

ENROLLMENT(S)



(5)

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 12-48

"Alcoholic Beverage Control DC Arena Temporary Amendment Act of 1997"

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, P.L. 93-198 "the Act", the Council of the District of Columbia adopted Bill No. 12-293 on first and second readings, July 1, 1997, and September 22, 1997, respectively. Following the signature of the Mayor on October 3, 1997, pursuant to Section 404(e) of "the Act", and was assigned Act No. 12-167, and published in the October 24, 1997, edition of the D.C. Register (Vol. 44 page 6064) and transmitted to Congress on October 22, 1997 for a 30-day review, in accordance with Section 602(c)(1) of the Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional Review Period has expired, and therefore, cites this enactment as D.C. Law 12-48, effective February 26, 1998.



LINDA W. CROPP
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

Oct.	22,23,24,27,28,29,30,31
Nov.	3,4,5,6,7,10,12,13
Jan.	27,28,29
Feb.	2,3,4,5,9,10,11,12,23,24,25

AN ACT
D.C. ACT 12-167

*Codification
District of
Columbia
Code
1998 Supp.*

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 3, 1997

To amend, on an temporary basis, the District of Columbia Alcoholic Beverage Control Act and the Alcoholic Beverages and Food Regulations to establish and provide for the initial issuance of one or more retailer's licenses Class Arena C/X for the DC Arena and to provide for the initial issuance of other class C retailer's licenses at the DC Arena.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Alcoholic Beverage Control DC Arena Temporary Amendment Act of 1997".

Sec. 2. The District of Columbia Alcoholic Beverage Control Act, approved January 24, 1934 (48 Stat. 319; D.C. Code § 25-101 *et. seq.*), is amended as follows:

(a) Section 3 (D.C. Code § 25-103) is amended by adding a new paragraph (29) to read as follows:

**Note, Section
25-103**

"(29) The term "DC Arena" means the multi-purpose arena for the performance of sports and entertainment events and related amenities described in recital "E" of the Land Disposition Agreement-Ground Lease By and Among the District of Columbia Redevelopment Land Agency, the District of Columbia and the DC Arena L.P. dated December 29, 1995."

(b) Subsection 11(a) (D. C. Code § 25-111(a)) is amended as follows:

**Note, Section
25-111**

(1) The lead-in language is amended by striking the number "22" and inserting the number "23" in its place.

(2) A new subparagraph (7)(G-1) is inserted to read as follows:

"(G-1)(i) Upon each initial application pursuant to section 14(a), the Board, after determining that the requirements of section 14(g) have been met, shall issue one or more retailer's license for the DC Arena in accordance with the provisions of this subparagraph to the lessee upon application of the lessee under the Land Disposition Agreement-Ground Lease By and Among the District of Columbia Redevelopment Land Agency, the District of Columbia and DC Arena L.P. Dated December 29, 1995 ("Lease"). At the option of the lessee, such licenses may be issued to concessionaires and tenants of the lessee, as such may be requested from time to time by the lessee. Such retailer's licenses may be canceled by the Board

ENROLLED ORIGINAL

at the request of the District of Columbia Redevelopment Land Agency ("RLA") in the event that the lessee ceases to operate the DC Arena. If the lessee assigns its interest in the Land Disposition Agreement-Ground Lease, the Board shall, at the request of the RLA, transfer such retailer's licenses as may be then held by the lessee to the lessee's assignee, upon application pursuant to section 14(a) and approval by the Board.

"(ii) The retailer's license, class Arena C/X shall be issued only for the DC Arena. The retailer's license, class Arena C/X shall permit the storage and sale of spirits, wine, and beer for consumption anywhere on the premises of the DC arena. One or more retailer's licenses, class Arena C/X shall be issued either as the license for all alcoholic beverage operations at the DC Arena or individually for concession stands, portable bars and other non-fixed locations, or suite and club suite service. Such retailer's license, class Arena C/X shall not permit the sale or dispensing of alcoholic beverages in unbroken packages for the purpose of permitting such packages to be carried off the premises.

"(iii) One or more retailer's licenses, class C shall be issued to concessionaires or tenants of the DC Arena for suitable locations within the DC Arena approved by the Board, where food and alcoholic beverages are served. Each initial issuance of the retailer's licenses, class C to concessionaires or tenants of the DC Arena shall be upon application pursuant to section 14(a) (D.C. Code § 25-115(a)), and subject to a determination by the Board that the requirements of section 14(g) have been met.

"(iv) The annual license fee for the retailer's licenses, class Arena C/X for the DC Arena shall be established by the Mayor. The annual license fee for a retailer's license class C issued to a concessionaire or tenant of the DC Arena shall be in accordance with subparagraph (I) of this paragraph.

"(v) The initial issuance of each retailer's license, class Arena C/X for the D.C. Arena, and the initial issuance of each retailer's license, class C to concessionaires or tenants of the DC Arena, shall not be subject to section 14(b), (c), (e), and (f). The reissuance of each retailer's license class Arena C/X for the DC Arena and the re-issuance of each retailer's license class C to concessionaires and tenants of the DC Arena nonetheless shall be subject to section 14(b).

"(vi) To the extent that the provisions of this subparagraph are inconsistent with provisions of the Alcoholic Beverages and Food Regulations (23 DCMR), the provisions of this subparagraph shall control. Except as otherwise provided in this subparagraph, the licensee of a retailer's license, class Arena C/X and the license, class C issued to a concessionaire or tenant of the DC Arena shall be subject to all provisions of this Act, and all other applicable laws and regulations of the District of Columbia."

(c) Section 28(a) (D.C. Code § 25-128(a)) is amended by designating the existing text as paragraph (1) and adding a new paragraph (2) to read as follows:

**Note, Section
25-128**

"(2) No person shall bring, or have in his or her possession, anywhere on the premises of the DC Arena, including space referred to in section 11(a)(7)(G-1), any container

ENROLLED ORIGINAL

used to hold or store beverages or liquids of any kind, including, but not limited to, bottles and cans. This section shall not apply to a person duly authorized or licensed by the Board to possess, sell, give away, transport, or store alcoholic beverages or containers on the premises of the DC Arena, or to any employee or agency acting for any such duly authorized or licensed person, or to any container provided on the premises of the DC Arena by the lessee or its concessionaires and tenants."

Sec. 3. Title 23 of the District of Columbia Municipal Regulations (Alcoholic Beverages and Food Regulations) (23 DCMR) is amended as follows:

(a) Subsection 199.1 is amended by adding the following new definition:

DCMR

"DC Arena" - the multi-purpose arena for the performance of sports and entertainment events and related amenities described in Recital "E" of the Land Disposition Agreement-Ground Lease by and Among the District of Columbia Redevelopment Land Agency, the District of Columbia and DC Arena L.P. Dated as of December 29, 1995."

(b) Section 200 is amended by adding a new subsections 200.17 and 200.18 to read as follows:

DCMR

"200.17 One or more retailer's licenses class Arena CX shall be issued either as the license for all alcoholic beverage operations at the DC Arena or for concession stands, portable bars, and other non-fixed locations, or suite and club seat service. The retailer's licenses class Arena C/X shall permit the storage and sale of spirits, wine, and beer for consumption anywhere on the premises of the DC Arena, but shall not permit the sale or dispensing of alcoholic beverages in unbroken packages for the purpose of permitting such packages to be carried off the premises.

"200.18 One or more retailer's licenses class C shall be issued to concessionaires and tenants of the DC Arena for suitable locations within the DC Arena approved by the Board, where food and alcoholic beverages are served."

(c) Section 202 is amended by adding a new subsection 202.5 to read as follows:

"202.5 A retailer's license class Arena CX shall be in effect for two (2) years."

(d) Section 203 is amended by adding a new subsection 203.19 to read as follows:

"203.19 The Mayor shall establish the fee for the retailer's license class Arena CX."

Sec. 4. Fiscal impact statement.

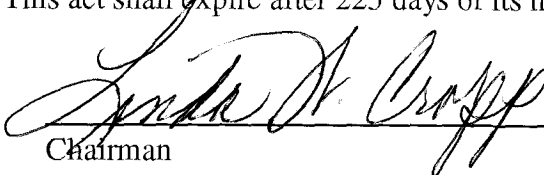
The exact number of licenses to be issued is not known. This is because the present lessee is still completing its plans for serving the needs of the patrons of the DC Arena. The Mayor is considering a fee similar to what is charged at the USAir Arena, which is \$10,000 for each license. There will be some revenue received by the District directly related to this legislation; however, the total amount of revenue is unknown.

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

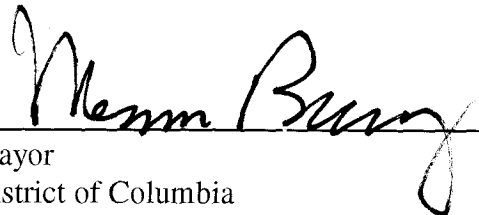
ENROLLED ORIGINAL

veto by the Mayor, action by the Council to override the veto), approval by the Financial Responsibility and Management Assistance Authority as provided in section 203(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (109 Stat. 116; D.C. Code § 47-392.3(a)), and a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Code § 1-233(c)(1)), and publication in the District of Columbia Register.

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED: October 3, 1997

AN ACT

*Codification
District of
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1998 Supp.*

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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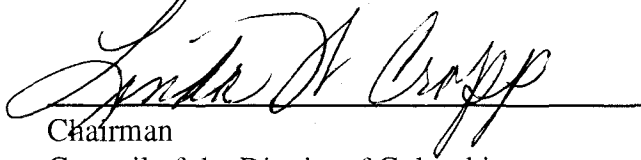
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veto by the Mayor, action by the Council to override the veto), approval by the Financial Responsibility and Management Assistance Authority as provided in section 203(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (109 Stat. 116; D.C. Code § 47-392.3(a)), and a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Code § 1-233(c)(1)), and publication in the District of Columbia Register.

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



Chairman
Council of the District of Columbia

Mayor
District of Columbia



COUNCIL PERIOD TWELVE
RECORD OF OFFICIAL COUNCIL VOTE

Docket No. B12-293

ITEM ON CONSENT CALENDAR

ACTION & DATE ADOPTED FIRST READING, 07-01-97
APPROVED

VOICE VOTE
 RECORDED VOTE ON REQUEST

ALLEN, CHAVOUS, JARVIS AND THOMAS

ABSENT _____

ROLL CALL VOTE - Result _____

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Cropp					Evans					Smith, Jr.				
Allen					Jarvis					Thomas, Sr.				
Ambrose					Mason									
Brazil					Patterson									
Chavous					Schwartz									

N - Indicates Vote

AB - Absent

NV - Present not Voting

CERTIFICATION RECORD

[Signature]
Secretary to the Council

September 26, 1997
Date

ITEM ON CONSENT CALENDAR

ACTION & DATE ADOPTED FINAL READING, 09-22-97
APPROVED

VOICE VOTE
 RECORDED VOTE ON REQUEST

DIXON, JARVIS AND THOMAS

ABSENT _____

ROLL CALL VOTE - Result _____

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Cropp					Dixon					Schwartz				
Allen					Evans					Smith, Jr.				
Ambrose					Jarvis					Thomas, Sr.				
Brazil					Mason									
Chavous					Patterson									

N - indicates no

AB - Absent

NV - Present not voting

CERTIFICATION RECORD

[Signature]
Secretary to the Council

September 26, 1997
Date

ITEM ON CONSENT CALENDAR

ACTION & DATE _____

VOICE VOTE
 RECORDED VOTE ON REQUEST

ABSENT _____

ROLL CALL VOTE - Result _____

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Cropp					Dixon					Schwartz				
Allen					Evans					Smith, Jr.				
Ambrose					Jarvis					Thomas, Sr.				
Brazil					Mason									
Chavous					Patterson									

N - Indicates Vote

AB - Absent

NV - Present not Voting

CERTIFICATION RECORD

Secretary to the Council

Date