To: Members of the Council
From: Nyasha Smith, Secretary to the Council
Date: May 15, 2012
Subject: Re-Referral of Proposed Legislation

Notice is given that the attached proposed legislation was introduced in the Committee of the Whole on Monday, April 23, 2012. Copies are available in Room 10, the Legislative Services Division.

TITLE: "Energy Innovation and Savings Amendment Act of 2012", B19-0749

INTRODUCED BY: Councilmembers Cheh, Graham, Mendelson and Wells
CO-SPONSORED BY: Chairman K. Brown and Councilmembers Barry

The Chairman is referring this legislation to the Committee on Public Services and Consumer Affairs and section 3 only to the Committee on Finance and Revenue for 90 days starting on May 10, 2012 ending on October 11, 2012. The legislation is thereafter referred to the Committee on Environment, Public Works and Transportation.

Attachment

cc: General Counsel
    Budget Director
    Legislative Services
A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

Councilmembers Mary M. Cheh, Jim Graham, Phil Mendelson, and Tommy Wells introduced the following bill, which was referred to the Committee on ____________.

To amend An Act Making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and fourteen, and for other purposes to clarify that electric vehicle charging station providers are not utilities; to amend Section 47-1508(a) of the District of Columbia Official Code to exempt solar energy and cogeneration energy systems from personal property tax; and to promote energy conservation by requiring commercial properties to keep doors and windows closed if air conditioning systems are in use.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Energy Innovation and Savings Amendment Act of 2012”.

Sec. 2. Electric car regulation.

(a) Section 8(1) of An Act Making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and fourteen, and for other purposes, approved March 4, 1913 (37 Stat. 974; D.C. Official Code § 34-201, passim), is amended as follows:
(1) The subparagraph beginning with the phrase "The term 'electric company'"
(D.C. Official Code § 34-207) is amended by adding a new sentence at the end to read as
follows: “The term also excludes a person or entity that does not sell or distribute electricity and
that owns or operates equipment used exclusively for the charging of electric vehicles.”

(2) The subparagraph beginning with the phrase "The term 'public utility'" (D.C.
Official Code § 34-214) is amended by adding a new sentence at the end to read as follows: “The
term excludes a person or entity that does not sell or distribute electricity and that owns or
operates electric vehicle supply equipment, an electric vehicle charging station service company,
or an electric vehicle charging station service provider.”

(b) Section 1 of Title IV of the District of Columbia Revenue Act of 1937, approved
August 17, 1937 (50 Stat. 679; D.C. Official Code § 50-1501.01 et seq.), is amended by adding a
new paragraph (l) to read as follows:

“(l) “Electric vehicle” has the same meaning as in section 2502 of Title 15 of the
United States Code.”.

Sec. 3. Solar system and cogeneration system property tax.
Section 47-1508(a) of the District of Columbia Official Code is amended by adding new
paragraphs (11) and (12) to read as follows:

“(11) Systems using exclusively solar energy as defined in § 34-1431 of the District of
Columbia Code.”

“(12) Cogeneration systems, which shall mean systems that produce both:

“(A) Electric energy; and

“(B) Steam or forms of useful energy (such as heat) which are used for industrial,
commercial, heating, or cooling purposes.”.
Sec. 4. Definitions.

For the purposes of this section:

(1) "Air conditioner" means an appliance, system, or mechanism designed to remove heat and humidity from ambient air for thermal comfort.

(2) "Chain of stores" shall mean 2 or more stores located within the District that are engaged in the same general field of business under the same business name or operate under common ownership or management or pursuant to a franchise agreement with the same franchisor.

(3) "Commercial property" means income-producing property as identified under zoning classifications that would allow for such uses as office buildings, retail stores, and service facilities pursuant to Chapter 7 of Title 11 of the District of Columbia Municipal Regulations (11 DCMR § 700, et seq.); provided, that such term shall not include a small store, hotel, or restaurant.

(4) "Person" shall mean:

(A) With respect to the portion of a commercial building or structure that is a retail or wholesale establishment that sells goods or provides services to consumers, the owner or lessee of such establishment; and

(B) With respect to any other portion of a commercial building or structure, the record owner or lessee of such building or structure.

(5) "Small store" means a retail or wholesale establishment that sells goods or provides services to consumers and occupies less than 4,000 square feet of retail or wholesale space, excluding storage space, and is not one of a chain of stores.

Sec. 5. Commercial property energy conservation.
A commercial property shall keep exterior doors and windows closed when an air
conditioner that cools the adjacent area is in operation, except:

(1) During a reasonable period of ingress and egress of people or the delivery and
shipping of goods; or

(2) When an emergency situation exists that requires an exterior door or window
to be kept open.

Sec. 6. Penalties.

(a) If the Mayor determines that a violation of this section has occurred, the person in
violation shall be subject to the penalties set forth in this section.

(1) The Mayor shall impose a penalty on the retail establishment. The penalty
shall be a class 4 infraction under the Schedule of Fines in Chapter 32 of Title 16 of the District
of Columbia Municipal Regulations (16 DCMR § 3200 et seq.)

(2) Retail establishments shall not be fined more than once in a 24-hour period for
a violation of section (3).

(b) If payment of any amounts due under this section is not received by or before the due
date, a penalty shall be added as provided by the Mayor through rulemaking.

(c) A violation of this act shall be a civil infraction for purposes of the Department of
Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985 (D.C.
Law 6-42; D.C. Official Code § 2-1801.01 et seq.) (“Civil Infractions Act”). Civil fines,
penalties, and fees may be imposed as sanctions for any infraction of the provisions of this act, or
the rules issued under authority of this act, pursuant to the Civil Infractions Act. Adjudication of
any infractions shall be pursuant to the Civil Infractions Act.
(d) The enforcement of this act shall be administered by the Director of the District
Department of the Environment.

Sec. 7. Rules.

Pursuant to Title I of the District of Columbia Administrative Procedure Act, approved
October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 et seq.), the Mayor shall issue rules
to implement the provisions of this act within 180 days of its effective date.

Sec. 8. Fiscal impact statement.

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

Sec. 9. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the
Mayor, action by the Council to override the veto), a 30-day period of Congressional review as
provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
24, 1973 (87 Stat.813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
Columbia Register.