

COUNCIL OF THE DISTRICT OF COLUMBIA

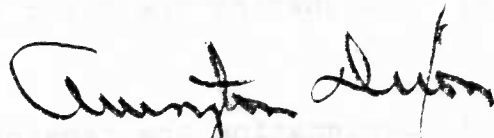
NOTICE

D.C. LAW 4-154

"Project Setoff Liability Act of 1982".

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. 4-243 on first and second readings, June 22, 1982 July 6, 1982, respectively. Following the signature of the Mayor on July 21, 1982, this legislation was assigned Act No. 4-225, published in the August 13, 1982, edition of the D.C. Register, (Vol. 29 page 3486) and transmitted to Congress on July 22, 1982 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 4-154, effective September 18, 1982.



ARRINGTON DIXON  
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

July	22, 23, 26, 27, 28, 29 30
August	2, 3, 4, 5, 6, 9, 10, 11, 12, 13, 16, 17, 18, 19, 20
September	8, 9, 10, 13, 14, 15, 16, 17

D.C. LAW 4-154

AN ACT

EFFECTIVE DATE SEP 18 1982

D.C. ACT 4-225

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JUL 21 1982

To authorize the Mayor of the District of Columbia to intercept District of Columbia income tax refunds due to individuals who are in arrears with court-ordered child support payments and to divert such refunds to setoff the costs of AFDC payments, and for other purposes.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA,

That this act may be cited as the "Project Setoff Liability Act of 1982".

Sec. 2. Section 11(a) of title XII of the District of Columbia Income and Franchise Tax Act of 1947, approved July 16, 1947 (61 Stat. 355; D.C. Code, sec. 47-1812.11 (a)) is amended by:

(a) Designating the first sentence as paragraph "(1)";

(b) Designating the remaining text as paragraph "(2)"; and

(c) Adding at the end thereof new paragraphs to read as follows:

"(3) Upon request, the Superior Court of the District of Columbia shall provide the Mayor with the names and any other available identifying

CODIFICATION  
D.C. Code,  
sec. 47-1812.11  
(1981 ed.)

information of individuals whom the Superior Court of the District of Columbia has determined are more than sixty days in arrears with court-ordered child support payments.

"(4) The Mayor shall intercept the income tax refunds of individuals who are in arrears with court-ordered child support payments. The Mayor may request use of the Internal Revenue Service collection process pursuant to section 452(b) of the Social Security Act, approved January 4, 1975 (88 Stat. 2352; 42 U.S.C. sec. 652).

"(5) Notwithstanding any other provision of this title, when a joint tax return is filed, the Mayor shall separate the amount of refund due the spouse of an individual whose refund is subject to interception under this section from the amount of refund due the individual whose refund is subject to interception under this section in proportion to the gross earnings of each spouse.

"(6) After interception of an individual's income tax refund, but before disbursement of said refund, the Mayor shall provide notice to the taxpayer that his income tax refund has been intercepted or apportioned, whichever is applicable. Such notification shall provide for a period, of not less than thirty days after such notice is sent, within which the taxpayer may file a protest with the Mayor regarding the interception or apportionment of his income tax refund.

If no protest by the taxpayer referred to in this section is filed within such thirty-day period, the interception or apportionment, as determined by the Mayor, shall be final. If a protest is filed within the thirty-day period, opportunity for a hearing thereon shall be granted by the Mayor. The Mayor shall promptly notify the taxpayer of any determination as a result of the protest.

"(7) The Mayor shall refuse to consider a protest for the following reasons:

"(A) the protest solely concerns an issue other than the existence or amount of the arrearage or the division of a joint refund;

"(B) the protest solely concerns an issue which has been previously decided and no new facts or evidence have been provided; or

"(C) the protest is not filed in a timely manner as set forth in this section.

"(8) If the Mayor determines that a refund should not have been intercepted, or that an excess amount has been intercepted over and above the amount of the taxpayer's arrearages, or that the apportionment was incorrect, the Mayor shall return the refund or the excess amount which has been intercepted, whichever is applicable, to the taxpayer within thirty days of the date of the determination.

"(9) If no protest is filed within the thirty-day period as provided for in this section, or if upon

protest it is determined that the interception or apportionment was not in error, then intercepted refunds shall be deposited with the agency of the District responsible for administering the child support program as authorized by Title IV Part D of the Social Security Act, approved January 4, 1975 (88 Stat. 2351; 42 U.S.C. sec. 651 et seq.). All funds deposited pursuant to this section shall be disbursed in accordance with section 457 of Title IV of Part D of the Social Security Act, approved January 4, 1975 (88 Stat. 2356; 42 U.S.C. sec. 657) and the regulations and interpretations thereunder.

"(10) Any person aggrieved by a final determination of the Mayor in accordance with this section may, within six months from the date of such determination, appeal to the Superior Court of the District of Columbia, in the same manner and to the same extent as set forth in sections 3, 4, 7, 10, and 11 of title IX of the District of Columbia Revenue Act of 1937, approved May 16, 1938 (84 Stat. 579; D.C. Code, secs. 47-3303, 3304, & 3306-3308).

"(11) The collection remedy under this section shall be in addition to and not in substitution for any other remedy available by law.

"(12) The provisions of this section shall apply to income tax refunds issued after the effective date of the Project Setoff Liability Act of 1982.

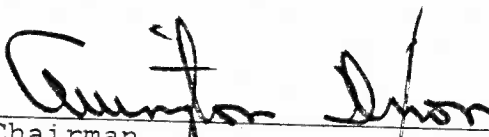
"(13) The Mayor shall issue regulations necessary

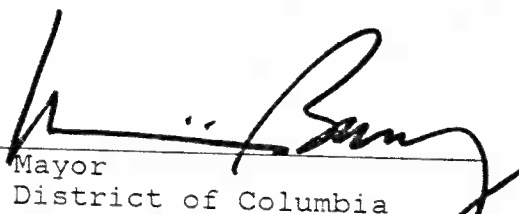
to carry out the provisions of this section."

Sec. 3. Section 4(a) of title V of the District of Columbia Income and Franchise Tax Act of 1947, approved July 16, 1947 (61 Stat. 342; D.C. Code, sec. 47-1805.4(a)) is amended by inserting immediately after the phrase "under section 1 of this title," the phrase "or information pertaining to the interception of any tax refund pursuant to the provisions of the Project Setoff Liability Act of 1982."

D.C. Code,  
sec. 47-1805.4  
(1981 ed.)

Sec. 4. This act shall take effect after a 30-day period of Congressional review, following approval by the Mayor (or in the event of veto by the Mayor, action by the Council of the District of Columbia to override the veto) 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, sec. 1-233(c)(1)).

  
Chairman  
Council of the District of Columbia

  
Mayor  
District of Columbia

APPROVED: July 21, 1982



COUNCIL OF THE DISTRICT OF COLUMBIA  
Council Period Four  
Second Session

DOCKET NO: B 4-243

Item on Consent Calendar

ACTION: Adopted First Reading, 6-22-82

VOICE VOTE: Unanimous

Absent: all present

ROLL CALL VOTE:

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. DIXON					KANE					SHACKLETON				
WINTER					MASON					SPAULDING				
CLARKE					MOORE, JR.					WILSON				
CRAWFORD					RAY									
JARVIS					ROLARK									

X - Indicates Vote A.B. - Absent N.V. - Not Voting

CERTIFICATION OF RECORD

*Ulrich B. Cunningham*  
Secretary to the Council

*July 14, 1982*  
Date

Item on Consent Calendar

ACTION: Adopted Final Reading, 7-6-82

VOICE VOTE: Unanimous

Absent: all present

ROLL CALL VOTE:

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. DIXON					KANE					SHACKLETON				
WINTER					MASON					SPAULDING				
CLARKE					MOORE, JR.					WILSON				
CRAWFORD					RAY									
JARVIS					ROLARK									

X - Indicates Vote A.B. - Absent N.V. - Not Voting

CERTIFICATION OF RECORD

*Ulrich B. Cunningham*  
Secretary to the Council

*July 14, 1982*  
Date

Item on Consent Calendar

ACTION: \_\_\_\_\_

VOICE VOTE: \_\_\_\_\_

Absent: \_\_\_\_\_

ROLL CALL VOTE:

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. DIXON					KANE					SHACKLETON				
WINTER					MASON					SPAULDING				
CLARKE					MOORE, JR.					WILSON				
CRAWFORD					RAY									
JARVIS					ROLARK									

X - Indicates Vote A.B. - Absent N.V. - Not Voting