


**COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT
COMMITTEE REPORT**

1350 Pennsylvania Avenue, NW, Washington, DC 20004

TO: All Councilmembers

FROM: Councilmember Charles Allen 
Chair, Committee on Transportation and the Environment

DATE: March 28, 2023

SUBJECT: Report on Bill 25-168, the “Pride Plates Amendment Act of 2023”

The Committee on Transportation and the Environment, to which Bill 25-168, the “Bill 25-168, the “Pride Plates Amendment Act of 2023” was referred, reports favorably thereon with and recommends approval by the Council.

CONTENTS

I.	Background and Need.....	1
II.	Legislative Chronology.....	3
III.	Position of the Executive.....	4
IV.	Comments of Advisory Neighborhood Commissions.....	4
V.	Summary of Testimony.....	4
VI.	Impact on Existing Law.....	5
VII.	Fiscal Impact.....	5
VIII.	Section-by-Section Analysis.....	6
IX.	Committee Action.....	6
X.	Attachments.....	6

I. BACKGROUND AND NEED

On February 15, 2023, Bill 25-168, the “Pride Plates Amendment Act of 2023,” was introduced by Councilmembers Robert White, Allen, McDuffie, Parker, Frumin, Gray, Lewis George, Pinto, and Henderson. As introduced this bill would amend the Office of Gay, Lesbian, Bisexual, and Transgender Affairs Act of 2006 to establish a new special purpose fund to support programs that promote the welfare of the lesbian, gay, bisexual, transgender, and questioning (“LGBTQ”) community; and to amend the District of Columbia Revenue Act of 1937 to direct the Mayor to create LGBTQ Pride motor vehicle identification tags to support said fund. The Committee on Transportation and the Environment held a public hearing on Bill 24-824, the “Pride Plates Amendment Act of 2022,” on July 13, 2022. Bill 25-168 is substantially similar to Bill 24-824, and, therefore, pursuant to Council Rule 501(a)(2), the hearing record for Bill 25-168 is incorporated into this report.

The Department of Motor Vehicles (“DMV”) currently offers a range of specialty license plates, also known as motor vehicle identification tags, that elevate shared DC values and, in some

cases, help residents channel their enthusiasm for those values into specific government activity.¹ In the face of a disturbing national trend of political persecution of transgender, nonbinary, intersex, two-spirit, queer, lesbian, gay, bisexual, same-gender-loving, questioning, and other gender and sexual minority individuals,² this bill would reaffirm our government’s dedication to our LGBTQ residents and visitors. It would also give our motorists an opportunity to direct small but meaningful recurring contributions to the Office of Gay, Lesbian, Bisexual, and Transgender Affairs (“OLGBTQA”), which OLGBTQA would use to support programs that promote the welfare of the LGBTQ community. OLGBTQA provides grants to support housing, shelter, asylum, youth services, arts, and other programs through local organizations such as the Wanda Alston Foundation, the DC Center for the LGBT Community, and the Latin American Youth Fund.³

When marking up a similar version of this bill last year, the Committee on Government Operations and Facilities considered the legal questions surrounding what constitutes political speech with messages on motor vehicles and whether it is appropriate for the District to support certain causes. The committee noted that:

Under longstanding U.S. Supreme Court precedent, governments are allowed to decide the content of their own speech. “It is not easy to imagine how government could function if it lacked the freedom to select the messages it wishes to convey.”⁴ In 2015, the Court held that even though the Texas Department of Motor Vehicles Board had accepted a wide range of proposed license plate designs from non-governmental groups, it was permitted to reject the Texas Division of the Sons of Confederate Veterans’ proposed design incorporating a Confederate flag.⁵ The Court has reiterated its reasoning in that case even after recent shifts in ideological composition.⁶ In the 2015 case, the Court held that rejecting license plate designs

¹ For example, the DMV offers tags that fund projects restoring and protecting the Anacostia River, pedestrian and bicycle safety, and breast cancer prevention and treatments. See DC Dep’t of Motor Veh., *Specialty Vehicle Tags*, (last visited March 26, 2023), <https://dmv.dc.gov/service/specialty-vehicle-tags>.

² In the first weeks of January, reportedly more than 100 bills had been introduced in state legislatures targeting the LGTBQ community—from limiting access to gender-affirming care for transgender people to outlawing drag shows. See Jo Yurcaba, “With over 100 anti-LGBTQ bills before state legislatures in 2023 so far, activists say they’re ‘fired up’” NBC, Jan. 14, 2023, <https://www.nbcnews.com/nbc-out/out-politics-and-policy/100-anti-lgbtq-bills-state-legislatures-2023-far-activists-say-fired-rcna65349>; Nat’l Ed. Ass’n, *What You Need to Know about Florida’s ‘Don’t Say Gay’ Law*, <https://www.nea.org/sites/default/files/2022-06/FL%20Dont%20Say%20Gay%20KYR%20-%20Updated2022.06.pdf> [In particular, in 2022, the Florida legislature has approved legislation intended to limit discussion of sexual orientation and gender identity in certain grades, and the governor reportedly is seeking to expand the law to all grades this year]; See also Anthony Izaguirre, “DeSantis to expand ‘Don’t Say Gay’ law to all grades,” AP, Mar. 23, 2023, <https://apnews.com/article/dont-say-gay-desantis-florida-gender-d3a9c91f4b5383a5bf6df6f7d8ff65b6>.

³ Robert C. White, Jr., “Report on B24-0824, the ‘Pride Plates Amendment Act of 2022’” at 3 (Sept. 22, 2022), https://lirms.dccouncil.gov/downloads/LIMS/49664/Committee_Report/B24-0824-Committee_Report1.pdf.

⁴ *Walker v. Tex. Div., Sons of Confederate Veterans, Inc.*, 576 U.S. 200, 208 (2015) (quoting *Pleasant Grove City v. Summum*, 555 U.S. 460, 468 (2009) (cleaned up)).

⁵ *Walker*, 576 U.S. at 203-04.

⁶ See, e.g., *Shurtleff v. City of Bos.*, 142 S. Ct. 1583, 1592 (2022) (opinion of Justices Breyer, Roberts, Sotomayor, Kagan, Kavanaugh, and Barrett, applying the *Walker* test to conclude that, unlike Texas’s license plate program, a

was not an act of impermissible viewpoint discrimination in violation of the First Amendment. Rather, due to the level of control that the Texas government retained over the content of specialty license plate designs, the plates were held to be a form of government speech. Notably, the Texas government offered not only license plates with messages mandated by the legislature, but also license plates with messages initially proffered by private groups; the Court held that even the latter category did not constitute a “forum” that had to accommodate a range of private viewpoints. We, as a government, control the content of license plates and treat them as a form of government speech, not a forum for private speech. Nothing in B24-0824 would diminish that. We can and should engage in government speech that promotes the well-being of LGBTQ people.”⁷

The Committee on Transportation and Environment incorporates this analysis and agrees that printing tags supporting the LGBTQ community is permissible government speech. Furthermore, the Committee on Transportation and Environment incorporates and adopts the discussion offered by the Committee on Government Operations and Facilities in its report on the importance of showing continued support for the LGBTQ community and acknowledging the District government’s long-standing support for the LGBTQ community, arguing the following in its report:

“The District of Columbia is home to more LGBTQ people per capita than any US state, and our local government’s official support for LGBTQ people is well established...[And] although the District government has a long record of outspoken support for LGBTQ people, distinctive harms and inequities against LGBTQ people persist. State lawmakers in many parts of the country have recently intensified their efforts to harm LGBTQ people, especially transgender people, including by depriving them of medically necessary care, shutting them out of restrooms and recreational opportunities, depriving them of government-funded supports for expanding their families, withholding identification documents that reflect their names and genders, exposing them to harmful forms of so-called counseling, and erasing their histories and artistic works from libraries and school curricula.⁸ Meanwhile, national data demonstrate that anti-LGBTQ bias, neglect, and systematic disinvestment continue to impede LGBTQ people’s well-being, with significant negative impacts observable in homelessness, [the] prevalence of undertreated illnesses, substance use disorders, youth suicidality, elder social isolation, and other phenomena.”⁹

Boston government practice of allowing all groups to raise their own flags on a municipal flagpole constituted a public forum that had to accommodate a religious group’s flag, notwithstanding the Establishment Clause).

⁷ White, *supra* note 3, at 4.

⁸ See Amer. Civ. Liberties Union, “Legislation Affecting LGBTQ Rights Across the Country” (last visited August 2, 2022), <https://www.aclu.org/legislation-affecting-lgbtq-rights-across-country> (collecting over 180 state-level proposals).

⁹ White, *supra* note 3, at 1; See, e.g., US Office of Disease Prevention and Health Promotion, “Lesbian, Gay, Bisexual, and Transgender Health” (last visited August 2, 2022), <https://www.healthypeople.gov/2020/topics-objectives/topic/lesbian-gay-bisexual-and-transgender-health>.

This legislation is but one step in a necessary string of actions that will allow the District government and its residents to reaffirm support for the LGBTQ community and to ensure that we show that that support is reflected in our values as a city. The Committee recommends approval of this legislation to show that, as the District of Columbia, we stand with our LGBTQ residents resolutely and showcase our pride in this community. Moving this legislation forward today will also allow the Council, as it considers the Fiscal Year 2024-2027 budget, to provide authority for the OLGBTQ to use immediately any funds that accumulate from the purchase of LGBTQ Pride Plates in Fiscal Year 2024.

II. LEGISLATIVE CHRONOLOGY

- May 24, 2022 Bill 24-824, the “Pride Plates Amendment Act of 2022,” is introduced by Councilmembers Robert C. White, Jr., Charles Allen, Christina Henderson, Brooke Pinto, Elissa Silverman, Vincent C. Gray, Janeese Lewis George, Brianne K. Nadeau in the Office of the Secretary.
- June 7, 2022 Bill 24-824 is referred to the Committee on Government Operations and Facilities, the Committee on Transportation and the Environment, and the Committee of the Whole.
- June 10, 2022 Notice of Intent to Act on Bill 24-824 is published in the *District of Columbia Register*.
- June 10, 2022 Notice of Public Hearing on Bill 24-824 is published in the *District of Columbia Register*.
- July 13, 2022 Public Hearing on Bill 24-824 is held by the Committee on Transportation and the Environment.
- September 22, 2022 Consideration and vote on Bill 25-168 is held by the Committee on Government Operations and Facilities.
- February 28, 2023 Bill 25-168, the “Pride Plates Amendment Act of 2023,” is introduced by Councilmembers Robert White, Zachary Parker, Brooke Pinto, Janeese Lewis George, Charles Allen, Kenyan McDuffie, Christina Henderson, Vincent Gray, and Matthew Frumin in the Office of the Secretary.
- March 7, 2023 Bill 25-168 is referred to the Committee on Transportation and the Environment.
- March 10, 2023 Notice of Intent to Act on Bill 25-168 is published in the *District of Columbia Register*.
- March 28, 2023 Consideration and vote on Bill 25-168 is held by the Committee on Transportation and the Environment.

III. POSITION OF THE EXECUTIVE

In hearing testimony, DMV Director Gabriel Robinson expressed support for B24-0824 as proposed. Director Robinson explained that amounts generated from specialty license plate sales vary depending on the level of interest on the part of the public, which typically builds over time as residents become aware of new license plate options, which are usually publicized in newsletters, social media, and other awareness campaigns. He also noted that DMV relies on drivers seeing the plate on other vehicles.

Director Robinson responded to questions about whether establishing a program of selling license plates with some “political messages” but not others, such as “pro-life,” would constitute an unconstitutional “viewpoint discrimination” under the First Amendment to the United States Constitution. In his response, he noted that the District already has the prerogative to dictate what appears on license plates, which may include political messages such as “no taxation without representation.”

Should the legislation become law, Director Robinson explained that an official license plate design expressing support for the LGBTQ community would be a government message. Director Robinson said clear guidance exists regarding what can and cannot be included regarding individual, personalized license plates and some specialty plates. Political messages are and will remain excluded from this content.

IV. COMMENTS OF ADVISORY NEIGHBORHOOD COMMISSIONS

The Committee received no comments or written statements for the hearing record from Advisory Neighborhood Commissions.

V. SUMMARY OF TESTIMONY

On July 13, 2022, the Committee on Transportation and the Environment held a public hearing on 8 measures, including B24-0824, the “Pride Plates Amendment Act of 2022. A video recording of the public hearing is available online at oct.dc.gov. Pursuant to Council rule 407(c), this Committee is relying on the record of that hearing in lieu of holding a separate hearing. The hearing record remained open until the close of business on July 27, 2022. Director Robinson testified on behalf of the executive and expressed support. No other testimony regarding B24-0824 was offered during the hearing or in writing to this committee prior to the close of the record.

VI. IMPACT ON EXISTING LAW

Section 2 would amend the Office of Gay, Lesbian, Bisexual, and Transgender Affairs Act of 2006 (D.C. Law 15-89; D.C. Official Code § 2-1381 et seq.) by adding a new section (“Sec. 4b”) that establishes a non-lapsing fund called the Office of Lesbian, Gay, Bisexual, Transgender,

and Questioning Affairs Fund, specifies its permitted uses, and requires an annual report on its revenues and activities.

Section 3 would amend the District of Columbia Revenue Act of 1937 (50 Stat. 679; D.C. Official Code § 50-1501.01 et seq.) by adding a new section (“Sec. 2n”) that directs the Mayor to design and make available LGBTQ Pride license plates, states initial fee amounts, and directs fee payments into the new fund.

VII. FISCAL IMPACT

According to the March 27, 2023, Fiscal Impact Statement by the Chief Financial Officer, funds are sufficient in the FY23 through FY26 budget and financial plan to implement Bill 25-168.

VIII. RACIAL EQUITY IMPACT ASSESSMENT

Pursuant to Rule 311(b), this bill does not require a racial equity impact assessment from the Council Office on Racial Equity.

IX. SECTION-BY-SECTION ANALYSIS

<u>Section 1</u>	States the short title of Bill 25-168.
<u>Section 2</u>	Establishes a new, non-lapsing fund known as the Office of Lesbian, Gay, Bisexual, Transgender, and Questioning Affairs Fund; directs that monies from the sale of LGBTQ Pride license plates be deposited into such fund; directs the Office of LGBTQ Affairs to use the fund to support programs that promote the welfare of the LGBTQ community; and requires annual reports on the size and uses of the fund.
<u>Section 3</u>	Directs the Mayor to design and offer LGBTQ Pride license plates; sets fee amounts for motorists to obtain and maintain such license plates, with permission for the Mayor to update such amounts by rule; directs the fee amounts into the new fund established in section 2.
<u>Section 4</u>	Fiscal Impact Statement.
<u>Section 5</u>	Declares the effective date by stating the standard 30-day Congressional review language.

IX. COMMITTEE ACTION

On March 28, 2023, the Committee met to consider Bill 24-168, the “Pride Plates Amendment Act of 2022.” The meeting was called to order at 11:34 a.m., and Bill 25-168 was item 2 on the agenda. After ascertaining a quorum (Chairperson Allen, and Councilmembers

Henderson and Frumin), Chairperson Allen moved the committee print and report for Bill 25-168 with leave for staff to make technical, conforming, and editorial changes. After an opportunity for further discussion, the voice vote on the committee print and report was 3-0 (Chairperson Allen, and Councilmembers Henderson and Frumin voted aye; 0 nay). After an opportunity for further discussion, the roll call vote on the committee print and report, en bloc, was 3 (Chairperson Allen, and Councilmembers Henderson and Frumin voted aye; 0 nay). The meeting adjourned at 11:40 a.m.

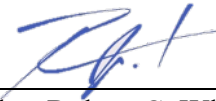
X. ATTACHMENTS

- (A) Bill 25-168 as introduced
- (B) Hearing Record for B24-824
- (C) Fiscal Impact Statement for Bill 25-168
- (D) Legal Sufficiency Determination for Bill 25-168
- (E) Committee Print for Bill 25-168
- (F) Committee Report for B24-824

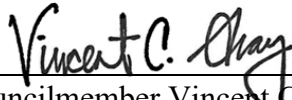
ATTACHMENT A

1 

2 Councilmember Charles Allen



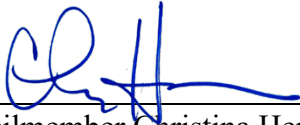
Councilmember Robert C. White, Jr.

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6 Councilmember Vincent C. Gray



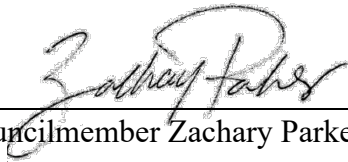
Councilmember Kenyan R. McDuffie

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11 Councilmember Christina Henderson




Councilmember Brooke Pinto

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15 Councilmember Zachary Parker



Councilmember Janeese Lewis George

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Councilmember Matthew Frumin

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25 A BILL

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28 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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30
31 To amend the Office of Gay, Lesbian, Bisexual, and Transgender Affairs Act of 2006 to
32 establish a fund to support programs that promote the welfare of the lesbian, gay,
33 bisexual, transgender, and questioning (LGBTQ) community; and to amend the District
34 of Columbia Revenue Act of 1937 to direct the Mayor to create LGBTQ Pride motor
35 vehicle identification tags to support said fund.

36
37 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
38 act may be cited as the “Pride Plates Amendment Act of 2023”.

39 Sec. 2. The Office of Gay, Lesbian, Bisexual, and Transgender Affairs Act of 2006,
40 effective April 4, 2006 (D.C. Law 15-89; D.C. Official Code § 2-1381 et seq.) is amended by
41 adding a new section 4b to read as follows:

42 “Sec. 4b. Office of Lesbian, Gay, Bisexual, Transgender, and Questioning Affairs Fund.

43 “(a) There is established an Office of Lesbian, Gay, Bisexual, Transgender, and

44 Questioning Affairs Fund (“Fund”).

45 “(b) Monies received from grants, donations, and fees received by the Department of

46 Motor Vehicles pursuant to section 2m(b)(1) of the District of Columbia Revenue Act of 1937,

47 effective ___ (Bill 25-___; D.C. Official Code 50-1501.02m), shall be deposited into the Fund.

48 “(c) Money in the Fund shall be used by the Office to support programs that promote the

49 welfare of the lesbian, gay, bisexual, transgender, and questioning community.

50 “(d)(1) The money deposited into the Fund but not expended in a fiscal year shall not

51 revert to the unassigned fund balance of the General Fund of the District of Columbia at the end

52 of a fiscal year, or at any other time.

53 “(2) Subject to authorization in an approved budget and financial plan, any funds

54 appropriated in the Fund shall be continually available without regard to fiscal year limitation.

55 “(e) The Mayor shall report annually to the Council on the revenues and activities of the

56 Fund.”.

57 Sec. 3. Title IV of the District of Columbia Revenue Act of 1937, approved August 17,

58 1937 (50 Stat. 679; D.C. Official Code § 50-1501.01 *et seq.*) is amended by adding a new section

59 2m to read as follows:

60 “Sec. 2m. Issuance of LGBTQ Pride motor vehicle identification tags.

61 “(a) The Mayor shall design and make available for issue one or more LGBTQ Pride

62 motor vehicle identification tags demonstrating support for the LGBTQ community.

63 “(b)(1) A resident ordering an LGBTQ Pride tag shall pay a one-time application fee and
64 a display fee each year thereafter. The application fee shall be \$25, and the display fee shall be
65 \$20, or such other amount as may be established by the Mayor by rule.

66 “(2) The application fee and annual display fee shall be deposited into the Office
67 of Lesbian, Gay, Bisexual, Transgender, and Questioning Affairs Fund established by section 4b
68 of the Office of Lesbian, Gay, Bisexual, and Transgender Affairs Act of 2006, effective ___ (Bill
69 25-___; D.C. Official Code § 2-1385).”.

70 Sec. 4. Fiscal impact statement.

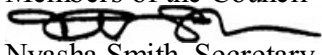
71 The Council adopts the fiscal impact statement in the committee report as the fiscal
72 impact statement required by section 4a of the General Legislative Procedures Act of 1975,
73 approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

74 Sec. 5. Effective date.

75 This act shall take effect following approval by the Mayor (or in the event of veto by the
76 Mayor, action by the Council to override the veto), a 30-day period of congressional review as
77 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
78 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
79 Columbia Register.

COUNCIL OF THE DISTRICT OF COLUMBIA
1350 Pennsylvania Avenue, N.W.
Washington D.C. 20004

Memorandum

To : Members of the Council
From :  Nyasha Smith, Secretary to the Council
Date : Monday, March 6, 2023
Subject : Referral of Proposed Legislation

Notice is given that the attached proposed legislation was introduced in the Office of the Secretary on Tuesday, February 28, 2023. Copies are available in Room 10, the Legislative Services Division.

TITLE: "Pride Plates Amendment Act of 2023", B25-0168

INTRODUCED BY: Councilmembers R. White, McDuffie, Pinto, Lewis George, Frumin, Allen, Gray, Henderson, and Parker

The Chairman is referring this legislation to the Committee on Transportation and the Environment.

Attachment
cc: General Counsel
Budget Director
Legislative Services

ATTACHMENT B

Council of the District of Columbia Committee on Transportation and the Environment

Hearing Record

1350 Pennsylvania Avenue, N.W., Suite 108, Washington, DC 20004

To: Nyasha Smith, Secretary to the Council

From: Mary M. Cheh, Chairperson
Committee on Transportation and the Environment



Date: August 3, 2022

Subject: PR24-763, the District of Columbia Water and Sewer Authority Board of Directors Howard Gibbs Confirmation Resolution of 2022; PR24-764, the District of Columbia Water and Sewer Authority Board of Directors Rachna Butani Bhatt Confirmation Resolution of 2022; PR24-765, the District of Columbia Water and Sewer Authority Board of Directors Dr. Joe Leonard Confirmation Resolution of 2022; PR24-766, the Food Policy Council Karyn Bigelow Confirmation Resolution of 2022; B24-654, the Washington Wizards Motor Vehicle Identification Tags Amendment Act of 2022; B24-657, the Behavioral Health Awareness Motor Vehicle Identification Tags Amendment Act of 2022; B24-824, the Pride Plates Amendment Act of 2022; and B24-837, the Ignition Interlock Program Amendment Act of 2022

On July 13, 2022, the Committee on Transportation and the Environment held a public hearing on “PR24-763, the District of Columbia Water and Sewer Authority Board of

Directors Howard Gibbs Confirmation Resolution of 2022; PR24-764, the District of Columbia Water and Sewer Authority Board of Directors Rachna Butani Bhatt Confirmation Resolution of 2022; PR24-765, the District of Columbia Water and Sewer Authority Board of Directors Dr. Joe Leonard Confirmation Resolution of 2022; PR24-766, the Food Policy Council Karyn Bigelow Confirmation Resolution of 2022; B24-654, the Washington Wizards Motor Vehicle Identification Tags Amendment Act of 2022; B24-657, the Behavioral Health Awareness Motor Vehicle Identification Tags Amendment Act of 2022; B24-824, the Pride Plates Amendment Act of 2022; and B24-837, the Ignition Interlock Program Amendment Act of 2022

”. Notice of this public hearing was published in the *District of Columbia Register* on June 17, 2022 and the record remained open until July 27 2022. A video recording of the hearing can be viewed online at oct.dc.gov

The following witnesses submitted testimony for the record:

- Ward 7 Commissioners
- Karya Bigelow
- Cathy Jerome
- WRAP

ATTACHMENTS

- (A) Witness List
- (B) Hearing Notice
- (C) Copies of written testimony

COUNCIL OF THE DISTRICT OF COLUMBIA

COMMITTEE ON
TRANSPORTATION & THE ENVIRONMENT

MARY M. CHEH, CHAIR

NOTICE OF PUBLIC HEARING ON

**PR24-763, the District of Columbia Water and Sewer Authority Board of Directors
Howard Gibbs Confirmation Resolution of 2022;**

**PR24-764, the District of Columbia Water and Sewer Authority Board of Directors
Rachna Butani Bhatt Confirmation Resolution of 2022;**

**PR24-765, the District of Columbia Water and Sewer Authority Board of Directors
Dr. Joe Leonard Confirmation Resolution of 2022;**

PR24-766, the Food Policy Council Karyn Bigelow Confirmation Resolution of 2022;

**B24-654, the Washington Wizards Motor Vehicle Identification Tags Amendment
Act of 2022;**

**B24-657, the Behavioral Health Awareness Motor Vehicle Identification Tags
Amendment Act of 2022;**

B24-824, the Pride Plates Amendment Act of 2022; and

B24-837, the Ignition Interlock Program Amendment Act of 2022

Wednesday, July 13, 2022, from 10:00 a.m. to 3:00 p.m.

Councilmember Cheh's Facebook Page (facebook.com/cmmarycheh)

DC Council Website (dccouncil.us)

Council Channel 13 (Cable Television Providers)

Office of Cable Television Website (entertainment.dc.gov)

PUBLIC WITNESS

1. Cathy Jerome, Sr. Director of Marketing for the Washington Wizards

GOVERNMENT WITNESS

1. Gabriel Robinson, Director of the Department of Motor Vehicles

NOMINEES

1. Howard Gibbs, Water and Sewer Authority
2. Rachna Butani Bhatt, Water and Sewer Authority
3. Karyn Bigelow, Food Policy Council

COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT
MARY M. CHEH, CHAIR

NOTICE OF PUBLIC HEARING ON

- PR24-763, the District of Columbia Water and Sewer Authority Board of Directors Howard Gibbs Confirmation Resolution of 2022;**
PR24-764, the District of Columbia Water and Sewer Authority Board of Directors Rachna Butani Bhatt Confirmation Resolution of 2022;
PR24-765, the District of Columbia Water and Sewer Authority Board of Directors Dr. Joe Leonard Confirmation Resolution of 2022;
PR24-766, the Food Policy Council Karyn Bigelow Confirmation Resolution of 2022;
B24-654, the Washington Wizards Motor Vehicle Identification Tags Amendment Act of 2022;
B24-657, the Behavioral Health Awareness Motor Vehicle Identification Tags Amendment Act of 2022;
B24-824, the Pride Plates Amendment Act of 2022; and
B24-837, the Ignition Interlock Program Amendment Act of 2022

Wednesday, July 13, 2022, from 10:00 a.m. to 3:00 p.m.
Councilmember Cheh's Facebook Page ([facebook.com/cmmarycheh](https://www.facebook.com/cmmarycheh))
DC Council Website ([dccouncil.us](https://www.dccouncil.us))
Council Channel 13 (Cable Television Providers)
Office of Cable Television Website ([entertainment.dc.gov](https://www.entertainment.dc.gov))

On Wednesday, July 13, 2022 Councilmember Mary M. Cheh, Chairperson of the Committee on Transportation and the Environment, will hold a public roundtable on PR24-0763, the District of Columbia Water and Sewer Authority Board of Directors Howard Gibbs Confirmation Resolution of 2022; PR24-0764, the District of Columbia Water and Sewer Authority Board of Directors Rachna Butani Bhatt Confirmation Resolution of 2022; PR24-0765, the District of Columbia Water and Sewer Authority Board of Directors Dr. Joe Leonard Confirmation Resolution of 2022; PR24-0766, the Food Policy Council Karyn Bigelow Confirmation Resolution of 2022; B24-654, the Washington Wizards Motor Vehicle Identification Tags Amendment Act of 2022; B24-657, the Behavioral Health Awareness Motor Vehicle Identification Tags Amendment Act of 2022; B24-824, the Pride Plates Amendment Act of 2022; and B24-837, the Ignition Interlock Program Amendment Act of 2022. The hearing will begin at 10:00 a.m. and will be broadcast live on DC Council Channel 13 and streamed live at www.dccouncil.us, [facebook.com/cmmarycheh](https://www.facebook.com/cmmarycheh), and [entertainment.dc.gov](https://www.entertainment.dc.gov).

PR24-0763 would confirm Howard Gibbs as a member of the District of Columbia Water and Sewer Authority Board of Directors. PR24-0764 would confirm Rachna Butani Bhatt as a member of the District of Columbia Water and Sewer Authority Board of Directors. PR24-0765 would confirm Dr. Joe Leonard as a member of the District of Columbia Water and

Sewer Authority Board of Directors. PR24-0766 would confirm Karyn Bigelow as a member of the Food Policy Council.

B24-654, B24-657, and B24-824 would each authorize the Mayor to design and issue a motor vehicle identification tag demonstrating support for the Washington Wizards, behavioral health awareness, and the LGBTQ community, respectively.

B24-837 expands the mandatory use of an ignition interlock device—currently required by any District of Columbia licensee who has committed a drinking and driving offense in a United States jurisdiction—to individuals who violated such laws on military bases or in a foreign country. It also requires District of Columbia licensees who refuse to take a chemical test, as required by law, to enter the ignition interlock program.

Due to the imminent threat to the health, safety, and welfare of District residents posed by the spread of the coronavirus, the Council has adapted the methods by which committees may hold public hearings and roundtables to comply with social distancing, large public gatherings, and other public health and safety requirements. Therefore, this public roundtable will be held remotely through the Zoom teleconferencing platform.

The Committee invites the public to testify or to submit written testimony, which will be made a part of the official record. Anyone wishing to testify should contact Ms. Aukima Benjamin, Staff Assistant to the Committee on Transportation and the Environment, at least 24 hours prior to the start of the roundtable at (202) 724-8062 or via e-mail at abenjamin@dccouncil.us; witnesses will receive information on how to join the roundtable at that time. Witnesses who anticipate needing language interpretation, or requiring sign language interpretation, are requested to inform the Committee of the need as soon as possible but no later than five business days before the roundtable, which is July 6, 2022. We will make every effort to fulfill timely requests; however, requests received in less than five business days may not be fulfilled and alternatives may be offered.

If you are unable to testify at the public roundtable, written statements are encouraged and will be made a part of the official record; testimony may be submitted to abenjamin@dccouncil.us. The public may also leave voicemail testimony for the Committees by calling (202) 350-1344, which will be transcribed and made part of the roundtable record. Members of the public leaving voicemail testimony should speak slowly and clearly, state their full name and the organization they represent, if any, and note the bill, roundtable, or agency that they are submitting testimony on. Members of the public are asked to not provide an e-mail, phone number, or other personal contact information in voicemail testimony.

The record will close at the end of the business day on July 27, 2022.



GOVERNMENT OF THE DISTRICT OF COLUMBIA ADVISORY NEIGHBORHOOD COMMISSION 7F

7F Commissioners

Commissioner
Tyrell M. Holcomb, 7F01
Chairman

Commissioner
Terrance Hunter, 7F02
Economic Development, Chair

Commissioner
Whitney Weston, 7F03
Secretary
Public Safety, Chair

Commissioner
Racquel Codling, 7F04
Transportation Public Space,
Chair

Commissioner
Brittany N. Hughes, 7F05
Vice-Chair
Community Engagement, Chair

Commissioner
Shirley Thompson-Wright,
7F06

Commissioner
Joel Caston, 7F07
Treasurer
Returning Citizens Affairs,
Chair

July 19, 2022

Councilmember Mary Cheh,

As a Commissioner of Advisory Neighborhood Commission 7F and a Ward 7 resident, I'm writing to express my support for Bill B24-654, an act to authorize motor vehicle identification tag demonstrating support for the Washington Wizards.

The Washington Wizards are heavily involved in community engagement in Ward 7. On many occasions, the Wizards have invited students in 7F to their games free-of-charge. Moreover, the Washington Wizards have been fully supportive of black owned businesses East of the River.

This legislation would allow our community to show acknowledgement to these kindly acts and a team that has always put community first.

Best Regards

Brittany N. Hughes
Commissioner, Advisory Neighborhood Commission 7F
Commissioner, 7F05

Good afternoon Chairwoman Cheh and members of the Committee on Transportation and the Environment. My name is Cathy Jerome and I am Senior Director of Marketing for Washington Wizards. I am joined by Crispus Gordon, III Director of Government Relations and Community Affairs at Monumental Sports & Entertainment (MSE). Monumental Sports is one of the most innovative sports and entertainment companies in the country with one of the most diverse partnership groups in all of sports. MSE owns and operates five professional sports teams: the NBA Washington Wizards, the 2019 WNBA Champion Washington Mystics, NBA G League's Capital City Go-Go, NBA 2K League's Wizards District Gaming, and the 2018 NHL Stanley Cup Champion Washington Capitals. MSE also has controlling interest in the global esports franchise, Team Liquid. Monumental Sports & Entertainment owns and operates Capital One Arena in Washington, D.C., and manages the Entertainment and Sports Arena (ESA) located on the St. Elizabeth's East campus in Ward 8.

At MSE, we invest and innovate to consistently raise the game to deliver extraordinary experiences that will inspire and unite our community, our fans, and our people. Today, I am testifying in support of Bill 24-654, the "Washington Wizards Motor Vehicle Identification Tags Amendment Act of 2022," which authorizes the Mayor to design and issue motor vehicle identification tags that demonstrate support for the Wizards basketball team in the same manner as the Washington Capitals and Washington Mystics.

The Washington Wizards have played their home games at Capital One Arena (then known as the MCI Center and later the Verizon Center) since 1997, making them—along with the Capitals—currently the longest tenured sports team located in the District of Columbia. During this time, the team has had the opportunity to engage with the community both on and off the court. For example, during our most recent 2021-2022 season—as part of Black History

Month and our HBCU/Education Night, the Wizards and Mahogany Books, a Ward 8 based minority and woman owned business hosted a pop up shop in Capital One Arena where fans were able to purchase books throughout the game and learn more about the history of DC. Also, prior to our annual Women's Night on March 27th, we hosted a pre-game mixer event for our female fans to mingle with the women executives who are in leadership with Mystics and Wizards.

Furthermore, our foundation—which encompasses all of our teams— has provided more than \$3.75 million to 86 unique organizations such as Martha's Table, DC Central Kitchen and the Greater Washington Urban League since 2018; \$1.5 million of these funds has gone to organizations that work specifically in Ward 8.

We are proud to be here in our beloved city and we want to give our fans an opportunity to obtain license plates supporting our Washington Wizards just like our fans in Maryland are currently able to do now. I would like to thank you Chairwoman Cheh and the committee for allowing me to testify this afternoon and I am available to answer any questions that you may have.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
Food Policy Council**



Public Roundtable on

**PR24-0766, the “Food Policy Council Karyn Bigelow Confirmation Resolution
of 2022”**

Testimony of

Karyn Bigelow

**Before the
Committee on Transportation and the Environment
Council of the District of Columbia
The Honorable Mary M. Cheh, Chairperson**

July 13, 2022

10:00 am

Virtual Meeting Platform
The John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004

Good morning Councilmember Cheh and staff. Thank you for holding this hearing and thank you to Mayor Bowser for my nomination to the Food Policy Council. My name is Karyn Bigelow and as a native Washingtonian, I am honored for the opportunity to serve on the DC Food Policy Council. For years, I have done advocacy at the federal level. I welcome the opportunity to use my skills and talent to improve the city that I grew up in, where I reside, and that I love.

Since 2016, I have worked on federal policy related to domestic and global food security. Over the past few years, I have focused my work on the intersections of food security, sustainability, and climate change. I was pursuing a career to work on food security in general. However, I read the 2017 Food and Agriculture Organization (FAO) report that said that climate change threatens to put over 100 million people back into extreme poverty and subsequently hunger. Since 1990, the world has been able to cut world hunger in half, but climate change threatens to undo decades of great work. This is true in a global context, but if we are not proactive, this can be true in the United States, as well. I was shocked and baffled about why more people were not discussing this problem. After that, I changed the focus in my work and research to include climate change and sustainability, because I know that hunger and malnutrition cannot be eradicated without addressing climate change and how our food supply chains and food systems work.

Currently, I am a Co-Executive Director at Creation Justice Ministries, where our mission is to protect, restore, and rightfully share God's creation. I have been in this role since June 2021. Before my time at Creation Justice Ministries, I worked at Bread for the World in various roles. My last position at the organization was as a policy analyst, where I led the organization's portfolio and working group on climate change and food security. I am also currently pursuing a Master of Science in Global Food Security and Nutrition from the University of Edinburgh. I am focusing my studies on food security and sustainability and biodiversity issues. I have a Master of Divinity from Pittsburgh Theological Seminary and a B.A. in Social Relations and Policy from Michigan State University.

I am also a local beekeeper in DC and a member of the DC Beekeepers Association. My interest in beekeeping happened on a whim, but it has been a rewarding experience that I never imagined. Beekeeping has brought so much of my work to life and it is enriching, as beekeeping is both an act of food production and stewardship for the local environment. I plan to bring this perspective to the DC Food Policy Council as we work to make the District more sustainable in the food supply chain.

If confirmed to the DC Food Policy Council, I hope to work on and support multiple endeavors. Given my experience around food security and climate change, I believe I could bring the most value to the Sustainable Supply Chain committee. I am excited to support the

2022 goals and beyond:

- To convene farmers markets and expand to more locations, particularly in wards 5, 7, and 8.
- To track the implementation of DC laws pertaining to food and climate.
- To support the implementation of the Green Food Purchasing Act.
- To support DC's commitments under the Glasgow Food and Climate Declaration.

I also hope to use my divinity background to support future initiatives of the DC Food Policy Council to work with Black churches in the city. Churches are hubs of social capital, including skills and resources, that can help further sustainability in the city and decrease hunger in the city. Currently, at Creation Justice Ministries, I am working to engage with the heads of the major historically Black denominations. My hope is that this project in my professional work can also support the development and networking with local Black churches, as well.

Thank you for allowing me to speak today. I welcome the opportunity to serve my home city as we continue to make strides in DC to reduce hunger and build a resilient food system. I also welcome any questions you may have.

Executive Committee:

Patrick Burke, Chairman
Washington DC Police Foundation
Christopher Hennigh, Vice Chairman
Amesex, Retired Captain Arlington County Police Dept.
Linda Watkins, Secretary
Hiram Tice, Treasurer
James C. Fell, Treasurer
NRC of the University of Chicago
Gary Cohen, Immediate Past Chairman
Glory Days Gell

Directors:

Kevin Anderson
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Glory Days Gell
Officer Jayma Derbyshire
Montgomery County Department of Police
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Captain Alan Hanson
Frisco County Police Department
Rosa Hines
Pascal Weiss & Hines, PC
Chief David Huckler
Metropolitan Washington Airport Authority Police
Coral Hubner
Dobbie Jennings
Chesapeake Region Safety Council
Christopher Kanschak
Foundation for Advancing Alcohol Responsibility
Bernie Lucas
iHeartMedia
John Moulden
Transportation Safety Associates
John O'Donnell
Washington Area New Automobile Dealers Association
Madison Parker
National Capital Coalition to Prevent Underage Drinking
Hahnemann Robinson
George Washington University Hospital
Melissa Shear
Office of the Attorney General of the District of Columbia
Sergeant Terry Thorne
Metropolitan Police Department (D.C.)
Elizabeth Tobin
John Unkeland
Unkeland Management
Fred Valentine
Deputy Chief Wayne Vincent
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Lukia Weichbrod
Pony J. Weisbrod Unfinished Business
Lissa Weir
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Fox Institute
Mike Young
KFTO

Members:

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AAA Mid-Atlantic
Lori Anderson
Brendy Audahl
Foundation for Advancing Alcohol Responsibility
Steven Burns
Enterprise Holdings
Nick Champani
One Connect
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Colonel Maggie DeBoard
Chief, Team of Herndon Police Department
Nana Danker
Prince George's County Public Schools Office of Health Education
Elizabeth Emleyovine
Federal Motor Carrier Safety Administration
Russell Fennelly
Retired Captain, United States Park Police
Andrew Foix
Administrative Office of U.S. Courts
James Frank
WVSA, Retired
Douglas Garsler
Colonel, Wickham and Tait, LLP
Tom Garrison
Robyn Coos
Chief Mary Gavin
Falls Church Police Department
Jeannine Giroux
General Motors Public Policy Office
Michael Geese
Rodrick Howard
MADO Mid-Atlantic
Allan Kaufman
STAT
Leah Kelly
Brian Furman
Jill Kister
TEAM Coalition
Captain J. P. H. Klausel
Virginia State Police
Robert Krebs
Rudy Landon
Jeffrey Levy
Lieutenant Jeffrey Lockhart
London County Sheriff's Office
Molly Marston, MA, LPC
Safe Night LLC
Mary McAndrew
Alcoholic Beverage Control, Inc.
Lieutenant Jason Reith
Alexandria Police Department
Lieutenant Shawn Peck
Prince William County Police Department
Jeanne Reed
Thomas Roosevelt High School SADD Club
James Ryan
Constellation Brands
Jerry Sachs
Beary Scher
Policy Solutions LLC
Jon Schermann
Metropolitan Washington Council of Governments
Sandy Spivack
Family, Career and Community Leaders of America, Inc.
Julie Spivack
Restaurant Association Metropolitan Washington
Christopher Tavlanides
Capital Outback
Dr. Samaritan Tolliver, NRCC TC
District of Columbia Office of the Chief Medical Examiner
T. William Tower, III
Maryland State Police, Retired
Kirk Tavel
Constellation Brands
Chris Vendecchia
Glory Days Gell
Elizabeth Vornette
SADE

Kurt Erickson
WRAP President & CEO



WASHINGTON REGIONAL ALCOHOL PROGRAM

7700 Leesburg Pike, Suite 249 ■ Falls Church, VA 22043 ■ TEL 703.893.0461 ■ FAX 703.893.0465 ■ www.wrap.org ■ Email: wrap@wrap.org

July 26, 2022

Members of the Committee on Transportation and the Environment
Council of the District of Columbia
1350 Pennsylvania Avenue, NW
Washington, D.C. 20004

Re.: B24-837 – “Ignition Interlock Program Amendment Act of 2022”

Dear Councilmembers:

On behalf of the nonprofit Washington Regional Alcohol Program’s (WRAP) Board of Directors, staff, volunteers and the more than 700,000 District of Columbia residents we serve in the fight against drunk driving and underage drinking, I wanted to formally communicate to you WRAP’s unequivocal support for B24-837 – “Ignition Interlock Program Amendment Act of 2022” (introduced by Council Chairman Phil Mendelson at the request of District of Columbia Mayor Muriel Bowser).

Succinctly, B24-837 seeks to expand the universe of persons subject to the District’s Ignition Interlock System Program to include city residents convicted of driving under the influence of alcohol on U.S. military bases or in a foreign country.

With ignition interlock devices reducing “repeat offenses for driving while intoxicated by about 70-percent” (U.S. Centers for Disease Control) and that interlocks are proven to be “highly effective in allowing a vehicle to be started by sober drivers but not by alcohol-impaired drivers” (National Highway Traffic Safety Administration), B24-837 looks to simply ensure public safety by subjecting a greater proportion of applicable DUI offenders to the District’s interlock program.

NHTSA data (“Countermeasures That Work,” 2020) shows that “interlocks typically are used as a condition of probation for DWI offenders, to prevent them from driving while impaired by alcohol after their driver’s licenses have been reinstated.” The need for such in the District of Columbia is all too clear as 2020 NHTSA data shows that more than a quarter (29%) of the city’s traffic fatalities that year involved drunk drivers.

(continued)

A coalition of diverse interests using effective education, innovative programs and targeted advocacy to end alcohol-impaired driving and underage drinking in the Washington, DC metro area.

As a means of preventing future and repeat drunk driving, the nonprofit Washington Regional Alcohol Program strongly supports B24-837. To that end, we also thank you, in advance, for your consideration of favorably reporting this potentially lifesaving legislation.

Thank you, in advance, for your consideration. I may be directly reached with any questions at either 703-893-0461 or at kurt@wrap.org.

Cordially,

A handwritten signature in black ink, appearing to read "Kurt Erickson". The signature is fluid and cursive, with a prominent initial "K" and a long, sweeping underline.

Kurt Erickson
President

ATTACHMENT C

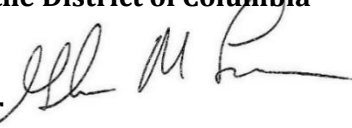
Government of the District of Columbia
Office of the Chief Financial Officer



Glen Lee
Chief Financial Officer

MEMORANDUM

TO: The Honorable Phil Mendelson
Chairman, Council of the District of Columbia

FROM: Glen Lee
Chief Financial Officer 

DATE: March 27, 2023

SUBJECT: Fiscal Impact Statement – Pride Plates Amendment Act of 2023

REFERENCE: Bill 25-168, Draft Committee Print as provided to the Office of Revenue Analysis on March 15, 2023

Conclusion

Funds are sufficient in the fiscal year 2023 through fiscal year 2026 budget and financial plan to implement the bill.

Background

The bill authorizes the Mayor to design and make available for issuance an LGBTQ Pride motor vehicle tag that demonstrates support for the lesbian, gay, bisexual, transgender, and questioning (LGBTQ) community. Residents must pay a \$25 application fee and a \$20 annual display fee for the LGBTQ Pride tag.

The bill also establishes the Office of Lesbian, Gay, Bisexual, Transgender, and Questioning Affairs Fund (Fund) to be managed by the Office of Lesbian, Gay, Bisexual, Transgender, and Questioning Affairs (Office). The Office will deposit into the Fund grants and donations and any application and display fees received from the Department of Motor Vehicles (DMV) for the issuance of an LGBTQ Pride tag. The Office can use the Fund's resources to support programs that promote the welfare of the LGBTQ community.

Financial Plan Impact

Funds are sufficient in the fiscal year 2023 through fiscal year 2026 budget and financial plan to implement the bill. The Mayor will design and offer for issuance the LGBTQ Pride tags and can absorb any costs within her existing budgeted resources.

The Honorable Phil Mendelson

FIS: Bill 25-168, "Pride Plates Amendment Act of 2023," Draft Committee Print as provided to the Office of Revenue Analysis on March 15, 2023

There are over 280,000 active vehicle tags registered in the District and less than five percent register their vehicles with a specialty or membership organization tag. The number of residents who are willing to pay additional fees and register their vehicles with a LGBTQ Pride tag is unknown. DMV will deposit any application and display fees for residents who choose the LGBTQ Pride tag into the Fund. The Mayor must initiate a budget action to spend any new revenues deposited into the Fund.

ATTACHMENT D



OFFICE OF THE GENERAL COUNSEL

Council of the District of Columbia
1350 Pennsylvania Avenue NW, Suite 4
Washington, DC 20004
(202) 724-8026

MEMORANDUM

TO: Councilmember Charles Allen

FROM: Nicole L. Streeter, General Counsel *NLS*

DATE: March 15, 2023

**RE: Legal sufficiency determination for Bill 25-168, the
Pride Plates Amendment Act of 2023**

The measure is legally and technically sufficient for Council consideration.

The bill would amend the Office of Gay, Lesbian, Bisexual, and Transgender Affairs Act of 2006 to establish a special fund to support programs that promote the welfare of the lesbian, gay, bisexual, transgender, and questioning community. The bill would also amend the District of Columbia Revenue Act of 1937 to require the Mayor to design and issue one or more LGBTQ Pride motor vehicle identification tags to promote the welfare of the lesbian, gay, bisexual, transgender, and questioning community.

I am available if you have any questions.

ATTACHMENT E

1 COMMITTEE ON TRANSPORTATION AND THE ENVIRONMENT
2 COMMITTEE PRINT
3 B25-168
4 March 28, 2023
5
6

7 A BILL
8
9

10 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
11
12

13 To amend the Office of Gay, Lesbian, Bisexual, and Transgender Affairs Act of 2006 to
14 establish a special fund to support programs that promote the welfare of the lesbian, gay,
15 bisexual, transgender, and questioning community; and to amend the District of
16 Columbia Revenue Act of 1937 to require the Mayor to design and issue one or more
17 LGBTQ Pride motor vehicle identification tags to promote the welfare of the lesbian,
18 gay, bisexual, transgender, and questioning community.
19

20 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
21 act may be cited as the “Pride Plates Amendment Act of 2023”.

22 Sec. 2. The Office of Gay, Lesbian, Bisexual, and Transgender Affairs Act of 2006,
23 effective April 4, 2006 (D.C. Law 16-89; D.C. Official Code § 2-1381 *et seq.*), is amended by
24 adding a new section 4b to read as follows:

25 “Sec. 4b. Office of Lesbian, Gay, Bisexual, Transgender, and Questioning Affairs Fund.

26 “(a) There is established as a special fund the Office of Lesbian, Gay, Bisexual,
27 Transgender, and Questioning Affairs Fund (“Fund”), which shall be administered by the Office
28 in accordance with subsection (c) of this section.

29 “(b) All fees collected pursuant to section 2n(b)(1) of Title IV of the District of Columbia
30 Revenue Act of 1937, as approved by the Committee on Transportation and the Environment on
31 DATE, 2023 (Committee print of Bill 25-168), shall be deposited into the Fund.

32 “(c) Money in the Fund shall be used by the Office to support programs that promote the
33 welfare of the lesbian, gay, bisexual, transgender, and questioning community.

34 “(d)(1) The money deposited into the Fund but not expended in a fiscal year shall not
35 revert to the unassigned fund balance of the General Fund of the District of Columbia at the end
36 of a fiscal year, or at any other time.

37 “(2) Subject to authorization in an approved budget and financial plan, any funds
38 appropriated in the Fund shall be continually available without regard to fiscal year limitation.

39 “(e) The Mayor shall report annually to the Council on the revenues and activities of the
40 Fund.”.

41 Sec. 3. Title IV of the District of Columbia Revenue Act of 1937, approved August 17,
42 1937 (50 Stat. 679; D.C. Official Code § 50-1501.01 *et seq.*), is amended by adding a new
43 section 2n to read as follows:

44 “Sec. 2n. Issuance of LGBTQ Pride motor vehicle identification tags.

45 “(a) The Mayor shall design and make available for issue one or more LGBTQ Pride
46 motor vehicle identification tags demonstrating support for the LGBTQ community.

47 “(b)(1) A resident ordering an LGBTQ Pride tag shall pay a one-time application fee and
48 a display fee each year thereafter. The application fee shall be \$25, and the display fee shall be
49 \$20, or such other amount as may be established by the Mayor by rule.

50 “(2) The application fee and annual display fee shall be deposited into the Office
51 of Lesbian, Gay, Bisexual, Transgender, and Questioning Affairs Fund, established by section 4b
52 of the Office of Lesbian, Gay, Bisexual, and Transgender Affairs Act of 2006, as approved by
53 the Committee on Transportation and the Environment on DATE, 2023 (Committee print of Bill
54 25-168).”.

55 Sec. 4. Fiscal impact statement.

56 The Council adopts the fiscal impact statement in the committee report as the fiscal
57 impact statement required by section 4a of the General Legislative Procedures Act of 1975,
58 approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

59 Sec. 5. Effective date.

60 This act shall take effect following approval by the Mayor (or in the event of veto by the
61 Mayor, action by the Council to override the veto), a 30-day period of congressional review as
62 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
63 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
64 Columbia Register.

ATTACHMENT F

COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE ON GOVERNMENT OPERATIONS AND FACILITIES

ROBERT C. WHITE, JR., CHAIR

MEMORANDUM

TO: Members of the Council of the District of Columbia
FROM: Councilmember Robert C. White, Jr.,
Chair, Committee on Government Operations and Facilities
DATE: September 22, 2022
RE: Report on B24-0824, the “Pride Plates Amendment Act of 2022”



The Committee on Government Operations and Facilities, to which section 2 of B24-0824, the “Pride Plates Amendment Act of 2022,” was referred, reports favorably thereon and recommends its approval by the Council of the District of Columbia.

CONTENTS

Background and Need..... 1
Purpose and Effect 3
Chronology of Action 4
Position of the Executive 5
Recommendations of Advisory Neighborhood Commissions..... 5
Summary of Witness Testimony..... 5
Impact on Existing Law 6
Fiscal Impact..... 6
Racial Equity Impact..... 6
Section-by-Section Analysis..... 6
Summary of Committee Mark-Up 7
List of Attachments..... 8

BACKGROUND AND NEED

This bill, including the section referred to this Committee, is needed to emphasize the District government’s commitment to protecting and affirming its transgender, nonbinary, intersex, two-spirit, queer, lesbian, gay, same-gender-loving, pansexual, bisexual, asexual, and other sexual and gender minority (LGBTQ)¹ residents and visitors, and to provide District motorists with an opportunity to provide financial support to local programs supporting LGBTQ people.

The District of Columbia is home to more LGBTQ people per capita than any US state, and our local government’s official support for LGBTQ people is well established. Early in the modern home rule era, the Council passed the Human Rights Act of 1977, which stated “the intent of the Council of the District of Columbia . . . to secure an end . . . to discrimination . . . based on . . . sexual orientation” The Human Rights Clarification Amendment Act of 2005 added

¹ For consistency with existing law, the committee print indicates that “LGBTQ” means “lesbian, gay, bisexual, transgender, and questioning.” The legislation is intended to support the programming of the Office of LGBTQ Affairs broadly and the Committee does not intend to endorse a restrictive understanding of the LGBTQ community.

gender identity and expression as protected characteristics. By 2004, the Executive Office of the Mayor included an Office of Lesbian, Gay, Bisexual and Transgender Affairs,² and the Council cemented that Office's existence and expanded its role with the Office of Gay, Lesbian, Bisexual and Transgender Affairs Act of 2006. To this day, the Office of LGBTQ Affairs (OLGBTQA) continues to coordinate supports throughout the District government for LGBTQ residents and to receive advice from an independent, Mayor-appointed Advisory Committee. Targeted supports for LGBTQ people have been a focus of this Committee in the two budget cycles that have elapsed since this Committee was established and became responsible for oversight of OLGBTQA in January 2021. And the Council and Mayor frequently issue formal declarations and resolutions reaffirming our shared commitment to the well-being of LGBTQ individuals and the LGBTQ community.³

Although the District government has a long record of outspoken support for LGBTQ people, distinctive harms and inequities against LGBTQ people persist. State lawmakers in many parts of the country have recently intensified their efforts to harm LGBTQ people, especially transgender people, including by depriving them of medically necessary care, shutting them out of restrooms and recreational opportunities, depriving them of government-funded supports for expanding their families, withholding identification documents that reflect their names and genders, exposing them to harmful forms of so-called counseling, and erasing their histories and artistic works from libraries and school curricula.⁴ Meanwhile, national data demonstrate that anti-LGBTQ bias, neglect, and systematic disinvestment continue to impede LGBTQ people's well-being, with significant negative impacts observable in homelessness, prevalence of undertreated illnesses, substance use disorders, youth suicidality, elder social isolation, and other phenomena.⁵

In the face of these threats, the District government must continue finding ways to assert our support for the diverse and vibrant LGBTQ community whose members call the District of Columbia home. A local advocate pointed out to the staff of this Committee that a promotional license plate program, similar to several existing offerings, could be one way to reaffirm our government's support, and that proceeds from such a program could be used to augment supports for OLGBTQA's various grantees. While LGBTQ Pride license plates will by no means end anti-LGBTQ discrimination and attacks or satisfy our obligation to support our LGBTQ community, the Committee is pleased to recommend approval of this program as one small part of our government's overarching approach.

On April 21, 2022, this Committee unanimously recommended that the Council amend the Mayor's proposed Fiscal Year 2023 Budget Support Act of 2022 to include a new subtitle known

² Mayor's Order 2004-148.

³ See, e.g., the Capital Pride Recognition Resolution of 2022; Mayor Muriel Bowser, "Proclamation: DC LGBTQ+ Pride Month" (June 2022), <https://twitter.com/MayorBowser/status/1532392415142854657>.

⁴ See Amer. Civ. Liberties Union, "Legislation Affecting LGBTQ Rights Across the Country" (last visited August 2, 2022), <https://www.aclu.org/legislation-affecting-lgbtq-rights-across-country> (collecting over 180 state-level proposals).

⁵ See, e.g., US Office of Disease Prevention and Health Promotion, "Lesbian, Gay, Bisexual, and Transgender Health" (last visited August 2, 2022), <https://www.healthypeople.gov/2020/topics-objectives/topic/lesbian-gay-bisexual-and-transgender-health>.

as the “Office of Lesbian, Gay, Bisexual, Transgender, and Questioning Affairs Fund Establishment Amendment Act of 2022.”⁶ Staff of this Committee also prepared a draft subtitle with the working title “LGBTQ Pride Motor Vehicle Identification Tags Amendment Act of 2022” for consideration by the Committee on Transportation and the Environment. As noted in this Committee’s budget report, the Office of the Chief Financial Officer determined that neither proposed subtitle would have a fiscal impact.

At the Council’s budget work session on April 27, 2022, some members expressed interest in moving license plate program legislation through the regular legislative process rather than the Budget Support Act. This legislation resulted.

PURPOSE AND EFFECT

On May 24, 2022, Councilmember Robert C. White, Jr. introduced B24-0824, the “Pride Plates Amendment Act of 2022,” with the support of Councilmembers Elissa Silverman, Brianne K. Nadeau, Charles Allen, Vincent C. Gray, Brooke Pinto, Christina Henderson, and Janeese Lewis George as co-introducers. The primary effects of the bill as a whole would be (1) to enable sales of motor vehicle identification tags (commonly known as license plates) demonstrating the District government’s support for the LGBTQ community and (2) to direct proceeds from such sales into programs chosen by OLGBTQA to support the LGBTQ community.

If enacted, B24-0824 would add LGBTQ community support license plates to an extensive list of specialty plates available or soon to be available from the DC Department of Motor Vehicles (DMV) expressing interests and positions of the DC government, including restoration and protection of the Anacostia River, awareness of bicycle safety, breast cancer awareness, support for women veterans, support for veterans with disabilities, support for veterans of specific armed services, the unfairness of federal taxation of DC residents without Congressional representation, and enthusiasm for multiple local professional sports teams. The legislative language is modeled closely on legislation that similarly authorized new license plate designs and directed funds to specific related purposes, such as the Specialty License Plate Omnibus Amendment Act of 2018 and the Protect Local Wildlife Specialty License Plate and Anacostia River Clean Up and Protection Fund Eligible Use Amendment Act of 2021.

Section 2, the portion of the bill referred to this committee, would establish a new non-lapsing fund known as the Office of Lesbian, Gay, Bisexual, Transgender, and Questioning Affairs Fund. Monies from the sale of new LGBTQ community support license plates would flow into this fund, and would be used by OLGBTQA to support programs that promote the welfare of the LGBTQ community. OLGBTQA grants currently support housing, shelter, asylum, youth services, arts, and other programs through local organizations such as the Wanda Alston Foundation, the DC Center for the LGBT Community, and the Latin American Youth Fund. The Committee anticipates that B24-0824 will enhance OLGBTQA’s capacity to improve the lives of LGBTQ people in the District.

⁶ See Robert C. White, Jr., “Report and Recommendations of the Committee on Government Operations on the Fiscal Year 2023 Budget for Agencies Under Its Purview” at 186 (Apr. 21, 2021), <https://static1.squarespace.com/static/5bbd09f3d74562c7f0e4bb10/t/625f27bebed5b4634ad3ee43/1650403263232/GOF+FY23+Report+%2B+Recommendations+on+FY23+Budget+-+Circulation+Draft+-+04.19.2022.pdf>.

The Committee notes that at a hearing on this measure, a question was raised as to whether creating license plates with a “political message” would somehow make the District government vulnerable to being compelled to offer plates with other messages, such as anti-abortion license plates, that are less in line with prevailing political values in the District. The Committee does not share this concern. First, conservative politicians’ decision to persecute LGBTQ people does not transform support for LGBTQ people into an inherently more “political” message than supporting veterans, responsibly managing waterways, or the promotion of privately owned sports franchises. Second, constitutional law jurisprudence is exceedingly clear that governments may dictate the design of their own license plates as a form of “government speech.”

Under longstanding U.S. Supreme Court precedent, governments are allowed to decide the content of their own speech. “It is not easy to imagine how government could function if it lacked the freedom to select the messages it wishes to convey.”⁷ In 2015, the Court held that even though the Texas Department of Motor Vehicles Board had accepted a wide range of proposed license plate designs from non-governmental groups, it was permitted to reject the Texas Division of the Sons of Confederate Veterans’ proposed design incorporating a Confederate flag.⁸ The Court has reiterated its reasoning in that case even after recent shifts in ideological composition.⁹ In the 2015 case, the Court held that rejecting license plate designs was not an act of impermissible viewpoint discrimination in violation of the First Amendment. Rather, due to the level of control that the Texas government retained over the content of specialty license plate designs, the plates were held to be a form of government speech. Notably, the Texas government offered not only license plates with messages mandated by the legislature, but also license plates with messages initially proffered by private groups; the Court held that even the latter category did not constitute a “forum” that had to accommodate a range of private viewpoints.

We as a government control the content of license plates and treat them as a form of government speech, not a forum for private speech. Nothing in B24-0824 would diminish that. We can and should engage in government speech that promotes the well-being of LGBTQ people.

CHRONOLOGY OF ACTION

May 24, 2022	B24-0824 introduced by Councilmembers Robert C. White, Jr., Elissa Silverman, Brianne K. Nadeau, Charles Allen, Vincent C. Gray, Brooke Pinto, Christina Henderson, and Janeese Lewis George
June 7, 2022	Referred to the Committee on Government Operations and Facilities, Committee on Transportation and the Environment, and Committee of the

⁷ *Walker v. Tex. Div., Sons of Confederate Veterans, Inc.*, 576 U.S. 200, 208 (2015) (quoting *Pleasant Grove City v. Summum*, 555 U.S. 460, 468 (2009) (cleaned up)).

⁸ *Walker*, 576 U.S. at 203-04.

⁹ *See, e.g., Shurtleff v. City of Bos.*, 142 S. Ct. 1583, 1592 (2022) (opinion of Justices Breyer, Roberts, Sotomayor, Kagan, Kavanaugh, and Barrett, applying the *Walker* test to conclude that, unlike Texas’s license plate program, a Boston government practice of allowing all groups to raise their own flags on a municipal flagpole constituted a public forum that had to accommodate a religious group’s flag, notwithstanding the Establishment Clause).

	Whole
June 9, 2022	Notice of Public Hearing filed in the Office of the Secretary
June 10, 2022	Notice of Intent to Act published in the DC Register
June 10, 2022	Notice of Public Hearing Published in the DC Register
July 13, 2022	Public Hearing
September 21, 2022	Notice of Mark-Up filed in the Office of the Secretary
September 22, 2022	Mark-Up by the Committee on Government Operations and Facilities

POSITION OF THE EXECUTIVE

In hearing testimony, DMV Director Gabriel Robinson expressed support for B24-0824 as proposed.

In response to Councilmember questioning, Director Robinson explained that amounts generated from license plate sale programs vary depending on the level of interest on the part of the public, which typically builds over time as residents become aware of new license plate options. The DMV publicizes new designs through newsletters and other awareness campaigns.

In response to questions about whether establishing a program of selling license plates with some “political messages” but not others would constitute unconstitutional “viewpoint discrimination” under the First Amendment to the US Constitution, Director Robinson noted that the District already has the prerogative to dictate what appears on license plates, which may include political messages such as “no taxation without representation.” Should B24-0824 become law, Director Robinson explained that an official license plate design expressing support for the LGBTQ community would be a government message. Regarding individual, personalized license plates (sometimes called vanity plates), there exists clear guidance as to what can and cannot be included, and political messages are and would remain excluded from this content.

RECOMMENDATIONS OF ADVISORY NEIGHBORHOOD COMMISSIONS

No Advisory Neighborhood Commissions submitted statements for the Committee on Transportation and the Environment’s hearing record or provided comments to this Committee regarding B24-0824.

SUMMARY OF WITNESS TESTIMONY

On July 13, 2022, the Committee on Transportation and the Environment held a public hearing on 8 measures, including B24-0824, the “Pride Plates Amendment Act of 2022A video recording of the public hearing is available online at oct.dc.gov. Pursuant to Council rule 407(c), this Committee is relying on the record of that hearing in lieu of holding a separate hearing. The

hearing record remained open until the close of business on July 27, 2022. Director Robinson testified on behalf of the executive and expressed support. No other testimony regarding B24-0824 was offered during the hearing or in writing to either committee prior to the close of the record.

IMPACT ON EXISTING LAW

Section 2 of B24-0824 would amend the Office of Gay, Lesbian, Bisexual, and Transgender Affairs Act of 2006 by adding a new section that establishes a non-lapsing fund called the Office of Lesbian, Gay, Bisexual, Transgender, and Questioning Affairs Fund, specifies its permitted uses, and requires an annual report on its revenues and activities.

Section 3 (which has not been referred to this Committee) would amend the District of Columbia Revenue Act of 1937 by adding a new section that directs the Mayor to design and make available LGBTQ Pride license plates, states initial fee amounts, and directs fee payments into the new fund.

FISCAL IMPACT

The Office of the Chief Financial Officer has determined that B24-0824 would not have a fiscal impact.

RACIAL EQUITY IMPACT

Council rule 311 requires a racial equity impact assessment (REIA) prepared by the Council Office of Racial Equity (CORE) at the time a committee considers legislation, subject to certain exceptions. The rule does not address whether, in the event of a sequential referral, each committee must obtain a REIA, or only the final committee in the sequence. On September 6, 2022, the Director of CORE notified Councilmembers and staff that, in the opinion of the Secretary to the Council, a REIA is not required until the final committee's consideration.

The Committee provided a print of B24-0824 and supporting materials to CORE in advance of its mark-up but has not obtained a full REIA as of the date of this report. The Committee defers to CORE's expertise and looks forward to their analysis should the legislation advance through the Committee on Transportation and the Environment. The Committee stands ready to facilitate CORE's further evaluation of B24-0824.

SECTION-BY-SECTION ANALYSIS

As noted above, only section 2 has been referred to this Committee.

Section 1 *Contains the short title of the legislation.*

Section 2 **Establishes a new, non-lapsing fund known as the Office of Lesbian, Gay, Bisexual, Transgender, and Questioning Affairs Fund; directs that monies from the sale of LGBTQ Pride license plates be deposited into such fund; directs the Office of LGBTQ Affairs to use the fund to support programs that**

promote the welfare of the LGBTQ community; and requires annual reports on the size and uses of the fund.

Section 3 Directs the Mayor to design and offer LGBTQ Pride license plates; sets fee amounts for motorists to obtain and maintain such license plates, with permission for the Mayor to update such amounts by rule; directs the fee amounts into the new fund established in section 2.

Section 4 Adopts the fiscal impact statement in this report.

Section 5 Declares the effective date of the legislation.

SUMMARY OF COMMITTEE MARK-UP

On September 22, 2022, the Committee on Government Operations and Facilities held a Committee Meeting to consider B24-0824, the “Pride Plates Amendment Act of 2022.” Chairperson Robert C. White, Jr., recognized the presence of a quorum consisting of himself and Councilmembers Brianne K. Nadeau, Brooke Pinto, and Christina Henderson. The Chair then provided the following statement:

[W]e will consider Bill 24-824, the Pride Plates Amendment Act. We as a Committee have already voted on this legislation in another format, when we recommended including it in the Budget Support Act, so I’ll be very brief. This bill would direct the Department of Motor Vehicles to develop license plates showing support for the LGBTQ community, and direct funds from the sales of those plates into a fund that the Office of LGBTQ Affairs can use to enhance LGBTQ community support programs.

One reason this didn’t move in the budget was that there was a concern that if the District puts some so-called political messages on license plates, then we might have an obligation to accept other political messages, such as anti-abortion messages. I have a couple quick responses to that. First, LGBTQ rights aren’t more inherently political than other policy choices just because conservative politicians have decided to weaponize them. Second, we’ve spent some more time kicking the tires—pun intended—and it turns out there’s a Supreme Court case directly on point, confirming that we as a legislature can mandate whatever specific set of license plate designs we want because that’s government speech, not a public forum for others’ speech. The case is *Walker v. Texas Division, Sons of Confederate Veterans, Inc.* and it’s discussed in the committee report. Thanks to Valerie Nadal in the Office of the General Counsel for helping us with this analysis.

Upon the conclusion of the Chair’s opening statement, he opened the floor for discussion. After discussion, the Chair moved the proposed committee print and report, with leave for staff to make technical and conforming amendments.

Dissenting, Separate, and Individual Views of Committee Members

No dissenting, separate, or individual views of Committee Members were provided.

Amendments or Other Motions

No amendments or other motions were proposed.

Vote on the Measure and Report

YES: Councilmembers Robert C. White, Jr., Brianne K. Nadeau, Brooke Pinto, and Christina Henderson.

NO: None.

PRESENT: None.

LIST OF ATTACHMENTS

- (1) Introduced Measure and Memorandum of Referral
- (2) Fiscal Impact Statement
- (3) Legal Sufficiency Determination
- (4) Committee Print

ATTACHMENT 1

1 

2 Councilmember Elissa Silverman



Councilmember Robert C. White, Jr.

4 

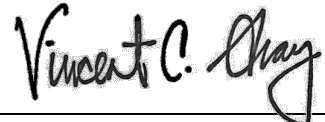
5 Councilmember Charles Allen



Councilmember Brianne K. Nadeau

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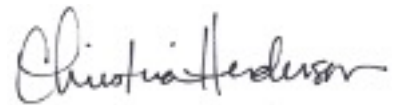
9 Councilmember Brooke Pinto



Councilmember Vincent C. Gray

12 

13 Councilmember Janeese Lewis George



Councilmember Christina Henderson

20
21 A BILL

22
23
24 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

25
26
27 To amend the Office of Gay, Lesbian, Bisexual, and Transgender Affairs Act of 2006 to
28 establish a fund to support programs that promote the welfare of the lesbian, gay,
29 bisexual, transgender, and questioning (LGBTQ) community; and to amend the District
30 of Columbia Revenue Act of 1937 to direct the Mayor to create LGBTQ Pride motor
31 vehicle identification tags to support said fund.

32
33 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
34 Act may be cited as the “Pride Plates Amendment Act of 2022”.

35 Sec. 2. The Office of Gay, Lesbian, Bisexual, and Transgender Affairs Act of 2006,
36 effective April 4, 2006 (D.C. Law 15-89; D.C. Official Code § 2-1381 et seq.) is amended by
37 adding a new section 4b to read as follows:

38 “Sec. 4b. Office of Lesbian, Gay, Bisexual, Transgender, and Questioning Affairs Fund.

39 “(a) There is established an Office of Lesbian, Gay, Bisexual, Transgender, and
40 Questioning Affairs Fund (“Fund”).

41 “(b) Monies received from grants, donations, and fees received by the Department of
42 Motor Vehicles pursuant to section 2m(b)(1) of the District of Columbia Revenue Act of 1937,
43 effective ____ (Bill 24-____; D.C. Official Code 50-1501.02m), shall be deposited into the Fund.

44 “(c) Money in the Fund shall be used by the Office to support programs that promote the
45 welfare of the lesbian, gay, bisexual, transgender, and questioning community.

46 “(d)(1) The money deposited into the Fund but not expended in a fiscal year shall not
47 revert to the unassigned fund balance of the General Fund of the District of Columbia at the end
48 of a fiscal year, or at any other time.

49 “(2) Subject to authorization in an approved budget and financial plan, any funds
50 appropriated in the Fund shall be continually available without regard to fiscal year limitation.

51 “(e) The Mayor shall report annually to the Council on the revenues and activities of the
52 Fund.”.

53 Sec. 3. Title IV of the District of Columbia Revenue Act of 1937, approved August 17,
54 1937 (50 Stat. 679; D.C. Official Code § 50-1501.01 *et seq.*) is amended by adding a new section
55 2m to read as follows:

56 “Sec. 2m. Issuance of LGBTQ Pride motor vehicle identification tags.

57 “(a) The Mayor shall design and make available for issue one or more LGBTQ Pride
58 motor vehicle identification tags demonstrating support for the LGBTQ community.

59 “(b)(1) A resident ordering an LGBTQ Pride tag shall pay a one-time application fee and
60 a display fee each year thereafter. The application fee shall be \$25, and the display fee shall be
61 \$20, or such other amount as may be established by the Mayor by rule.

62 “(2) The application fee and annual display fee shall be deposited into the Office
63 of Lesbian, Gay, Bisexual, Transgender, and Questioning Affairs Fund established by section 4b
64 of the Office of Lesbian, Gay, Bisexual, and Transgender Affairs Act of 2006, effective ___ (Bill
65 24-___; D.C. Official Code § 2-1385).”.

66 Sec. 4. Fiscal impact statement.

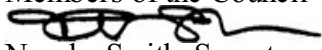
67 The Council adopts the fiscal impact statement in the committee report as the fiscal
68 impact statement required by section 4a of the General Legislative Procedures Act of 1975,
69 approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

70 Sec. 5. Effective date.

71 This act shall take effect following approval by the Mayor (or in the event of veto by the
72 Mayor, action by the Council to override the veto), a 30-day period of congressional review as
73 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
74 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
75 Columbia Register.

COUNCIL OF THE DISTRICT OF COLUMBIA
1350 Pennsylvania Avenue, N.W.
Washington D.C. 20004

Memorandum

To : Members of the Council

From : Nyasha Smith, Secretary to the Council
Date : Monday, June 6, 2022
Subject : Referral of Proposed Legislation

Notice is given that the attached proposed legislation was introduced in the Office of the Secretary on Tuesday, May 24, 2022. Copies are available in Room 10, the Legislative Services Division.

TITLE: "Pride Plates Amendment Act of 2022", B24-0824

INTRODUCED BY: Councilmembers R. White, Nadeau, Gray, Henderson, Silverman, Allen, Pinto, and Lewis George

The Chairman is referring this legislation sequentially: Section 2 referred to the Committee on Government Operations and Facilities Sec 3 referred to the Committee on Transportation and the Environment thereafter the entire bill referred to the Committee of the Whole.

Attachment

cc: General Counsel
Budget Director
Legislative Services

ATTACHMENT 2

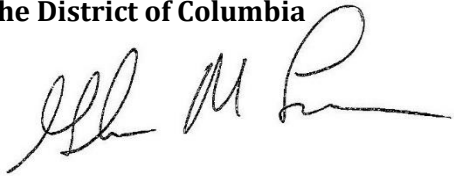
Government of the District of Columbia
Office of the Chief Financial Officer



Glen Lee
Chief Financial Officer

MEMORANDUM

TO: The Honorable Phil Mendelson
Chairman, Council of the District of Columbia

FROM: Glen Lee
Chief Financial Officer 

DATE: September 2, 2022

SUBJECT: Fiscal Impact Statement – Pride Plates Amendment Act of 2022

REFERENCE: Bill 24-824, Committee Print as provided to the Office of Revenue
Analysis on August 25, 2022

Conclusion

Funds are sufficient in the fiscal year 2023 through fiscal year 2026 budget and financial plan to implement the bill.

Background

The bill requires the Mayor to design, and offer for issuance, at least one specialty motor vehicle identification tag demonstrating support for the lesbian, gay, bisexual, transgender, and questioning (LGBTQ) community. Any resident who chooses one of the tags will need to pay a one-time application fee of \$25 and an annual display fee of \$20.

The bill also establishes the Office of Lesbian, Gay, Bisexual, Transgender, and Questioning Affairs Fund (“Fund”), a new non-lapsing special purpose revenue fund which will receive fees from the new tags. The Fund is also authorized to receive revenues in the form of donations, grants, and other appropriations. The Fund will be used to support programs within the Office of Lesbian, Gay, Bisexual, Transgender and Questioning Affairs that promote the welfare of the LGBTQ community.

Financial Plan Impact

Funds are sufficient in the fiscal year 2023 through fiscal year 2026 budget and financial plan to implement the bill. The Mayor can design and offer for issuance the tags within the District’s existing budgeted resources. There are over 300,000 active tags in the District, but the number of residents who are willing to pay an additional fee for and register their vehicle’s Pride tags is unknown. Any

The Honorable Phil Mendelson

FIS: Bill 24-824, "Pride Plates Amendment Act of 2022," Draft Committee Print as provided to the Office of Revenue Analysis on August 25, 2022

revenues from the tags will be deposited into the Office of Lesbian, Gay, Bisexual, Transgender, and Questioning Affairs Fund. However, the Mayor must initiate a budget action to expend any new revenues in the new fund.

ATTACHMENT 3



OFFICE OF THE GENERAL COUNSEL

Council of the District of Columbia
1350 Pennsylvania Avenue NW, Suite 4
Washington, DC 20004
(202) 724-8026

MEMORANDUM

TO: Councilmember Robert White

FROM: Nicole L. Streeter, General Counsel *NLS*

DATE: September 22, 2022

RE: Legal sufficiency determination for section 2 of B24-824,
the Pride Plates Amendment Act of 2022

This measure is legally and technically sufficient for Council consideration.

Section 2 of this measure would create a new special fund, the Office of Lesbian, Gay, Bisexual, Transgender, and Questioning Affairs Fund. Monies received by the District's Department of Transportation for the issuance of LGBTQ Pride motor vehicle identification tags would be deposited in the fund. The monies would be used by the Office of Lesbian, Gay, Bisexual, Transgender, and Questioning Affairs to support programming.

I am available if you have any questions.

ATTACHMENT 4

1 **Committee Print**
2 **Committee on Government Operations and Facilities**
3 **B24-0824**
4 **September 22, 2022**
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6
7

8 **A BILL**
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11

12 **IN THE COUNCIL OF THE DISTRICT OF COLUMBIA**
13
14

15 To amend the Office of Gay, Lesbian, Bisexual, and Transgender Affairs Act of 2006 to
16 establish a fund to support programs that promote the welfare of the lesbian, gay,
17 bisexual, transgender, and questioning (LGBTQ) community; and to amend the District
18 of Columbia Revenue Act of 1937 to direct the Mayor to create LGBTQ Pride motor
19 vehicle identification tags to support said fund.
20

21 **BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this**
22 **act may be cited as the “Pride Plates Amendment Act of 2022”.**

23 **Sec. 2. The Office of Gay, Lesbian, Bisexual, and Transgender Affairs Act of 2006,**
24 **effective April 4, 2006 (D.C. Law 15-89; D.C. Official Code § 2-1381 *et seq.*) is amended by**
25 **adding a new section 4b to read as follows:**

26 **“Sec. 4b. Office of Lesbian, Gay, Bisexual, Transgender, and Questioning Affairs Fund.**

27 **“(a) There is established an Office of Lesbian, Gay, Bisexual, Transgender, and**
28 **Questioning Affairs Fund (“Fund”).**

29 **“(b) Monies received from grants, donations, and fees received by the Department of**
30 **Motor Vehicles pursuant to section 2m(b)(1) of the District of Columbia Revenue Act of 1937,**
31 **effective ___ (Bill 24-0824; D.C. Official Code 50-1501.02m), shall be deposited into the Fund.**

32 **“(c) Money in the Fund shall be used by the Office to support programs that promote the**
33 **welfare of the lesbian, gay, bisexual, transgender, and questioning community.**

34 “(d)(1) The money deposited into the Fund but not expended in a fiscal year shall not
35 revert to the unassigned fund balance of the General Fund of the District of Columbia at the end
36 of a fiscal year, or at any other time.

37 “(2) Subject to authorization in an approved budget and financial plan, any funds
38 appropriated in the Fund shall be continually available without regard to fiscal year limitation.

39 “(e) The Mayor shall report annually to the Council on the revenues and activities of the
40 Fund.”.

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42 1937 (50 Stat. 679; D.C. Official Code § 50-1501.01 *et seq.*) is amended by adding a new section
43 2m to read as follows:

44 “Sec. 2m. Issuance of LGBTQ Pride motor vehicle identification tags.

45 “(a) The Mayor shall design and make available for issue one or more LGBTQ Pride
46 motor vehicle identification tags demonstrating support for the LGBTQ community.

47 “(b)(1) A resident ordering an LGBTQ Pride tag shall pay a one-time application fee and
48 a display fee each year thereafter. The application fee shall be \$25, and the display fee shall be
49 \$20, or such other amount as may be established by the Mayor by rule.

50 “(2) The application fee and annual display fee shall be deposited into the Office
51 of Lesbian, Gay, Bisexual, Transgender, and Questioning Affairs Fund established by section 4b
52 of the Office of Lesbian, Gay, Bisexual, and Transgender Affairs Act of 2006, effective ___ (Bill
53 24-0824; D.C. Official Code § 2-1385).”.

54 Sec. 4. Fiscal impact statement.

55 The Council adopts the fiscal impact statement in the committee report as the fiscal
56 impact statement required by section 4a of the General Legislative Procedures Act of 1975,
57 approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

58 Sec. 5. Effective date.

59 This act shall take effect following approval by the Mayor (or in the event of veto by the
60 Mayor, action by the Council to override the veto), a 30-day period of congressional review as
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62 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
63 Columbia Register.