

ENROLLMENT(S)



(5)

AN ACT
D.C. ACT 12-561

*Codification
District of
Columbia
Code
1999 Supp.*

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
DECEMBER 21, 1998

To amend Title 47 of the District of Columbia Code to reauthorize the tax check-off for drug prevention and children at risk, to delay the applicability of the Real Property Assessment and Tax Initiative of 1997 contingent upon a positive fiscal impact analysis by the Chief Financial Officer, and to apply the professional license fee to all attorneys who practice law in the District of Columbia regardless of District of Columbia Bar membership.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Drug Prevention and Children at Risk Tax Check-Off, Tax Initiative Delay, and Attorney License Fee Act of 1998".

Sec. 2. Title 47 of the District of Columbia Code is amended as follows:

(a) Chapter 8 is amended as follows:

(1) The table of contents is amended by adding the phrase "47-825.3. Applicability of certain provisions; hearings open to public." after the phrase "47-825.2. Public Advocate for Assessments and Taxation."

(2) A new section 47-825.3 is added to read as follows:

"§ 47-825.3. Applicability of certain provisions; hearings open to public

**New Section
47-825.3**

"(a) Notwithstanding any other law, § 47-825.1(d)(5), the second sentence of section 47-825.1(e), and § 47-825.2 shall not apply until the Chief Financial Officer has determined that the implementation of those provisions will have no negative fiscal impact on the Office of Tax and Revenue, the Board of Real Property Assessments and Appeals, or on real property tax revenues collected by the District.

"(b) Except as provided in § 47-821(d)(2), hearings shall be open to the public.

"(c) This section shall expire upon notice to the Council by the Chief Financial Officer that he or she has made the determination required by subsection (a) of this section."

(b) Chapter 10 is amended as follows:

ENROLLED ORIGINAL

(1) The table of contents is amended by adding the phrase "47-1048. Shakespeare Theatre; lot 814, square 787." at the end.

(2) A new section 47-1048 is added to read as follows:

**New Section
47-1048**

"§ 47-1048. Shakespeare Theatre; lot 814, square 787.

"(a) Beginning January 1, 1995, the property, real and personal, situated in square 787 in the District of Columbia, described as lot 814, owned, occupied, and used by the Shakespeare Theatre in the Nation's Capital is hereby exempt from all taxation so long as, and to the extent that, the same is owned and occupied by the Shakespeare Theatre and used for nonprofit residential purposes in support of theatrical and educational activities of the Theatre and subject to the provisions of § 47-1002.

"(b) Any taxes paid in association with the real or personal property described in subsection (a) of this section prior to the effective date of the Drug Prevention and Children at Risk Tax Check-Off, Tax Initiative Delay, and Attorney License Fee Act of 1998 shall be refunded."

(c) Chapter 18 is amended as follows:

(1) The table of contents is amended by striking the phrase "47-1812.11a. Tax check-off." and inserting the phrase "47-1812.11a. Tax check-off -- [Repealed]. 47-1812.11b. Tax check-off." in its place.

(2) Section 47-1812.11a is repealed.

(3) A new section 47-1812.11b is added to read as follows:

**Section
47-1812.11a
New Section
47-1812.11b**

"§ 47-1812.11b. Tax check-off.

"(a) For the calendar year beginning January 1, 1995, and for each subsequent calendar year, there shall be provided on the District of Columbia individual income tax return a voluntary check-off that indicates that an individual may contribute a minimum donation or gift of \$1 to the Public Fund for Drug Prevention and Children at Risk established by § 47-4002. The contribution shall reduce any refund owed to the individual taxpayer or increase the tax owed by the individual taxpayer on the taxpayer's tax return. The funds generated from the tax check-off shall be earmarked for the Fund except that any cost incurred by the Mayor in collecting, processing, accounting, or disbursing the funds generated by the tax check-off shall be reimbursed to the Mayor from the funds generated by the tax check-off.

"(b) The funds generated by the tax check-off established by subsection (a) of this section shall be transferred to the Fund pursuant to rules issued by the Mayor. The rules shall establish timetables and procedures for transfer. Check-off funds shall be transferred to the Fund only after the costs of the Mayor described in subsection (a) of this section are reimbursed.

"(c)(1) Except as provided in paragraph (2) of this subsection, any unpaid District tax liability on an individual income tax return shall render any voluntary tax check-off election void. Any amount paid for the purpose of contributing to the Fund shall be used first to satisfy any unpaid tax liability in whole or in part.

"(2) If there is any amount that remains after satisfaction of the unpaid tax

ENROLLED ORIGINAL

liability, the amount shall be transferred to the Fund.

"(d) For the purposes of this section, the terms "drug prevention", "children at risk", "Fund", and "tax check-off" shall have the same meaning as the terms have in § 47-4001."

(4) Section 47-1814.1a is amended as follows:

Section
47-1814.1a

(A) Subsection (a)(5) is amended to read as follows:

"(5) A person engaged in the practice of law in the District of Columbia for more than 20 days during the year, whether or not enrolled as a member of the District of Columbia Bar; for purposes of this paragraph, the term "practice of law" shall have the same meaning as defined in Rule 49(b)(2) of the District of Columbia Court of Appeals;"

(B) Subsection (b)(2) is amended to read as follows:

"(2) An attorney who is a judge, or a retired judge eligible for temporary judicial assignment, who applies for and is granted an exemption from the license required pursuant to § 47-1814.1 in accordance with the rules issued by the Mayor pursuant to § 47-1816.1, and who is not otherwise required to obtain a license pursuant to subsection (a) of this section; and"

(d) Section 47-4001(5) is amended by striking the section designation "47-1812.11a" and inserting the section designation "47-1812.11b" in its place.

Section
47-4001

(e) Section 47-4002(b) is amended by striking the section designation "47-1812.11a" and inserting the section designation "47-1812.11b" in its place.

Section
47-4002

Sec. 3. 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. Code § 1-233(c)(3)).

For section 2(e) of this act, the Council adopts the fiscal impact statement dated November 10, 1998, prepared by the Office of the Chief Financial Officer which is attached to this act.

Sec. 4. 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), approval by the Financial Responsibility and Management Assistance Authority as provided in section 203(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (109 Stat. 116; D.C. Code § 47-392.3(a)), a 30-day period of Congressional review as provided

Fiscal Impact Statement

Shakespeare Theatre Property Tax Amendment to Bill 12-706

No Number

**Prepared by
the Office of the Chief Financial Officer**

November 10, 1998



-
- 1. SPONSOR: Councilmember Sharon Ambrose**
 - 2. ACT: No Number**
 - 3. TITLE: Shakespeare Theatre Property Tax Amendment to Bill 12-706**

4. OVERVIEW:

The Shakespeare Theatre acquired an apartment building located at 311 East Capital Street, NE for the purpose of housing paid professional guest artists. The Shakespeare Theatre has been paying annual property taxes on the apartment. The theatre is seeking relief from this tax burden.

5. FISCAL IMPACT:

A. Summary

There is no expenditure impact associated with the provisions of the Amendment. There is a negative revenue impact of \$32,700 in FY 1999 and \$49,800 over four years.

B. Expenditure Statement

There is no expenditure impact associated with the provisions of the Amendment.

C. Revenue Statement

There are two components of direct revenue impact from the proposed legislation. The Amendment to Bill 12-706 would grant retroactive tax exemption status to the Class 2 property at 311 East Capitol Street, NE (Square 787, Lot 814) owned by the Shakespeare Theatre. First, there is the revenue loss from refunding taxes already paid. Second, there is the revenue loss for future taxes that would not be collected. Also, there may be an indirect cost in the form of requests from other taxpayers who desire the same exemption status for similar residential properties used to support theatrical activities.

The D.C. Code does not currently provide for exemptions from real property taxes concerning residences of theatre companies. In addition the amendment might create a potentially discriminatory impact since it does not apply to all similarly situated taxpayers.

The new fiscal year 1999 assessment under the triennial assessment process remains unchanged since fiscal year 1995. Since the currently available information indicates there will be no significant increases in property values within that area in the near future, roughly \$5,700 per year represents a reasonable estimate of the future revenue loss from this proposed legislation. The revenue loss from refunding real property taxes paid from August 1, 1995 to present will be approximately \$27,000.

The available data does not provide a basis for estimating the indirect loss due to requests for tax exemption for other taxpayers.

Estimated Revenue Loss

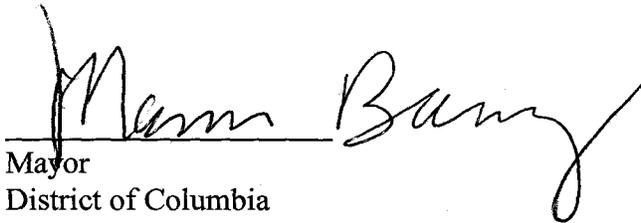
FY 1999	FY 2000	FY 2001	FY 2002
\$32,700	\$5,700	\$5,700	\$5,700

ENROLLED ORIGINAL

in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Code § 1-233(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED: December 21, 1998



COUNCIL OF THE DISTRICT OF COLUMBIA

COUNCIL PERIOD TWELVE

RECORD OF OFFICIAL COUNCIL VOTE

B12-706

Docket No.

ITEM ON CONSENT CALENDAR

ACTION & DATE

ADOPTED FIRST READING, 11-10-98

VOICE VOTE RECORDED VOTE ON REQUEST

APPROVED

ABSENT

MASON, SCHWARTZ AND THOMAS

ROLL CALL VOTE - Result

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

X - Indicates Vote

AB - Absent

NV - Present not Voting

CERTIFICATION RECORD

Secretary to the Council

December 8, 1998 Date

ITEM ON CONSENT CALENDAR

ACTION & DATE

ADOPTED FINAL READING, 12-01-98

VOICE VOTE RECORDED VOTE ON REQUEST

APPROVED

ABSENT

JARVIS

ROLL CALL VOTE - Result

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Cropp					Chavous					Schwartz				
Allen					Evans					Smith, Jr.				
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X - Indicates Vote

AB - Absent

NV - Present not voting

CERTIFICATION RECORD

Secretary to the Council

December 8, 1998 Date

ITEM ON CONSENT CALENDAR

ACTION & DATE

VOICE VOTE RECORDED VOTE ON REQUEST

ABSENT

ROLL CALL VOTE - Result

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Cropp					Chavous					Schwartz				
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CERTIFICATION RECORD

Secretary to the Council

Date

AN ACT

*Codification
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Applicability of certain provisions; hearings open to public." after the phrase "47-825.2. Public Advocate for Assessments and Taxation."

(2) A new section 47-825.3 is added to read as follows:

"§ 47-825.3. Applicability of certain provisions; hearings open to public

**New Section
47-825.3**

"(a) Notwithstanding any other law, § 47-825.1(d)(5), the second sentence of section 47-825.1(e), and § 47-825.2 shall not apply until the Chief Financial Officer has determined that the implementation of those provisions will have no negative fiscal impact on the Office of Tax and Revenue, the Board of Real Property Assessments and Appeals, or on real property tax revenues collected by the District.

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(2) A new section 47-1048 is added to read as follows:

"§ 47-1048. Shakespeare Theatre; lot 814, square 787.

**New Section
47-1048**

"(a) Beginning January 1, 1995, the property, real and personal, situated in square 787 in the District of Columbia, described as lot 814, owned, occupied, and used by the Shakespeare Theatre in the Nation's Capital is hereby exempt from all taxation so long as, and to the extent that, the same is owned and occupied by the Shakespeare Theatre and used for nonprofit residential purposes in support of theatrical and educational activities of the Theatre and subject to the provisions of § 47-1002.

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(2) Section 47-1812.11a is repealed.

(3) A new section 47-1812.11b is added to read as follows:

"§ 47-1812.11b. Tax check-off.

**Section
47-1812.11a
New Section
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"(a) For the calendar year beginning January 1, 1995, and for each subsequent calendar year, there shall be provided on the District of Columbia individual income tax return a voluntary check-off that indicates that an individual may contribute a minimum donation or gift of \$1 to the Public Fund for Drug Prevention and Children at Risk established by § 47-4002. The contribution shall reduce any refund owed to the individual taxpayer or increase the tax owed by the individual taxpayer on the taxpayer's tax return. The funds generated from the tax check-off shall be earmarked for the Fund except that any cost incurred by the Mayor in collecting, processing, accounting, or disbursing the funds generated by the tax check-off shall be reimbursed to the Mayor from the funds generated by the tax check-off.

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Section
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(d) Section 47-4001(5) is amended by striking the section designation "47-1812.11a" and inserting the section designation "47-1812.11b" in its place.

Section
47-4001

(e) Section 47-4002(b) is amended by striking the section designation "47-1812.11a" and inserting the section designation "47-1812.11b" in its place.

Section
47-4002

Sec. 3. 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. Code § 1-233(c)(3)).

For section 2(e) of this act, the Council adopts the fiscal impact statement dated November 10, 1998, prepared by the Office of the Chief Financial Officer which is attached to this act.

Sec. 4. Effective date.

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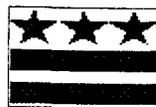
Fiscal Impact Statement

Shakespeare Theatre Property Tax Amendment to Bill 12-706

No Number

**Prepared by
the Office of the Chief Financial Officer**

November 10, 1998



-
1. **SPONSOR:** Councilmember Sharon Ambrose
 2. **ACT:** No Number
 3. **TITLE:** Shakespeare Theatre Property Tax Amendment to Bill 12-706

4. OVERVIEW:

The Shakespeare Theatre acquired an apartment building located at 311 East Capital Street, NE for the purpose of housing paid professional guest artists. The Shakespeare Theatre has been paying annual property taxes on the apartment. The theatre is seeking relief from this tax burden.

5. FISCAL IMPACT:

A. Summary

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The D.C. Code does not currently provide for exemptions from real property taxes concerning residences of theatre companies. In addition the amendment might create a potentially discriminatory impact since it does not apply to all similarly situated taxpayers.

The new fiscal year 1999 assessment under the triennial assessment process remains unchanged since fiscal year 1995. Since the currently available information indicates there will be no significant increases in property values within that area in the near future, roughly \$5,700 per year represents a reasonable estimate of the future revenue loss from this proposed legislation. The revenue loss from refunding real property taxes paid from August 1, 1995 to present will be approximately \$27,000.

The available data does not provide a basis for estimating the indirect loss due to requests for tax exemption for other taxpayers.

Estimated Revenue Loss

FY 1999	FY 2000	FY 2001	FY 2002
\$32,700	\$5,700	\$5,700	\$5,700



COUNCIL OF THE DISTRICT OF COLUMBIA

COUNCIL PERIOD TWELVE

RECORD OF OFFICIAL COUNCIL VOTE

B12-706

Docket No.

ITEM ON CONSENT CALENDAR

ACTION & DATE

ADOPTED FIRST READING, 11-10-98

VOICE VOTE RECORDED VOTE ON REQUEST

APPROVED

ABSENT

MASON, SCHWARTZ AND THOMAS

ROLL CALL VOTE - Result

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

X - Indicates Vote

AB - Absent

NV - Present not Voting

CERTIFICATION RECORD

Secretary to the Council

Date

ITEM ON CONSENT CALENDAR

ACTION & DATE

ADOPTED FINAL READING, 12-01-98

VOICE VOTE RECORDED VOTE ON REQUEST

APPROVED

ABSENT

JARVIS

ROLL CALL VOTE - Result

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Cropp					Chavous					Schwartz				
Allen					Evans					Smith, Jr.				
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Brazil					Mason									
Catania					Patterson									

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AB - Absent

NV - Present not voting

CERTIFICATION RECORD

Secretary to the Council

Date

ITEM ON CONSENT CALENDAR

ACTION & DATE

VOICE VOTE RECORDED VOTE ON REQUEST

ABSENT

ROLL CALL VOTE - Result

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

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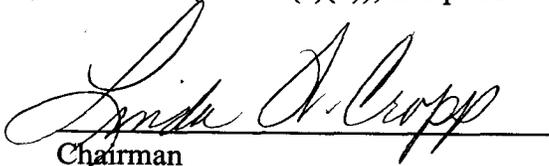
CERTIFICATION RECORD

Secretary to the Council

Date

ENROLLED ORIGINAL

in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Code § 1-233(c)(1)), and publication in the District of Columbia Register.

A handwritten signature in cursive script, reading "Linda A. Cropp", is written over a horizontal line.

Chairman
Council of the District of Columbia

Mayor
District of Columbia