012", was introduced in Council and assigned Bill No. 19-397, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on March 20, 2012, and April 17, 2012, respectively. Signed by the Mayor on May 23, 2012, it was assigned Act No. 19-376 and transmitted to both Houses of Congress for its review. D.C. Law 19-171 became effective on September 26, 2012.

Miscellaneous Notes

Sources of funding appropriation: Section 101(d) of Pub. L. 99-591, the D.C. Appropriations Act, 1987, provided that the District of Columbia shall identify the sources of funding for admission to statehood from its own locally-generated revenues and provided further that no revenues from federal sources shall be used to support the operations or activities of the Statehood Commission and Statehood Compact Commission.

Section 1(c) of Pub. L. 100-202, the District of Columbia Appropriations Act, 1988, provided that the District of Columbia shall identify the sources of funding for Admission to Statehood from its own locally-generated revenues and provided further that no revenues from Federal sources shall be used to support the operations or activities of the Statehood Commission and Statehood Compact Commission.

§ 1-126. STATEHOOD COMPACT COMMISSION.

(a) The Statehood Commission shall have the power to establish a commission to be known as the "Statehood Compact Commission", which shall consist of members of the Statehood Commission as may be deemed necessary by the Commission, as well as an equal number of members representing the federal government as may be authorized by the President or the Congress of the United States. The Mayor, Chairman, and the Councilmember whose purview the Statehood Commission comes within shall be members of the Compact Commission. The Mayor, Chairman, and Councilmember may each delegate an individual to act in their place.

(b) It shall be the duty of the Statehood Compact Commission:

- (1) To conduct a full and complete study of the necessary and appropriate legislation and administrative action that must be taken in order to facilitate the transfer of authority and functions over that portion of the District of Columbia which will comprise the new state;
- (2) To give special consideration to the relationship that should be developed to secure and maintain any special federal interest in the new state; and
- (3) To submit to the constitutional convention full and detailed reports with findings and recommendations.
- (4) Repealed.

(c) Repealed.

(Mar. 10, 1981, D.C. Law 3-171, § 7, 27 DCR 4732; Oct. 8, 1981, D.C. Law 4-35, § 2(f), 28 DCR 3376; Aug. 26, 1994, D.C. Law 10-167, § 2(b), 41 DCR 4895; Apr. 9, 1997, D.C. Law 11-255, § 2, 44 DCR 1271.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 1-116.

Legislative History of Laws

For legislative history of D.C. Law 3-171, see Historical and Statutory Notes following § 1-121.

For legislative history of D.C. Law 4-35, see Historical and Statutory Notes following § 1-121.

For legislative history of D.C. Law 10-167, see Historical and Statutory Notes following § 1-125.

Law 11-255, the "Second Technical Amendments Act of 1996," was introduced in Council and assigned Bill No. 11-905, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on November 7, 1996, and December 3, 1996, respectively. Signed by the Mayor on December 24, 1996, it was assigned Act No. 11-519 and transmitted to both Houses of Congress for its review. D.C. Law 11-255 became effective on April 9, 1997.

Miscellaneous Notes

Sources of funding appropriation: Section 101(d) of Pub. L. 99-591, the D.C. Appropriations Act, 1987, provided that the District of Columbia shall identify the sources of funding for admission to statehood from its

own locally-generated revenues and provided further that no revenues from federal sources shall be used to support the operations or activities of the Statehood Commission and Statehood Compact Commission.

Section 1(c) of Pub. L. 100-202, the District of Columbia Appropriations Act, 1988, provided that the District of Columbia shall identify the sources of funding for Admission to Statehood from its own locally-generated revenues and provided further that no revenues from Federal sources shall be used to support the operations or activities of the Statehood Commission and Statehood Compact Commission.

§ 1-127. APPROPRIATIONS.

There is authorized to be appropriated from the General Fund of the District of Columbia an amount for the salaries and office expenses of the elected representatives to the Senate and House referred to in § 1-123(d) during the period of their service prior to the admission of the proposed new state into the union.

(Mar. 10, 1981, D.C. Law 3-171, § 8, 27 DCR 4732; Oct. 8, 1981, D.C. Law 4-35, § 2(g), 28 DCR 3376; Mar. 14, 1985, D.C. Law 5-159, § 19, 32 DCR 30.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 1-117.

Legislative History of Laws

For legislative history of D.C. Law 3-171, see Historical and Statutory Notes following § 1-121.

For legislative history of D.C. Law 4-35, see Historical and Statutory Notes following § 1-121.

Law 5-159 was introduced in Council and assigned Bill No. 5-540, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on November 20, 1984 and December 4, 1984, respectively. Signed by the Mayor on December 10, 1984, it was assigned Act No. 5-224 and transmitted to both Houses of Congress for its review.

§ 1-128. SEVERABILITY.

If any provisions or section of this measure, or the application thereof, shall in any circumstances be held invalid, such invalidity shall not affect the validity of the remainder of the provisions or applications.

(Mar. 10, 1981, D.C. Law 3-171, § 9, 27 DCR 4732.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 1-118.

Legislative History of Laws

For legislative history of D.C. Law 3-171, see Historical and Statutory Notes following § 1-121.

SUBPART II. DISTRICT OF COLUMBIA STATEHOOD DELEGATION FUND COMMISSION.

§ 1-129.01. DEFINITIONS.

For the purposes of this subpart, the term:

- (1) "Commission" means the District of Columbia Statehood Delegation Fund Commission.
- (2) "District of Columbia Statehood Delegation" means the 2 United States Senators and the United States Representative holding office pursuant to § 1-123.
- (3) "Fund" means the Statehood Delegation Fund established by § 1-129.08.
- (4) "Statehood Fund" means the fund established by each United States Senator and United States Representative pursuant to § 1-123(g), and overseen by the Office of Campaign Finance.
- (5) "United States Representative" means the District of Columbia public official elected pursuant to § 1-123 to the office of Representative, and charged with promoting statehood and voting rights for the citizens of the District of Columbia.
- (6) "United States Senator" means either of the 2 District of Columbia public officials elected pursuant to § 1-123 to the office of Senator, and charged with promoting statehood and voting rights for the

citizens of the District of Columbia.

(Mar. 10, 1981, D.C. Law 3-171, § 11, as added Mar. 16, 2005, D.C. Law 15-226, § 102, 51 DCR 10539.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

Law 15-226, the "District of Columbia Statehood Delegation Fund Commission Establishment and Tax Check-Off Amendment Act of 2004", was introduced in Council and assigned Bill No. 15-575, which was referred to the Committee on Public Interest. The Bill was adopted on first and second readings on July 13, 2004, and October 5, 2004, respectively. Signed by the Mayor on November 1, 2004, it was assigned Act No. 15-565 and transmitted to both Houses of Congress for its review. D.C. Law 15-226 became effective on March 16, 2005.

§ 1-129.02. ESTABLISHMENT OF THE DISTRICT OF COLUMBIA STATEHOOD DELEGATION FUND COMMISSION; PURPOSE; FISCAL YEAR.

(a) The District of Columbia Statehood Delegation Fund Commission is established as a body corporate and an independent instrumentality of the District of Columbia, created to effectuate the public purposes provided for in this subpart, but with a legal existence separate from that of the District government.

(b) The general purposes of the Commission are to:

- (1) Provide financial assistance to the office functions of the offices of the District of Columbia Statehood Delegation;
- (2) Solicit financial and in-kind contributions, grants, allocations, gifts, bequests, and appropriations from public and private sources on behalf of the District of Columbia Statehood Delegation; and
- (3) Disburse funds and other types of assistance collected by the Commission to the offices of the members of the District of Columbia Statehood Delegation.

(c) The fiscal year of the Commission shall be the fiscal year of the District government.

(Mar. 10, 1981, D.C. Law 3-171, § 12, as added Mar. 16, 2005, D.C. Law 15-226, § 102, 51 DCR 10539.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 15-226, see notes following § 1-129.01.

§ 1-129.03. COMMISSIONERS.

(a) The Commission shall consist of 9 voting members to be appointed as follows:

- (1) Five members appointed by the Mayor;
- (2) Four members appointed by the Chairman of the Council, with the advice and consent of the Council.

(b)(1) The Commission Chairman shall be chosen by the Mayor.

- (2) The Commission Vice Chairman shall be chosen by the Chairman of the Council.
- (3) The Commission shall elect from among its members such other officers of the Commission as it determines appropriate.
- (4) Officers shall have such duties, not inconsistent with this subpart, provided in the bylaws and as otherwise determined by the Commission.

(c) Commissioners shall serve 3-year terms, except that the first members appointed by the Chairman of the Council shall serve 2-year terms. All subsequent appointees shall serve 3-year terms.

(d) Commissioners shall meet the following requirements:

- (1) All shall reside in the District of Columbia;
- (2) None shall be employees of the District or federal governments; and
- (3) None shall concurrently:
 - (A) Hold office as a member of the District of Columbia Statehood Delegation; or
 - (B) Be employed by a member of the District of Columbia Statehood Delegation.

(e) When deemed necessary, the Mayor may remove a Commission member, no matter how appointed, for inefficiency, neglect of duty, malfeasance in office, or conduct bringing disrespect to, or impugning the character or integrity of, the Commission.

(f) A vacancy on the Commission shall be filled for the remainder of the unexpired term and in the same manner in which the original appointment was made.

(g) Commission members may continue to serve after the expiration of their term until a successor is designated. The term of the successor shall be deemed to have commenced upon the expiration of the term of the previous member.

(h) A majority of the number of Commission members serving shall constitute a quorum for the conduct of business.

(i) As soon as practicable after appointment of a majority of its members, the Commission shall adopt bylaws, and may adopt guidelines, rules, and procedures for the governance of its affairs and the conduct of its business.

(j) Commission members shall serve without compensation, but may receive travel, per diem, and other actual, reasonable, and necessary expenses incurred in the performance of their official duties as Commission members to the same extent as employees of the District government classified at a Grade 15, Step 1 of the District Service Salary Schedule for Nonunion Employees. In no event shall a Commission member receive more than \$1,000 per year. Such reimbursement shall be paid from the Fund as described in § 1-129.08(d) and shall be reported in the semiannual report described in § 1-129.11.

(k) The Commission may recruit honorary members based on criteria the Commission shall determine. The honorary members shall have no vote on the administration of the Fund or operation of the Commission.

(Mar. 10, 1981, D.C. Law 3-171, § 13, as added Mar. 16, 2005, D.C. Law 15-226, § 102, 51 DCR 10539.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 15-226, see notes following § 1-129.01.

§ 1-129.04. MEETINGS OF THE COMMISSION.

(a) Upon notice to the public, the Commission shall meet at a place in the District of Columbia open and accessible to the public at the times specified in the bylaws, which shall not be less than quarterly each year, and at other times at the call of the Chairman or as additionally provided in the bylaws. Notwithstanding any other District law or rule to the contrary, the Commission may meet by any electronic means; provided, that:

(1) Each Commissioner may speak, hear, and be heard by the other Commission members; and

(2) At least one Commission member is physically located in a site in the District of Columbia which is accessible and open to the public, and that reasonable steps have been taken to allow the public to hear the discussion and deliberation of the Commission.

(b) All meetings of the Commission at which official action is to be taken shall be open to the public, as provided in § 1-207.42, except for any portion of a meeting when there is discussion of specific potential donors.

(c) The books and records of the Commission shall be open to the public, as provided in subchapter II of Chapter 5 of Title 2, except that documents regarding specific potential donors shall not be available for public inspection or copying.

(Mar. 10, 1981, D.C. Law 3-171, § 14, as added Mar. 16, 2005, D.C. Law 15-226, § 102, 51 DCR 10539.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 15-226, see notes following § 1-129.01.

§ 1-129.05. OFFICERS AND EMPLOYEES.

(a)(1) Chapter 6 of Title 1 shall not apply to employees of the Commission.

(2) The Executive Director of the Commission shall be a District resident and shall remain a District resident for the duration of his or her employment by the Commission. Failure to maintain District residency shall result in a forfeiture of the position.

(a-1) Notwithstanding the provisions of Unit A of Chapter 14 of Title 2, each qualified District resident applicant shall receive an additional 10-point preference over a qualified non-District resident applicant for all positions within the Commission unless the applicant declines the preference. This 10- point preference

shall be in addition to, and not instead of, qualifications established for the position. All persons hired after February 6, 2008, shall submit proof of residency upon employment in a manner determined by the Commission. An applicant claiming the hiring preference under this section shall agree in writing to maintain bona fide District residency for a period of 7 consecutive years from the effective date of hire and shall provide proof of bona fide residency annually to the director of personnel of the Commission for the first 7 years of employment. Failure to maintain District residency for the consecutive 7-year period shall result in forfeiture of employment.

(b) The semiannual report described in § 1-129.11 shall describe the compensation structure and amount for any employees of the Commission, and a listing of the names of all new employees, their pay schedules, titles, and place of residence.

(c) No political test or qualification shall be used in selecting, appointing, assigning, promoting, or taking other personnel actions with respect to employees of the Commission.

(d) In carrying out its duties, the Commission may utilize contract services and, to the maximum extent possible, pro bono services; provided, that such services are itemized in the semiannual report of the Commission described in § 1-129.11.

(Mar. 10, 1981, D.C. Law 3-171, § 15, as added Mar. 16, 2005, D.C. Law 15-226, § 102, 51 DCR 10539; Feb. 6, 2008, D.C. Law 17-108, § 201, 54 DCR 10993; Mar. 25, 2009, D.C. Law 17-353, § 223(b), 56 DCR 1117.)

HISTORICAL AND STATUTORY NOTES

Effect of Amendments

D.C. Law 17-108, in subsec. (a), inserted "provided, that the Executive Director of the Commission shall be a District resident and shall remain a District resident for the duration of his or her employment by the Commission. Failure to maintain District residency shall result in a forfeiture of the position"; added subsec. (a-1); and, in subsec. (b), inserted ", a listing of the names of all new employees, their pay schedules, titles, and place of residence".

D.C. Law 17-353, in subsec. (a), designated pars. (1) and (2), substituted a period for "; provided that" at the end of par. (1); and, in subsec. (b), inserted "and" preceding "a listing".

Legislative History of Laws

For Law 15-226, see notes following § 1-129.01.

Law 17-108, the "Jobs for D.C. Residents Amendment Act of 2007", was introduced in Council and assigned Bill No. 17-185 which was referred to the Committee on Workforce Development and Government Operations. The Bill was adopted on first and second readings on July 10, 2007, and October 2, 2007, respectively. Signed by the Mayor on October 26, 2007, it was assigned Act No. 17-172 and transmitted to both Houses of Congress for its review. D.C. Law 17-108 became effective on February 6, 2008.

Law 17-353, the "Technical Amendments Act of 2008", was introduced in Council and assigned Bill No. 17-994 which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on December 2, 2008, and December 16, 2008, respectively. Signed by the Mayor on January 15, 2009, it was assigned Act No. 17-687 and transmitted to both Houses of Congress for its review. D.C. Law 17-353 became effective on March 25, 2009.

§ 1-129.06. LIMITATIONS ON ACTIONS; REPRESENTATION BY ATTORNEY GENERAL OF THE DISTRICT OF COLUMBIA.

(a) Any legal action arising from the application of any rule or procedure adopted by or prescribed by, or with respect to any determination of, the Commission pursuant to this subpart shall be filed within 90 days after the date of the occurrence of the event that is the subject of the legal proceeding.

(b) In any legal action arising from actions of the Commission, or from the Commission's failure to act, the Commission shall be represented by the Attorney General of the District of Columbia, or counsel of its choosing.

(Mar. 10, 1981, D.C. Law 3-171, § 16, as added Mar. 16, 2005, D.C. Law 15-226, § 102, 51 DCR 10539.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 15-226, see notes following § 1-129.01.

§ 1-129.07. TAX-EXEMPT STATUS.

The Commission and its income, property, transactions, and right to do business shall be exempt from any

taxation, direct or indirect, within the District, including any sales, use, franchise, gross sales or receipts, income, personal property, transfer, or excise tax. Contributions to the Fund shall be tax deductible.

(Mar. 10, 1981, D.C. Law 3-171, § 17, as added Mar. 16, 2005, D.C. Law 15-226, § 102, 51 DCR 10539.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 15-226, see notes following § 1-129.01.

§ 1-129.08. ESTABLISHMENT OF STATEHOOD DELEGATION FUND.

(a) There is established a Statehood Delegation Fund, which shall be operated and maintained by the Commission in accordance with generally accepted accounting principles.

(b) The Commission shall solicit contributions, appropriations, and grants to and for the benefit of the Fund from public and private sources.

(c) Except as provided in § 1-129.12, all revenues, proceeds, and monies, from whatever source, collected or received by the Commission shall be credited to the Fund and shall not, at any time, be transferred to, lapse into, or be commingled with the General Fund of the District of Columbia, or any other funds or accounts of the District of Columbia.

(d) The Commission shall pay its expenses from the Fund. Such expenses shall be for administrative purposes, for maintenance of its existence, preparation of reports pursuant to subsection (g) of this section and to § 1-129.11, and to raise funds; provided, that the Commission may not expend more than 25% of the Fund on an annual basis for its expenses.

(e)(1) Quarterly, equal disbursements shall be made from the Fund to the Statehood Fund of each member of the District of Columbia Statehood Delegation. The amount of each disbursement shall be reported in the semiannual report described in § 1-129.11.

(2) Except as provided in subsection (f) of this section or in paragraph (3) of this subsection, each quarter, the 3 equal disbursements under subsection (a) of this section shall total an amount equal to the balance of the Fund after payment of expenses pursuant to subsection (d) of this section.

(3) The Commission may disburse less than the full balance of the Fund, as provided in paragraph (2) of this subsection, if it determines, by a 2/3 vote of the Commission, that disbursing the full balance would be fiscally imprudent.

(f) No disbursement shall be made under subsection (e) of this section to a member of the District of Columbia Statehood Delegation who is out of compliance with the filing and disclosure requirements of this subpart and applicable District or federal law, or who has used funds in violation of § 1-129.09, until such time as the violation has been corrected. In this instance, the 1/3 disbursement held back shall become part of the corpus from which the next quarterly disbursement, pursuant to subsection (e)(1) of this section shall be made.

(g) The Commission shall transmit to the Mayor, the Council, and the Chief Financial Officer quarterly reports summarizing the revenues and expenditures of the Fund.

(h) All revenues and expenses of the Fund shall be audited annually by the Chief Financial Officer, who shall transmit the audit to the Mayor and the Council. The expenses of the annual audit shall be defrayed by the Fund.

(Mar. 10, 1981, D.C. Law 3-171, § 18, as added Mar. 16, 2005, D.C. Law 15-226, § 102, 51 DCR 10539.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 15-226, see notes following § 1-129.01.

§ 1-129.09. USE OF FUNDS.

(a) Except as provided in subsection (b) of this section, members of the District of Columbia Statehood Delegation may use funds provided by the Commission for any expense closely and directly related to the operation of their office.

(b)(1) Fund monies shall not be used by members of the District of Columbia Statehood Delegation for:

(A) Campaign expenses related to any election, local or national;

(B) Any contributions to any candidate for federal or non-federal office;

(C) Any personal expenses, or travel expenses not closely and directly related to the office the

member holds; or

(D) Any personal salary, or stipend.

(2) The prohibition in paragraph (1)(D) of this subsection shall not limit the ability of a member of the District of Columbia Statehood Delegation to pay salaries to employees other than the member, or to pay vendors providing services closely and directly related to the office the member holds.

(c) Semiannually, each District of Columbia Statehood Delegation member shall provide the Commission with an accounting of the expenditures made with the money received from the Commission. The date by which the accounting is due shall be set by the Commission. The accounting shall be reported in the semiannual report described in § 1-129.11.

(Mar. 10, 1981, D.C. Law 3-171, § 19, as added Mar. 16, 2005, D.C. Law 15-226, § 102, 51 DCR 10539; Apr. 7, 2006, D.C. Law 16-91, § 115, 52 DCR 10637.)

HISTORICAL AND STATUTORY NOTES

Effect of Amendments

D.C. Law 16-91, in the section name line, validated a previously made technical correction.

Legislative History of Laws

For Law 15-226, see notes following § 1-129.01.

For Law 16-91, see notes following § 1-301.45.

§ 1-129.10. PROHIBITION ON POLITICAL ACTIVITY.

The Commission shall not expend funds:

- (1) To influence legislation, other than in connection with testimony by a Commission member, officer, or employee of the Commission before a committee of the Congress or the Council, or in response to a written request from a member of Congress or the Council;
- (2) To influence the outcome of any election, national or local;
- (3) To political parties; or
- (4) To other organizations of any kind to support the lobbying efforts of any group or organization.

(Mar. 10, 1981, D.C. Law 3-171, § 20, as added Mar. 16, 2005, D.C. Law 15-226, § 102, 51 DCR 10539.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 15-226, see notes following § 1-129.01.

§ 1-129.11. REPORTS.

Semiannually, the Commission shall submit to the Mayor, the Chairman of the Council, and the Chairman of the District of Columbia Board of Election and Ethics, a detailed written report of its activities, revenues, and expenditures (including the full name, home address, occupation, employer, and amount of each contributor of each financial contribution, and the source, value, and form of each other gift, grant, bequest, or appropriation to the Fund), other information required by this subpart, and any other information deemed appropriate by the Commission. The Commission shall make each report available to the general public upon request.

(Mar. 10, 1981, D.C. Law 3-171, § 21, as added Mar. 16, 2005, D.C. Law 15-226, § 102, 51 DCR 10539.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 15-226, see notes following § 1-129.01.

§ 1-129.12. DISSOLUTION; TERMINATION OF AFFAIRS.

(a) Upon dissolution of the Commission, title to real and personal property of the Commission shall vest in the District. No property, assets, or earnings of the Commission shall at any time inure to any private person or entity.

(b) The Commission may be dissolved by a vote of a majority of the Commission and approval by act of the Council; provided, that adequate provision has been made for all debts and obligations of the

Commission."

(Mar. 10, 1981, D.C. Law 3-171, § 22, as added Mar. 16, 2005, D.C. Law 15-226, § 102, 51 DCR 10539.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 15-226, see notes following § 1-129.01.

PART B. HONORARIA LIMITATIONS.

§ 1-131. APPLICATION OF HONORARIA LIMITATIONS.

Notwithstanding the provisions of § 1-135, the honoraria limitations imposed by part H of subchapter I of Chapter 11 of this title shall apply to a Senator or Representative elected pursuant to § 1-123(d)(1), only if the salary of the Senator or Representative is supported by public revenues.

(June 8, 1990, D.C. Law 8-135, § 4, 37 DCR 2616.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 1-113a.

Legislative History of Laws

Law 8-135 was introduced in Council and assigned Bill No. 8-488, which was referred to the Committee on Government Operations. The Bill was adopted on first and second readings on February 27, 1990 and March 27, 1990, respectively. Signed by the Mayor on April 13, 1990, it was assigned Act No. 8-191 and transmitted to both Houses of Congress for its review.

§ 1-132. APPROVAL AND RATIFICATION OF CONSTITUTION.

No proposed Constitution for the State of New Columbia shall take effect as the Constitution of the State of New Columbia until approved by the Congress of the United States and ratified in a referendum by a majority of the registered qualified electors of the District of Columbia voting thereon.

(June 24, 1987, D.C. Law 7-8, § 3, 34 DCR 3057.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 1-113.1.

Legislative History of Laws

Law 7-8, the "Constitution for the State of New Columbia Approval Act of 1987," was introduced in Council and assigned Bill No. 7-154, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on April 14, 1987 and May 5, 1987, respectively. Signed by the Mayor on May 6, 1987, it was assigned Act No. 7-19 and transmitted to both Houses of Congress for its review.

PART C. CAMPAIGN FINANCE REFORM.

§ 1-135. APPLICATION OF CAMPAIGN FINANCE REFORM AND CONFLICT OF INTEREST ACT.

All provisions of the District of Columbia Campaign Finance Reform and Conflict of Interest Act, subchapter III of Chapter 11A of this title, which apply to the election of and service of the Mayor of the District of Columbia shall apply to persons who are candidates or elected to serve as United States Senators and United States Representative pursuant to this initiative.

(Aug. 14, 1982, D.C. Law 4-138, § 3, 29 DCR 2761; Apr. 27, 2012, D.C. Law 19-124, § 501(m), 59 DCR 1862.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 1-119.

Effect of Amendments

D.C. Law 19-124 substituted "subchapter III of Chapter 11A of this title" for "subchapter I of Chapter 11 of this title".

Emergency Act Amendments

For temporary (90 day) amendment of section, see § 401(m) of Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Emergency Amendment Act of 2012 (D.C. Act 19-298, January 29, 2012, 59 DCR 683).

Legislative History of Laws

Law 4-138, the "Statehood Convention Procedural Amendments Act of 1982," was introduced in Council and assigned Bill No. 4-450, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on May 25, 1982 and June 8, 1982, respectively. Signed by the Mayor on June 21, 1982, it was assigned Act No. 4-204 and transmitted to both Houses of Congress for its review.

For history of Law 19-124, see notes under § 1-122.

Miscellaneous Notes

Expiration of Law 4-138: Section 4 of D.C. Law 4-138 provided that the provisions of § 1-119 [§ 1-135, 2001 Ed.] shall expire 30 days after the date that the provisions of the Federal Election Campaign Act of 1971 (2 U.S.C. § 431 et seq.) are determined by appropriate federal authorities to apply to the Senators and Representative from the District of Columbia.

PART D. 51ST STATE COMMISSION.[NOT FUNDED]

§ 1-136.01. ESTABLISHMENT OF THE 51ST STATE COMMISSION.[NOT FUNDED]

(Mar. 23, 2010, D.C. Law 18-127, § 2, 57 DCR 1183.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

Law 18-127, the "51st State Commission Establishment Amendment Act of 2010", was introduced in Council and assigned Bill No. 18-177, which was referred to the Committee on Aging and Community Affairs. The bill was adopted on first and second readings on December 15, 2009, and January 5, 2010, respectively. Signed by the Mayor on January 25, 2010, it was assigned Act No. 18-289 and transmitted to both Houses of Congress for its review. D.C. Law 18-127 became effective on March 23, 2010.

Miscellaneous Notes

Section 4 of D.C. Law 18-127 provides that this act shall apply upon inclusion of its fiscal effect in an approved budget and financial plan.

The Budget Director of the Council of the District of Columbia has determined, as of February 15, 2012, that the fiscal effect of Law 18-127 has not been included in an approved budget and financial plan. Therefore, the provisions of this section, enacted by Law 18-127, are not in effect.

§ 1-136.02. OPERATIONS OF THE 51ST STATE COMMISSION.[NOT FUNDED]

(Mar. 23, 2010, D.C. Law 18-127, § 3, 57 DCR 1183.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 18-127, see notes following § 1-136.01.

Miscellaneous Notes

Section 4 of D.C. Law 18-127 provides that this act shall apply upon inclusion of its fiscal effect in an approved budget and financial plan.

The Budget Director of the Council of the District of Columbia has determined, as of February 15, 2012, that the fiscal effect of Law 18-127 has not been included in an approved budget and financial plan. Therefore, the provisions of this section, enacted by Law 18-127, are not in effect.

§ 1-136.03. APPLICABILITY.[NOT FUNDED]

(Mar. 23, 2010, D.C. Law 18-127, § 4, 57 DCR 1183.)

HISTORICAL AND STATUTORY NOTES

Emergency Act Amendments

For temporary (90 day) addition of sections, see §§ 1081 to 1089 of Fiscal Year 2013 Budget Support Emergency Act of 2012 (D.C. Act 19-383, June 19, 2012, 59 DCR 7764).

For temporary (90 day) addition of sections, see §§ 1081 to 1089 of Fiscal Year 2013 Budget Support Congressional Review Emergency Act of 2012 (D.C. Act 19- 413, July 25, 2012, 59 DCR 9290).

Legislative History of Laws

For Law 18-127, see notes following § 1-136.01.

Miscellaneous Notes

Section 4 of D.C. Law 18-127 provides that this act shall apply upon inclusion of its fiscal effect in an approved budget and financial plan.

The Budget Director of the Council of the District of Columbia has determined, as of February 15, 2012, that the fiscal effect of Law 18-127 has not been included in an approved budget and financial plan. Therefore, the provisions of this section, enacted by Law 18-127, are not in effect.

PART E. HOME RULE ACT 40TH ANNIVERSARY CELEBRATION AND COMMEMORATION.

§ 1-137.01. DEFINITIONS.

For the purposes of this part, the term:

- (1) "Commission" means the Home Rule Act 40th Anniversary Celebration and Commemoration Commission established in § 1-137.02.
- (2) "Fund" means the Home Rule 40th Anniversary Celebration and Commemoration Fund established in § 1-137.04.
- (3) "Home Rule Act" means Chapter 2 of this title.

(Sept. 20, 2012, D.C. Law 19-168, § 1082, 59 DCR 8025.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

Law 19-168, the "Fiscal Year 2013 Budget Support Act of 2012", was introduced in Council and assigned Bill No. 19-743, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on May 15, 2012, and June 5, 2012, respectively. Signed by the Mayor on June 22, 2012, it was assigned Act No. 19-385 and transmitted to both Houses of Congress for its review. D.C. Law 19-168 became effective on September 20, 2012.

Miscellaneous Notes

Short title: Section 1081 of D.C. Law 19-168 provided that subtitle H of title I of the act may be cited as "Home Rule Act 40th Anniversary Celebration and Commemoration Act of 2012".

§ 1-137.02. HOME RULE ACT 40TH ANNIVERSARY CELEBRATION AND COMMEMORATION COMMISSION.

- (a) There is established a Home Rule 40th Anniversary Celebration and Commemoration Commission. The purpose of the Commission shall be to coordinate, plan, and promote events related to the 40th anniversary of the adoption of the Home Rule Act, and to administer the Fund.
- (b) The Commission shall be composed of 5 members, as follows:
 - (1) One Chairperson, appointed by the Mayor;
 - (2) Two members appointed by the Mayor; and
 - (3) Two members appointed by the Chairman of the Council.
- (c) The members of the Commission shall serve until the sunset of this part.

(d) A vacancy in the Commission resulting from the death or resignation of a member shall not affect its powers and shall be filled in the same manner in which the original appointment was made.

(e) Each member of the Commission shall serve without compensation; provided, that each member may be reimbursed for actual expenses pursuant to § 1- 611.08.

(f) A majority of the members of the Commission shall constitute a quorum to conduct business.

(Sept. 20, 2012, D.C. Law 19-168, § 1083, 59 DCR 8025.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For history of Law 19-168, see notes under § 1-137.01.

§ 1-137.03. STAFFING.

(a) The Commission shall appoint staff as needed who shall be paid from the Fund.

(b) Upon request of the Commission, the Mayor may detail staff, at no cost to the Commission, at any time to assist the Commission in carrying out its duties.

(Sept. 20, 2012, D.C. Law 19-168, § 1084, 59 DCR 8025.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For history of Law 19-168, see notes under § 1-137.01.

§ 1-137.04. HOME RULE 40TH ANNIVERSARY CELEBRATION AND COMMEMORATION FUND.

(a) There is established as a nonlapsing fund the Home Rule Act 40th Anniversary Celebration and Commemoration Fund, which shall be administered by the Commission, to be used for the purposes set forth in subsection (c) of this section.

(b)(1) Deposits into the Fund shall include:

(A) Federal funds, if any;

(B) Gifts, grants, and donations; and

(C) Proceeds from the sale of memorabilia and information related to the 40th anniversary of the adoption of the Home Rule Act.

(2) All funds deposited into the Fund, and any interest earned on those funds, shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time, but shall be continually available for the uses and purposes set forth in subsection (c) of this section without regard to fiscal year limitation, subject to authorization by Congress.

(c) The Commission may expend monies in the Fund to celebrate and commemorate the 40th anniversary of the adoption of the Home Rule Act, including:

(1) Planning, developing, and executing appropriate programs and activities;

(2) Purchasing and selling merchandise related to the Home Rule Act, such as:

(A) Books;

(B) Pamphlets;

(C) Memorabilia; or

(D) Other material;

(3) Identifying appropriate displays and activities to showcase the history of home rule and the quest by residents and officials instrumental in the passage of the Home Rule Act to gain self-determination for the District of Columbia;

(4) Identifying possible amendments to the Home Rule Act;

(5) Outlining programs to involve the public in learning more about the Home Rule Act and self-determination in the District;

(6) Making grants available, subject to the availability of funds in the Fund, through a competitive process, for educational programs to public schools, public charter schools, and other organizations;

(7) Encouraging educational, historical, civic, and other organizations to participate in the anniversary

activities to expand the understanding of the Home Rule Act and self-determination in the District;

(8) Assuring that the observances appropriately recognize former mayors and members of the Council, and other people, who have contributed to the growth and development of elected government in the District;

(9) Facilitating other activities, such as receptions, parades, or festivals, and the provision of food, snacks, entertainment, and non-alcoholic beverages to the general public participating in the activities; and

(10) Examining the Home Rule Act to determine the authority that shall be used to advance democracy for the District.

(Sept. 20, 2012, D.C. Law 19-168, § 1085, 59 DCR 8025.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For history of Law 19-168, see notes under § 1-137.01.

§ 1-137.05. REPORTING REQUIREMENT.

(a) Beginning on September 30, 2012, the Commission shall submit quarterly reports to the Mayor and the Council, to include:

(1) An accounting of the revenue and expenditures of the Commission, including a list of each:

(A) Gift, grant, or donation with a value of \$100 or greater, and the name, address, and occupation of each donor; and

(B) Expenditure of \$100 or greater, including the name and address of the recipient;

(2) A summary of the proposed activities programs; and

(3) Any recommendations for legislative or executive action.

(b) Not later than September 30, 2014, the Commission shall submit a final report to the Mayor and the Council that includes:

(1) A final accounting of the revenue and expenditures of the Commission, including a list of each gift, grant, or donation with a value of \$100 or greater, and the name, address, and occupation of each donor;

(2) A summary of the Commission's activities; and

(3) Any recommendations for amendments to the Home Rule Act.

(Sept. 20, 2012, D.C. Law 19-168, § 1086, 59 DCR 8025.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For history of Law 19-168, see notes under § 1-137.01.

§ 1-137.06. IMPLEMENTATION.

The Secretary of the District of Columbia shall be the implementing agency of the provisions of this part.

(Sept. 20, 2012, D.C. Law 19-168, § 1087, 59 DCR 8025.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For history of Law 19-168, see notes under § 1-137.01.

§ 1-137.07. USE OF DISTRICT FUNDS.

Except as provided in § 1-137.02(e), no local funds shall be used to carry out this part.

(Sept. 20, 2012, D.C. Law 19-168, § 1088, 59 DCR 8025.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For history of Law 19-168, see notes under § 1-137.01.

§ 1-137.08. SUNSET.

This part shall expire on October 1, 2014.

(Sept. 20, 2012, D.C. Law 19-168, § 1089, 59 DCR 8025.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For history of Law 19-168, see notes under § 1-137.01.

SUBCHAPTER III. DISTRICT OF COLUMBIA FLAG.

PART A. GENERAL.

§ 1-141. FINDINGS.

The Council of the District of Columbia finds that:

(1) Section 2 of a joint resolution to codify and emphasize existing rules and customs pertaining to the display and use of the flag of the United States of America (36 U.S.C. § 174) addresses the method, time, and places for the display of the United States flag:

(A) The flag should be hoisted briskly and lowered ceremoniously.

(B) It is the universal custom to display the flag only from sunrise to sunset on buildings and stationary flagstaffs in the open. When a patriotic effect is desired, however, the flag may be displayed 24 hours a day if properly illuminated during the hours of darkness.

(C) The flag should not be displayed on days when the weather is inclement, except when an all-weather flag is displayed.

(D) The flag should be displayed on all days, especially on those days designated as federal and state holidays.

(E) The flag should be displayed daily on or near the main administration building of every public institution.

(F) The flag should be displayed in or near every polling place on election days.

(G) The flag should be displayed during school days in or near every schoolhouse.

(2) The display of the District of Columbia flag will inculcate a spirit of patriotism in our citizens.

(July 1, 1982, D.C. Law 4-121, § 2, 29 DCR 2072.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 1-121.

Emergency Act Amendments

For temporary (90 day) establishment of advisory commission, see § 2 of Flag Design Advisory Commission Emergency Act of 2002 (D.C. Act 14-424, July 17, 2002, 49 DCR 7627).

For temporary (90 day) establishment of a Flag Design Advisory Commission, see § 2 of Flag Design Advisory Commission Congressional Review Emergency Act of 2002 (D.C. Act 14-538, December 2, 2002, 49 DCR 11653).

For temporary (90 day) establishment of the Flag Design Advisory Commission, see § 2 of Flag Design Advisory Commission Congressional Review Emergency Amendment Act of 2003 (D.C. Act 15-6, January 27, 2003, 50 DCR 1455).

Legislative History of Laws

Law 4-121, the "District of Columbia Flag Display Act of 1982," was introduced in Council and assigned Bill No. 4-365, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on April 6, 1982 and April 27, 1982, respectively. Signed by the Mayor on May 11, 1982, it was assigned Act No. 4-184 and transmitted to both Houses of Congress for its review.

§ 1-142. REQUIREMENTS AS TO DISPLAY.

The flag of the District of Columbia shall be displayed in the same manner, at the same time, and on the same occasions as the flag of the United States is displayed in the District of Columbia pursuant to and consistent with federal law.

(July 1, 1982, D.C. Law 4-121, § 3, 29 DCR 2072.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 1-122.

Legislative History of Laws

For legislative history of D.C. Law 4-121, see Historical and Statutory Notes following § 1-141.

§ 1-143. STAFF TO BE USED.

Wherever practicable, the District of Columbia flag shall be flown on the same staff as the United States flag.

(July 1, 1982, D.C. Law 4-121, § 4, 29 DCR 2072.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 1-123.

Legislative History of Laws

For legislative history of D.C. Law 4-121, see Historical and Statutory Notes following § 1-141.

§ 1-144. INSIDE PUBLIC BUILDINGS.

The flag of the District of Columbia shall be displayed inside all public buildings whenever and wherever the flag of the United States is displayed.

(July 1, 1982, D.C. Law 4-121, § 5, 29 DCR 2072.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 1-124.

Legislative History of Laws

For legislative history of D.C. Law 4-121, see Historical and Statutory Notes following § 1-141.

§ 1-145. NOTICE TO COMMERCIAL PROPERTY OWNERS.

The Department of Finance and Revenue shall give notice of the provisions of this subchapter in each real property tax bill sent to commercial property owners in the next mailing immediately following July 1, 1982.

(July 1, 1982, D.C. Law 4-121, § 6, 29 DCR 2072.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 1-125.

Legislative History of Laws

For legislative history of D.C. Law 4-121, see Historical and Statutory Notes following § 1-141.

References in Text

Pursuant to the Office of the Chief Financial Officer's "Notice of Public Interest" published in the April 18, 1997, issue of the District of Columbia Register (44 DCR 2345) the Office of Tax and Revenue assumed all of the duties and functions previously performed by the Department of Finance and Revenue, as set forth in Commissioner's Order 69-96, dated March 7, 1969. This action was made effective January 22, 1997, *nunc pro tunc*.

PART B. DISTRICT OF COLUMBIA FLAG ADOPTION AND DESIGN.

§ 1-151. DISTRICT OF COLUMBIA OFFICIAL FLAG.

The flag of the District of Columbia shall be 3 red stars in the upper portion of the flag (the chief), with 2 red horizontal bars on a field of white. All proportions described in this section are expressed in relation to the flag's vertical dimension (the hoist). The chief shall be 3/10 of the hoist, the horizontal red bars shall be 2/10, the base and white space between the 2 bars shall be 2/10 and 1/10, respectively. The red stars shall be 2/10 in diameter, and shall be spaced equidistant in the fly. The length of the fly shall depend on the proportions of the flag upon which this design may be displayed.

(Mar. 25, 2003, D.C. Law 14-237, § 2, 49 DCR 10485.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

2001 Ed., § 1-171.

Legislative History of Laws

Law 14-237, the "District of Columbia Flag Adoption and Design Act of 2002", was introduced in Council and assigned Bill No. 14-647, which was referred to the Committee on the Whole. The Bill was adopted on first and second readings on July 2, 2002, and October 1, 2002, respectively. Signed by the Mayor on October 23, 2002, it was assigned Act No. 14-516 and transmitted to both Houses of Congress for its review. D.C. Law 14-237 became effective on March 25, 2003.

§ 1-152. INCLUSION OF "DC" AND "NO TAXATION WITHOUT REPRESENTATION" WITHIN DISTRICT OF COLUMBIA FLAG.

(a) After the design adopted under subsection (b) of this section becomes effective, the flag of the District of Columbia shall temporarily contain the language "DC" and "No Taxation Without Representation".

(b) The placement and design of the language prescribed in subsection (a) of this section shall be established by act of the Council.

(c) The flag adopted pursuant to § 1-151 and subsection (b) of this section shall be flown officially as of 90 days following the effective date of the act specified in subsection (b) of this section.

(d) The language prescribed in subsection (a) of this section shall be removed from the flag when District of Columbia registered voters are able to vote for 2 Senators and one Representative with full rights and privileges in the Congress of the United States.

(e) The language prescribed in subsection (a) of this section shall not be required in instances where a reproduction of the flag is placed as a symbol on motor vehicles, District of Columbia government letterhead, or other objects.

(Mar. 25, 2003, D.C. Law 14-237, § 3, 49 DCR 10485.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

2001 Ed., § 1-172.

Legislative History of Laws

For Law 14-237, see notes following § 1-151.

§ 1-153. FLAG DESIGN ADVISORY COMMISSION.

(a) There is established a Flag Design Advisory Commission ("Commission") with the purpose of preparing a recommendation for the placement and design of the language "DC" and "No Taxation Without Representation" on the District of Columbia flag.

(b) The Commission shall be composed of 7 members: the Mayor, or his or her designee; the Chairman of the Council, or his or her designee; the Chairman of the Council's Subcommittee on Labor, Voting Rights, and Redistricting, or his or her designee; 2 persons appointed by the Mayor; and 2 persons appointed by the Chairman of the Council. The Chairman of the Council shall designate the Commission Chairman. All

appointments shall be made within 30 days of March 25, 2003. Vacancies shall be filled in the same manner as the initial appointment was made.

(c) The Commission shall submit its recommendation in the form of a report to the Council no later than 4 months after March 25, 2003. The Commission shall approve its recommendation by a majority vote.

(d) Costs of the Commission and its members shall be borne by the members or paid through private contributions. The Commission is authorized to receive private-sector contributions. The Commission is authorized to use space and supplies owned or rented by the District of Columbia government, and to use staff loaned from the Council or detailed from the Mayor for such purposes consistent with this subchapter as the Commission may determine.

(e) The Commission shall have the authority to create and operate under its own rules of procedure.

(f) The books and records of the Commission shall be public documents.

(Mar. 25, 2003, D.C. Law 14-237, § 4, 49 DCR 10485.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

2001 Ed., § 1-173.

Legislative History of Laws

For Law 14-237, see notes following § 1-151.

§ 1-154. USE OF DONATIONS AND GRANTS FOR FLAG REPLACEMENT.

The Mayor is authorized to solicit, receive, accept, and expend donations or grants from private sources to defray the costs of replacing existing District of Columbia flags with flags that include the language prescribed in § 1-152(a).

(Mar. 25, 2003, D.C. Law 14-237, § 5, 49 DCR 10485.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

2001 Ed., § 1-174.

Legislative History of Laws

For Law 14-237, see notes following § 1-151.

SUBCHAPTER IV. OFFICIAL DINOSAUR OF THE DISTRICT OF COLUMBIA.

§ 1-161. CAPITALSAURUS DINOSAUR.

(a) The Capitalsaurus dinosaur was discovered in January 1898, at First and F Streets, S.E., in the District of Columbia by workmen during a sewer connection project, and is the only known specimen of its kind in the world.

(b) The Capitalsaurus was a large meat eating reptile which may be an ancestor of the T. (tyrannosaurus) rex.

(c) About 110 million years ago, the Capitalsaurus lived in the District of Columbia with many other dinosaurs including herbivores.

(d) During the lifetime of the Capitalsaurus, the District of Columbia resembled the bayou country of southern Louisiana.

(e) The Capitalsaurus fossil discovered in 1898 is now at the Smithsonian Museum of Natural History in the type room.

(f) The Capitalsaurus is unique to the District of Columbia because its fossil remains have not been discovered anywhere else in the world.

(g) The vertebra of the dinosaur was given to the Smithsonian Institution as a gift by J.K. Murphy on January 28, 1898, and was recorded as accession number 33153 and specimen number NMNH 3049.

(h) District of Columbia Public School students have been studying the Capitalsaurus and many other dinosaurs from this area for years.

(i) The students have also helped to dig up dinosaurs fossils which are now part of the Smithsonian's permanent collection.

(j) The Capitalsaurus shall be the official Dinosaur of the District of Columbia.

(Sept. 30, 1998, D.C. Law 12-155, § 2, 45 DCR 4476; Apr. 20, 1999, D.C. Law 12-264, § 2, 46 DCR 2118; Oct. 20, 1999, D.C. Law 13-41, § 4, 46 DCR 6552; Apr. 12, 2000, D.C. Law 13-91, § 102, 47 DCR 520.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 1-131.

Effect of Amendments

D.C. Law 13-41, in subsec. (g), substituted "specimen NMNH 3049" for "specimen NMNH 3409".

D.C. Law 13-91, in subsec. (g), inserted "number" preceding "NMNH".

Legislative History of Laws

Law 12-155, the "Official Dinosaur Act of 1998," was introduced in Council and assigned Bill No. 12-538, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on May 5, 1998, and June 2, 1998, respectively. Signed by the Mayor on June 10, 1998, it was assigned Act No. 12-382 and transmitted to both Houses of Congress for its review. D.C. Law 12-155 became effective on September 30, 1998.

Law 12-264, the "Technical Amendments Act of 1998," was introduced in Council and assigned Bill No. 12-804, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on November 10, 1998 and December 1, 1998, respectively. Signed by the Mayor on January 7, 1999, it was assigned Act No. 12-626 and transmitted to both Houses of Congress for its review. D.C. Law 12-264 became effective on April 20, 1999.

Law 13-41, the "Designation of Capitalsaurus Court and Technical Correction Amendment Act of 1999," was introduced in Council and assigned Bill No. 13-170, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on June 1, 1999, and July 6, 1999, respectively. Signed by the Mayor on July 19, 1999, it was assigned Act No. 13-114 and transmitted to both Houses of Congress for its review. D.C. Law 13-41 became effective on October 20, 1999.

Law 13-91, the "Technical Amendments Act of 1999," was introduced in Council and assigned Bill No. 13-435, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on November 2, 1999, and December 7, 1999, respectively. Signed by the Mayor on December 29, 1999, it was assigned Act No. 13-234 and transmitted to both Houses of Congress for its review. D.C. Law 13-91 became effective on April 12, 2000.

SUBCHAPTER V. OFFICIAL FRUIT OF THE DISTRICT OF COLUMBIA.

§ 1-171. CHERRY DESIGNATED OFFICIAL FRUIT.

(a) Twenty-six states have an official fruit, 2 of which picked their official fruit based on suggestions from children.

(b) Washington, D.C. is named in honor of our first president, George Washington, who is symbolically associated with the cherry because of the well-known tale of the president, as a child, and a certain cherry tree, the moral of which was the importance of honesty.

(c) Every year, the District of Columbia holds the Cherry Blossom Festival, which includes a parade and other events celebrating the beauty of the cherry tree and the original gift, in 1912, of 3,000 cherry trees from the city of Tokyo to the people of Washington, D.C.

(d) Washington, D.C. is more closely associated with the cherry than any other fruit.

(e) The matter of an official fruit was studied by the students in Mr. Bunton's class at Bowen Elementary School, and they proposed that the cherry be named the official fruit of the District of Columbia.

(f) The District of Columbia Board of Education supports the students.

(g) The cherry is hereby designated the official fruit of the District of Columbia.

(Sept. 29, 2006, D.C. Law 16-171, § 2, 53 DCR 6227.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

Law 16-171, the "Official Fruit of the District of Columbia Act of 2006", was introduced in Council and assigned Bill No. 16-721 which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on June 6, 2006, and July 11, 2006, respectively. Signed by the Mayor on July 18, 2006, it was assigned Act No. 16-440 and transmitted to both Houses of Congress for its review. D.C. Law 16-171 became effective on September 29, 2006.

Editor's Notes

Former § 1-171 has been recodified as § 1-151.

§ 1-172. INCLUSION OF "DC" AND "NO TAXATION WITHOUT REPRESENTATION" WITHIN DISTRICT OF COLUMBIA FLAG.

Recodified as § 1-152.

(Mar. 25, 2003, D.C. Law 14-237, § 3, 49 DCR 10485.)

§ 1-173. FLAG DESIGN ADVISORY COMMISSION.

Recodified as § 1-153.

(Mar. 25, 2003, D.C. Law 14-237, § 4, 49 DCR 10485.)

§ 1-174. USE OF DONATIONS AND GRANTS FOR FLAG REPLACEMENT.

Recodified as § 1-154.

(Mar. 25, 2003, D.C. Law 14-237, § 5, 49 DCR 10485.)

SUBCHAPTER VI. DISTRICT OF COLUMBIA EMANCIPATION DAY PARADE AND FUND.

§ 1-181. DEFINITIONS.

For the purposes of this subchapter, the term:

(1) "Emancipation Day Parade" means the parade, and associated activities, including the provision of food, snacks, entertainment, and non-alcoholic beverages to the general public, participants, and District government employees, held to celebrate and commemorate District of Columbia Emancipation Day.

(2) "Fund" means the Emancipation Day Fund.

(Mar. 16, 2005, D.C. Law 15-240, § 2, 51 DCR 11225; Feb. 27, 2008, D.C. Law 17-110, § 2(a), 55 DCR 223.)

HISTORICAL AND STATUTORY NOTES

Effect of Amendments

D.C. Law 17-110, in par. (1), substituted "activities, including the provision of food, snacks, entertainment, and non-alcoholic beverages to the general public, participants, and District government employees, held to celebrate" for "activities, held to celebrate".

Temporary Addition of Section

For temporary (225 day) addition, see § 2 of District of Columbia Emancipation Day Fund Temporary Act of 2002 (D.C. Law 14-125, May 2, 2002, law notification 49 DCR 4400).

For temporary (225 day) addition, see § 2 of Emancipation Day Fund Temporary Act of 2003 (D.C. Law 15-9, June 5, 2003, law notification 50 DCR 4873).

For temporary (225 day) addition, see § 2 of District of Columbia Emancipation Day Parade and Fund Temporary Act of 2004 (D.C. Law 15-138, April 22, 2004, law notification 51 DCR 4922).

Emergency Act Amendments

For temporary (90 day) addition, see § 2 of District of Columbia Emancipation Day Fund Emergency Act of 2002 (D.C. Act 14-263, January 30, 2002, 49 DCR 1443).

For temporary (90 day) addition, see § 2 of Emancipation Day Fund Emergency Act of 2003 (D.C. Act 15-17,

February 25, 2003, 50 DCR 1948).

For temporary (90 day) addition, see § 2 of District of Columbia Emancipation Day Parade and Fund Emergency Act of 2004 (D.C. Act 15-343, January 29, 2004, 51 DCR 1827).

For temporary (90 day) addition, see § 2 of District of Columbia Emancipation Day Parade and Fund Congressional Review Emergency Amendment Act of 2004 (D.C. Act 15-660, December 29, 2004, 52 DCR 797).

For temporary (90 day) addition, see § 2 of District of Columbia Emancipation Day Parade and Fund Congressional Review Emergency Act of 2005 (D.C. Act 16-61, March 17, 2005, 52 DCR 3197).

Legislative History of Laws

Law 15-240, the "District of Columbia Emancipation Day Parade and Fund Act of 2004", was introduced in Council and assigned Bill No. 15-670, which was referred to the Committee on Government Operations. The Bill was adopted on first and second readings on October 5, 2004, and November 9, 2004, respectively. Signed by the Mayor on November 30, 2004, it was assigned Act No. 15-597 and transmitted to both Houses of Congress for its review. D.C. Law 15-240 became effective on March 16, 2005.

Law 17-110, the "District of Columbia Emancipation Day Parade Clarification Amendment Act of 2007", was introduced in Council and assigned Bill No. 17-187 which was referred to the Committee on Workforce Development and Government Operations. The Bill was adopted on first and second readings on November 6, 2007, and December 11, 2007, respectively. Signed by the Mayor on December 27, 2007, it was assigned Act No. 17-228 and transmitted to both Houses of Congress for its review. D.C. Law 17-110 became effective on February 27, 2008.

§ 1-182. ESTABLISHMENT OF EMANCIPATION DAY PARADE.

There is established the Emancipation Day Parade, to annually celebrate and commemorate District of Columbia Emancipation Day.

(Mar. 16, 2005, D.C. Law 15-240, § 3, 51 DCR 11225.)

HISTORICAL AND STATUTORY NOTES

Temporary Addition of Section

For temporary (225 day) additions, see §§ 3, 5 of District of Columbia Emancipation Day Fund Temporary Act of 2002 (D.C. Law 14-125, May 2, 2002, law notification 49 DCR 4400).

For temporary (225 day) additions, see §§ 3, 5 of Emancipation Day Fund Temporary Act of 2003 (D.C. Law 15-9, June 5, 2003, law notification 50 DCR 4873).

For temporary (225 day) addition, see § 3 of District of Columbia Emancipation Day Parade and Fund Temporary Act of 2004 (D.C. Law 15-138, April 22, 2004, law notification 51 DCR 4922).

Emergency Act Amendments

For temporary (90 day) addition, see §§ 3, 5 of District of Columbia Emancipation Day Fund Emergency Act of 2002 (D.C. Act 14-263, January 30, 2002, 49 DCR 1443).

For temporary (90 day) addition, see §§ 3, 5 of Emancipation Day Fund Emergency Act of 2003 (D.C. Act 15-17, February 25, 2003, 50 DCR 1948).

For temporary (90 day) addition, see §§ 3, 5 of District of Columbia Emancipation Day Parade and Fund Emergency Act of 2004 (D.C. Act 15-343, January 29, 2004, 51 DCR 1827).

For temporary (90 day) addition, see §§ 3, 5 of District of Columbia Emancipation Day Parade and Fund Congressional Review Emergency Amendment Act of 2004 (D.C. Act 15-660, December 29, 2004, 52 DCR 797).

Legislative History of Laws

For Law 15-240, see notes following § 1-181.

§ 1-183. EMANCIPATION DAY FUND.

(a) There is established the Emancipation Day Fund ("Fund") to receive monies for the purposes of funding the Emancipation Day Parade and activities associated with the celebration and commemoration of District of Columbia Emancipation Day.

(b) The monies in the Fund shall not be a part of, or lapse into, the General Fund of the District of Columbia or any other fund of the District.

(c) By August 1st of each year, the Secretary of the District of Columbia shall submit a report to the

Council that shall include a specific accounting of the expenditure of money in the Fund and any remaining balance. The report shall include:

- (1) The name of any donors or list of anonymous contributions;
- (2) The amount of each contribution;
- (3) A description of any donated property;
- (4) A description of the use of monies for presenting the Emancipation Day Parade; and
- (5) Costs of parade-related programs, activities, purchases, and functions for which the money have been expended.

(d) Monies shall only be expended from the Fund for the administration of the Emancipation Day Parade. A minimum of 15% of the monies in the Fund shall be used to purchase and provide educational materials. The Fund may be used to purchase food, snacks, entertainment, and non-alcoholic beverages for the general public, participants, and District government employees to celebrate Emancipation Day.

(Mar. 16, 2005, D.C. Law 15-240, § 4, 51 DCR 11225; Feb.27, 2008, D.C. Law 17-110, § 2(b), 55 DCR 223.)

HISTORICAL AND STATUTORY NOTES

Effect of Amendments

D.C. Law 17-110, in subsec. (c)(5), substituted "activities, purchases, and functions" for "activities, and functions"; and, in subsec. (d) added the second and third sentences.

Temporary Addition of Section

For temporary (225 day) addition, see § 4 of District of Columbia Emancipation Day Fund Temporary Act of 2002 (D.C. Law 14-125, May 2, 2002, law notification 49 DCR 4400).

For temporary (225 day) addition, see § 4 of Emancipation Day Fund Temporary Act of 2003 (D.C. Law 15-9, June 5, 2003, law notification 50 DCR 4873).

For temporary (225 day) addition, see § 4 of District of Columbia Emancipation Day Parade and Fund Temporary Act of 2004 (D.C. Law 15-138, April 22, 2004, law notification 51 DCR 4922).

Emergency Act Amendments

For temporary (90 day) addition, see § 4 of District of Columbia Emancipation Day Fund Emergency Act of 2002 (D.C. Act 14-263, January 30, 2002, 49 DCR 1443).

For temporary (90 day) addition, see § 4 of Emancipation Day Fund Emergency Act of 2003 (D.C. Act 15-17, February 25, 2003, 50 DCR 1948).

For temporary (90 day) addition, see § 4 of District of Columbia Emancipation Day Parade and Fund Emergency Act of 2004 (D.C. Act 15-343, January 29, 2004, 51 DCR 1827).

For temporary (90 day) use of prior budgeted reserve funds for Emancipation Day activities, see § 2 of Emancipation Day Reserve Fund Allocation Emergency Act of 2004 (D.C. Act 15-641, November 30, 2004, 52 DCR 1261).

For temporary (90 day) addition, see § 4 of District of Columbia Emancipation Day Parade and Fund Congressional Review Emergency Amendment Act of 2004 (D.C. Act 15-660, December 29, 2004, 52 DCR 797).

Legislative History of Laws

For Law 15-240, see notes following § 1-181.

For Law 17-110, see notes following § 1-181.