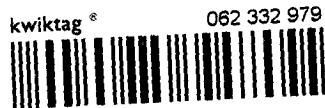


ENROLLMENT(S)



(5)

COUNCIL OF THE DISTRICT OF COLUMBIA

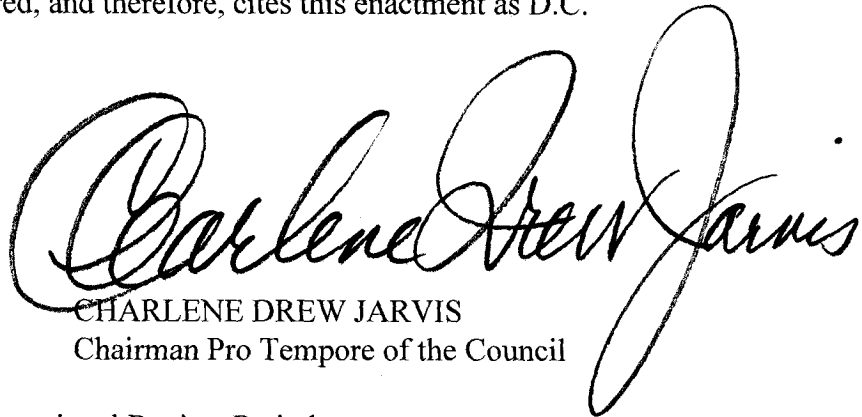
NOTICE

D.C. LAW 11-257

"Recorder of Deeds Recordation Surcharge Amendment Act of 1996".

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, P.L. 93-198 "the Act", the Council of the District of Columbia adopted Bill No. 11-670, on first and second readings, November 7, 1996 and December 3, 1996, respectively. Following the signature of the Mayor on December 24, 1996, pursuant to Section 404(e) of "the Act", and was assigned Act No. 11-512 and published in the March 7, 1997, edition of the D.C. Register (Vol. 44 page 1247) and transmitted to Congress on February 6, 1997 for a 30-day review, in accordance with Section 602(c)(1) of the Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional Review Period has expired, and therefore, cites this enactment as D.C. Law 11-257, effective April 15, 1997.



CHARLENE DREW JARVIS
Chairman Pro Tempore of the Council

Dates Counted During the 30-day Congressional Review Period:

Feb. 6,7,10,11,12,13,24,25,26,27,28
Mar. 3,4,5,6,10,11,12,13,14,17,18,19,20,21
Apr. 7,8,9,10,14

AN ACT
D.C. ACT 11-512

*Codification
District of
Columbia
Code
1997 Supp.*

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 24, 1996

To amend An Act To establish a code of law for the District of Columbia to establish a \$5 surcharge to be collected at the time a document is submitted for recordation at the Recorder of Deeds; to amend An Act Providing for the expenses of the offices of the recorder of deeds and register of wills of the District of Columbia to provide that the funds generated by the surcharge shall be used exclusively to cover the costs of purchasing a state-of-the-art automated system at the Recorder of Deeds, maintaining the new computer system, training staff to implement and operate the new computer system, and repairing and upgrading the infrastructure components at the Recorder of Deeds which are necessary and essential to meet its overall mission; to provide that the funds generated by the surcharge shall be deposited in a fund entitled the Recorder of Deeds Automation and Infrastructure Improvement Fund; to require the Mayor to make an annual budget request for the restricted use of the funds collected pursuant to this act; to amend the District of Columbia Income and Franchise Tax Act of 1947 to encourage the establishment of new business enterprises in the District of Columbia by enacting a deduction for dividends received by a corporation from a wholly-owned subsidiary after March 1, 1997; and to amend the District of Columbia Sales Tax Act to tax the sale of a prepaid telephone calling card as the sale of tangible personal property, subject only to such taxes as are imposed on the sale or use of tangible personal property, even if no card has been issued.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Recorder of Deeds Recordation Surcharge Amendment Act of 1996".

Sec. 2. Chapter 16 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1275; D.C. Code § 45-901 *et seq.*), is amended by adding a new section 552a to read as follows:

"Sec. 552a. (a) Notwithstanding any other provision of law, a surcharge of \$5 per document shall be paid before any document is accepted for recordation at the Recorder of

**New Section
45-909.1**

Deeds.

"(b) In addition to the funds collected pursuant to subsection (a) of this section, the Recorder of Deeds may accept monetary and non-monetary donations.

"(c) The \$5 surcharge established pursuant to subsection (a) of this section shall remain in effect for a 5-year period beginning from the effective date of this act."

Sec. 3. An Act Providing for expenses of the offices of recorder of deeds and register of wills of the District of Columbia, approved April 24, 1926 (44 Stat. 322; D.C. Code § 45-910 *et seq.*), is amended by adding a new section 3 to read as follows:

"Sec. 3. (a) Notwithstanding sections 1 and 2, there is established in the Treasury of the District of Columbia a fund to be known as the Recorder of Deeds Automation and Infrastructure Improvement Fund ("Fund") into which shall be deposited all funds collected pursuant to section 2 of the Recorder of Deeds Recordation Surcharge Amendment Act of 1996. The Recorder of Deeds Automation and Infrastructure Improvement Fund shall be a fund as defined in section 4 of the District of Columbia Fund Accounting Act of 1980, effective June 14, 1980 (D.C. Law 3-70; D.C. Code § 47-373). All interest earned on monies deposited in the Fund shall be credited to the Fund established herein and used solely for the purposes designated in this section. Revenues in the Fund shall remain available for expenditure without regard to fiscal year limitation.

New Section
45-911.1

"(b) Revenues accruing to the Fund shall be used solely and exclusively to cover the costs of updating the automated system of the Recorder of Deeds and repair of the infrastructure of improvements located at 515 D Street, N.W., Washington, D.C. These costs shall include, but not be limited to, the purchasing of computer hardware and software, maintenance of the new computer system, training staff to implement and operate the new system, and the repair of the infrastructure components necessary to meet the overall mission of the Recorder of Deeds.

"(c) For purposes of this act, the term "infrastructure components" means the air and heating systems, elevator, roof, ceilings, windows, doors, walls, plumbing, floors, basement, electrical system, mechanical systems, and other similar components that make up the improvements located at 515 D Street, N.W., Washington, D.C.

"(d) The Mayor shall submit to the Council, as part of the annual budget, a requested appropriation for expenditures for the restricted purposes designated in subsection (b) of this section from the Fund. The request shall include an accounting of the use of funds from the Fund in the previous fiscal year. Appropriations from the Fund shall remain available until expended. Any revenue received, but not appropriated in a given fiscal year, shall be retained by the Fund.

"(e) Nothing in this section shall be construed to prohibit or limit the appropriation of additional funds from the revenues of the District for the operations of the Recorder of Deeds, including appropriations to support the purposes specified in subsection (b) of this section. The revenues accruing to the Fund shall be considered as supplementing and enhancing the

ENROLLED ORIGINAL

operations of the Recorder of Deeds, and are not intended to be used to supplant support for the Recorder of Deeds provided through the general funds of the District."

Sec. 4. Upon installation and operation of an automated system, section 551 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1276; D.C. Code § 45-907), shall no longer apply.

Note, Section 45-907

Sec. 5. Section 3(a) of title III of the District of Columbia Income and Franchise Tax Act of 1947, effective July 16, 1947 (61 Stat. 331; D.C. Code § 47-1803.3(a)), is amended by adding a new paragraph (17) to read as follows:

Section 47-1803.3

"(17) Notwithstanding paragraph (10) of this subsection and section 1(a)(2) of title X, in computing the net income of a corporation, there shall be allowed a deduction for all dividends received on or after March 1, 1997, from a wholly-owned subsidiary."

Sec. 6. Section 114 (a) of the District of Columbia Sales Tax Act, approved May 27, 1949 (63 Stat. 113; D.C. Code § 47-2001(n)(1)), is amended as follows:

Section 47-2001

(a) By striking the word "or" at the end of paragraph (18).

(b) By striking the period at the end of paragraph (19) and adding the phrase "; or" in its place.

(c) By adding a new paragraph (20) to read as follows:


"(20) The sale of a prepaid telephone calling card, even if no card has been issued. Notwithstanding any other provision of law, any sale of a prepaid telephone calling card on or after October 1, 1997, shall be deemed the sale of tangible personal property subject only to such taxes as are imposed on the sale of food for immediate consumption as defined under section 107a, even where no card has been issued. Gross receipts or charges from the sale of the telecommunication service purchased through the use of a prepaid telephone calling card, even if no card has been issued, shall not be subject to the taxes imposed under section 6 of An Act Making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and three, and for other purposes, approved July 1, 1902 (32 Stat. 619; D.C. Code § 47-2501 *et seq.*), or the Toll Telecommunication Service Tax Act of 1989, effective September 20, 1989 (D.C. Law 8-26; D.C. Code § 47-3901 *et seq.*)".

Sec. 7. Fiscal impact statement.

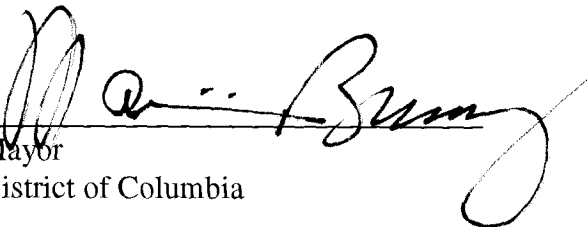
The Council adopts the fiscal impact statement in the committee report and the statement submitted with this act as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 813; D.C. Code § 1-233(c)(3)).

ENROLLED ORIGINAL

Sec. 8. 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 in section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization 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 24, 1996



COUNCIL OF THE DISTRICT OF COLUMBIA

COUNCIL PERIOD ELEVEN

RECORD OF OFFICIAL COUNCIL VOTE

B11-670

Docket No. _____

ITEM ON CONSENT CALENDAR

ACTION & DATE

ADOPTED FIRST READING, 11-7-96

VOICE VOTE
RECORDED VOTE ON REQUEST

APPROVED

ABSENT _____

THOMAS

ROLL CALL VOTE - Result _____

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Clarke					Jarvis					Smith, Jr.				
Brazil					Lightfoot					Thomas, Sr.				
Chavous					Mason					Whittington				
Cropp					Patterson									
Evans					Ray									

X - Indicates Vote

AB - Absent

NV - Present not Voting

CERTIFICATION RECORD

George J. Ford
Secretary to the Council

December 13, 1996
Date

ITEM ON CONSENT CALENDAR

ACTION & DATE

ADOPTED FINAL READING, 12-3-96

VOICE VOTE
RECORDED VOTE ON REQUEST

APPROVED

ABSENT _____

CHAVOUS, MASON AND THOMAS

ROLL CALL VOTE - Result _____

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Clarke					Jarvis					Smith, Jr.				
Brazil					Lightfoot					Thomas, Sr.				
Chavous					Mason					Whittington				
Cropp					Patterson									
Evans					Ray									

X-indicates no

AB-Absent

NV-Present not voting

CERTIFICATION RECORD

George J. Ford
Secretary to the Council

December 13, 1996
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. Clarke					Jarvis					Smith, Jr.				
Brazil					Lightfoot					Thomas, Sr.				
Chavous					Mason					Whittington				
Cropp					Patterson									
Evans					Ray									

X - Indicates Vote

AB - Absent

NV - Present not Voting

CERTIFICATION RECORD

Secretary to the Council

Date