

ENROLLMENT(S)



COUNCIL OF THE DISTRICT OF COLUMBIA

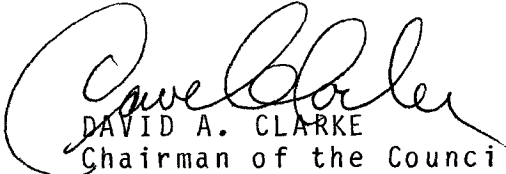
NOTICE

D.C. LAW 8-17

"Revenue Amendment Act of 1989".

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. 8-224 on first and second readings, May 2, 1989, and May 16, 1989, respectively. Following the signature of the Mayor on May 26, 1989, this legislation was assigned Act No. 8-34, published in the June 9, 1989, edition of the D.C. Register, (Vol. 36 page 4160) and transmitted to Congress on June 5, 1989 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 8-17, effective July 25, 1989.



DAVID A. CLARKE
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

June 5,6,7,8,9,12,13,14,15,16,19,20,21,22,23,26,27,28,29

July 10,11,12,13,14,17,18,19,20,21,24

JUL 25 1989

Codification,
District of Columbia Code
(1990 Supplement)

AN ACT

D.C. ACT 8 - 84

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 26 1989

To amend the District of Columbia Income and Franchise Tax Act of 1947; the District of Columbia Sales Tax Act; the District of Columbia Use Tax Act; An Act To provide for a tax on motor-vehicle fuels sold within the District of Columbia, and for other purposes; the Hotel Occupancy and Surtax on Corporations and Unincorporated Business Tax Act of 1977; An Act To amend the District of Columbia Sales Tax Act to increase the rate of tax imposed on certain gross receipts, to amend the District of Columbia Motor Vehicle Parking Facility Act of 1942 to transfer certain parking fees and other moneys to the highway fund, and for other purposes; the District of Columbia Revenue Act of 1980; An Act To control the manufacture, transportation, possession, and sale of alcoholic beverages in the District of Columbia; An Act to define real property exempt from taxation in the District of Columbia; and to repeal section 7 of Title VI of the District of Columbia Income and Franchise Tax Act of 1947, and section 2-2537 of section 4 of the Law to Legalize Lotteries, Daily Numbers Games And Bingo And Raffles For Charitable Purposes In The District of Columbia to increase revenues in the District of Columbia.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Revenue Amendment Act of 1989".

Sec. 2. The District of Columbia Income and Franchise Act of 1947, approved July 16, 1947 (61 Stat. 335; D.C. Code, sec. 47-1801.1 et seq.), is amended as follows:

(a) Section 2(a)(2)(0) of title III (D.C. Code, sec. 47-1803.2(a)(2)(0)) is repealed;

(b) Section 3(c) of title III (D.C. Code, sec. 47-1803.3(c)) is amended to read as follows:

Section
47-1803,2
Section
47-1803.3

"(c) Every individual who claims the standard deduction on his or her federal income tax return shall claim the applicable standard deduction specified in section 4(z) of title I. Every individual who itemizes deductions on his or her federal income tax return shall itemize the deductions permissible under this article. If a husband and wife file separate returns, the applicable standard deduction shall be allowed to neither if the net income of one of the spouses is determined by itemizing deductions.";

(c) Section 7 of title VI (D.C. Code, sec. 47-1806.5), is repealed;

(d) Section 2(a)(3) of title VII (D.C. Code, sec. 47-1807.2(a)(3)) is amended to read as follows:

"(3) a surtax on the tax determined under paragraph (2) of this subsection at the following rates:

"(i) 10% for any taxable period beginning after December 31, 1975, and ending before October 1, 1984;

"(ii) 5% for any taxable period beginning after September 30, 1984, and ending before October 1, 1987;

"(iii) 2.5% for any taxable period beginning after September 30, 1987, and ending before October 1, 1989;

"(iv) 5% for any taxable period beginning after September 30, 1989, and ending before October 1, 1992;

"(v) 2.5% for any taxable period beginning after September 30, 1992."; and

(e) Section 3(a)(3) of title VIII (D.C. Code, sec. 47-1808.3(a)(3)) is amended to read as follows:

"(3) a surtax on the tax determined under paragraph (2) of this subsection at the following rates:

"(i) 10% for any taxable period beginning after December 31, 1975, and ending before October 1, 1984;

"(ii) 5% for any taxable period beginning after September 30, 1984, and ending before October 1, 1987;

"(iii) 2.5% for any taxable period beginning after September 30, 1987, and ending before October 1, 1989;

"(iv) 5% for any taxable period beginning after September 30, 1989, and ending before October 1, 1992;

"(v) 2.5% for any taxable period beginning after September 30, 1992.".

Sec. 3. Section 2-2537 of section 4 of the Law to Legalize Lotteries, Daily Numbers Games And Bingo And

Section
47-1805.5
Section
47-1807.2

Section
47-1808.3

Section
2-2537

Raffles For Charitable Purposes In The District of Columbia, effective March 10, 1981 (D.C. Law 3-172; D.C. Code, sec. 2-2537), is repealed.

Sec. 4. The District of Columbia Sales Tax Act, approved May 27, 1949 (63 Stat. 112; D.C. Code, sec. 47-2001 et seq.), is amended as follows:

(a) Section 114 (D.C. Code, sec. 47-2001(n)) is amended as follows:

(1) Subsection (a) (D.C. Code, sec.

47-2001(n)(1)) is amended by adding the following new paragraphs to read as follows:

"(13) The sale of or charges for the service of real property maintenance and landscaping.

"(A) For the purposes of this paragraph, the term "real property maintenance" means any activity that keeps the land or the premises of a building clean, orderly, and functional, including the performance of minor adjustments, maintenance, or repairs which include: floor, wall, and ceiling cleaning; pest control; window cleaning; servicing inground and in building swimming pools; exterior building cleaning; parking lot, garage, and recreation area maintenance; exterior and interior trash removal; restroom cleaning and stocking; lighting maintenance; chimney and duct cleaning; and ground maintenance; but does not include: painting, wallpapering, or other services performed as part of construction or major repairs; or services performed under an employee-employer relationship.

"(B) For the purposes of this paragraph, the term "landscaping" means the activity of arranging or modifying areas of land and natural scenery for an improved or aesthetic effect; the addition, removal, or arrangement of natural forms, features, and plantings; the addition, removal, or modification of retaining walls, ponds, sprinkler systems, or other landscape construction services; and other services provided by landscape designers or landscape architects such as consultation, research, preparation of general or specific design or detail plans, studies, specifications or supervision, or any other professional services or functions associated with landscaping.

"(14) The sale of or charges for data processing and information services.

"(A) For the purposes of this paragraph, the term "data processing service" means the processing of information for the compilation and production of records of transactions; the maintenance, input, and retrieval of information; the provision of direct access to computer equipment to process, examine, or acquire information stored in or accessible to the computer equipment; the

Section
47-2001

specification of computer hardware configurations, the evaluation of technical processing characteristics, computer programming or software, provided in conjunction with and to support the sale, lease, operation, or application of computer equipment or systems; word processing, payroll and business accounting, and computerized data and information storage and manipulation; the input of inventory control data for a company; the maintenance of records of employee work time; filing payroll tax returns; the preparation of W-2 forms; the computation and preparation of payroll checks; and any system or application programming or software.

"(B) For the purposes of this paragraph, the term "information service" means the furnishing of general or specialized news or current information, including financial information, by printed, mimeographed, electronic, or electrical transmission, or by wire, cable, radio waves, microwaves, satellite, fiber optics, or any other method in existence or which may be devised; electronic data retrieval or research, including newsletters, real estate listings, or financial, investment, circulation, credit, stock market, or bond rating reports; mailing lists; abstracts of title; news clipping services; wire services; scouting reports; surveys; bad check lists; and broadcast rating services; but does not include information sold to a newspaper or a radio or television station licensed by the Federal Communication Commission, if the information is gathered or purchased for direct use in newspapers or radio or television broadcasts; charges to a person by a financial institution for account balance information; information gathered or compiled on behalf of a particular client, if the information is of a proprietary nature to that client and may not be sold to others by the person who compiled the information, except for a subsequent sale of the information by the client for whom the information was gathered or compiled."; and

(2) Subsection (b) (D.C. Code, sec. 47-2001(n)(2)(A)(i)) is amended by adding the phrase "data processing, information or" after the phrase "sales of".

(b) Section 125 (D.C. Code, sec. 47-2002) is amended as follows:

(1) Paragraph (2) is amended by changing the number "10" to "11"; and

(2) Paragraph (3) is amended by changing the number "8" to "9"; and

(c) Section 127 (D.C. Code, sec. 47-2004) is amended as follows:

(1) By designating the existing text as

subsection (a); and

(2) By adding a new subsection (b) to read as follows:

Section
47-2004

"(b) A vendor shall be entitled to apply and credit against the amount of tax payable by the vendor an amount equal to the lesser of \$5,000 or 1% of the gross tax to be remitted by the vendor to cover the vendor's expense incurred in the collection and remittance of the tax. Nothing contained in this subsection shall apply to a vendor who fails or refuses to file the tax return or pay the tax within the time prescribed by sections 135, 136, and 137 of this title."

Sec. 5. The District of Columbia Use Tax Act, approved May 27, 1949 (63 Stat. 124; D.C. Code, sec. 47-2201 et seq.), is amended as follows:

(a) Section 201(a) (D.C. Code, sec. 47-2201(a)(1)) is amended by adding the following new paragraphs to read as follows: Section 47-2201

"(10) The sale of or charges for the service of real property maintenance and landscaping.

"(A) For the purposes of this paragraph, the term "real property maintenance" means any activity that keeps the land or the premises of a building clean, orderly, and functional, including the performance of minor adjustments, maintenance, or repairs, which include: floor, wall, and ceiling cleaning; pest control; window cleaning; servicing inground and in building swimming pools; exterior building cleaning; parking lot, garage, and recreation area maintenance; exterior and interior trash removal; restroom cleaning and stocking; lighting maintenance; chimney and duct cleaning; or ground maintenance; but does not include: painting, wallpapering, or other services performed as part of construction or major repairs; or services performed under an employee-employer relationship.

"(B) For the purposes of this paragraph, the term "landscaping" means the activity of arranging or modifying areas of land and natural scenery for an improved or aesthetic effect; the addition, removal, or arrangement of natural forms, features, and plantings; the addition, removal, or modification of retaining walls, ponds, sprinkler systems, or other landscape construction services; and other services provided by landscape designers or landscape architects such as consultation, research, preparation of general or specific design or detail plans, studies, specifications or supervision, or any other professional services or functions associated with landscaping.

"(11) The sale of or charges for data processing and information services.

"(A) For the purposes of this paragraph, the term "data processing service" means the processing of information for the compilation and production of records of

transactions; the maintenance, input, and retrieval of information; the provision of direct access to computer equipment to process, examine, or acquire information stored in or accessible to the computer equipment; the specification of computer hardware configurations, the evaluation of technical processing characteristics, computer programming or software, provided in conjunction with and to support the sale, lease, operation, or application of computer equipment or systems; word processing, payroll and business accounting, computerized data and information storage and manipulation; the input of inventory control data for a company; the maintenance of records of employee work time; filing payroll tax returns; the preparation of W-2 forms; the computation and preparation of payroll checks; and any system or application programming or software.

"(B) For the purposes of this paragraph, the term "information service" means the furnishing of general or specialized news or current information, including financial information, by printed, mimeographed, electronic, or electrical transmission, or by wire, cable, radio waves, microwaves, satellite, fiber optics, or any other method in existence or which may be devised; electronic data retrieval or research, including newsletters, real estate listings, or financial, investment, circulation, credit, stock market, or bond rating reports; mailing lists; abstracts of title; news clipping services; wire services; scouting reports; surveys; bad check lists; and broadcast rating services; but does not include information sold to a newspaper or a radio or television station licensed by the Federal Communication Commission, if the information is gathered or purchased for direct use in newspapers or radio or television broadcasts; charges to a person by a financial institution for account balance information; information gathered or compiled on behalf of a particular client, if the information is of a proprietary nature to that client and may not be sold to others by the person who compiled the information, except for a subsequent sale of the information by the client for whom the information was gathered or compiled.";

(b) Section 212 (D.C. Code, sec. 47-2202) is amended as follows:

Section
47-2202

(1) Paragraph (2) is amended by changing the number "10" to "11"; and

(2) Paragraph (3) is amended by changing the number "8" to "9".

Sec. 6. An Act To provide for a tax on motor-vehicle fuels sold within the District of Columbia, and for other purposes, approved April 23, 1924 (43 Stat. 106; D.C. Code, sec. 47-2301 et seq.), is amended as follows:

(a) Section 1 (D.C. Code, sec. 47-2301(a)) is amended by changing the number "15.5" to "18.0".

(b) Section 3(a) (D.C. Code, sec. 47-2303(a)) is amended by changing the number "\$50,000" to "\$100,000".

(c) Section 18 (D.C. Code, sec. 47-2315) is amended to read as follows:

Section
47-2315

"Sec. 18. The Mayor shall, pursuant to title 1 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Code, sec. 1-1501 et seq.), issue rules to implement the provisions of this act."

Sec. 7. An Act To control the manufacture, transportation, possession, and sale of alcoholic beverages in the District of Columbia, approved January 24, 1934 (48 Stat. 319; D.C. Code, sec. 25-101 et seq.), is amended as follows:

(a) Section 23(a) (D.C. Code, sec. 25-124(a)) is amended as follows:

Section
25-124

(1) Paragraph (1) is amended by changing the number "\$.15" to "\$.40".

(2) Paragraph (2) is amended by changing the number "\$.33" to "\$.40".

(3) Paragraph (3) is amended by changing the number "\$.45" to "\$.40"; and

(b) Section 40(a) (D.C. Code, sec. 25-138(a)) is amended by changing the number "\$2.25" to "\$2.79".

Section
25-138

Sec. 8. Title III of An Act To amend the District of Columbia Sales Tax Act to increase the rate of tax imposed on certain gross receipts, to amend the District of Columbia Motor Vehicle Parking Facility Act of 1942 to transfer certain parking fees and other moneys to the highway fund, and for other purposes, approved March 2, 1962 (76 Stat. 12; D.C. Code, sec. 45-921 et seq.), is amended as follows:

(a) Section 303(a) (D.C. Code, sec. 45-923(a)) is amended by changing the number "1" to "1.1".

(b) Section 317 (D.C. Code, sec. 45-937) is amended to read as follows:

Section
45-923
Section
45-937

"Sec. 317. The Mayor shall, pursuant to title 1 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Code, sec. 1-1501 et seq.), issue rules to implement the provisions of this title."

Sec. 9. Section 403 of title 4 of the District of Columbia Revenue Act of 1980, effective September 13, 1980 (D.C. Law 3-92; D.C. Code, sec. 47-903), is amended by changing the number "1" to "1.1".

Section
47-903

Sec. 10. Title I of the Hotel Occupancy and Surtax on Corporations and Unincorporated Business Tax Act of 1977, effective March 16, 1978 (D.C. Law 2-58; D.C. Code, sec. 47-3201 et seq.) is amended as follows:

(a) Section 102(a) (D.C. Code, sec. 47-3202(a)) is amended by changing the phrase "one dollar (\$1.00)" to "\$1.50".

Section
47-3202
Section
47-3206

(b) Section 106 (D.C. Code, sec. 47-3206) is amended by changing the phrase "forty percent (40%)" to "\$60%".

Sec. 11. Section 8 of An Act to define the real property exempt from taxation in the District of Columbia, approved December 24, 1942 (56 Stat. 1089; D.C. Code, sec. 47-1002) is amended as follows:

Section
47-1002

(a) Subsection (a) is amended by adding the phrase ", (c)(4), (c)(5), or (c)(6)" immediately after the phrase "section 501(c)(3)".

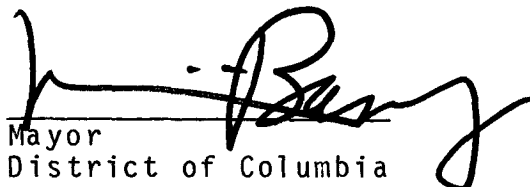
(b) Subsection (b) is amended by adding the phrase ", (c)(4), (c)(5), or (c)(6)" immediately after the phrase "section 501(c)(3)".

Sec. 12. Application. Sections 2(a), (b) and (c) and 3 shall apply to all taxable years beginning after December 31, 1988. Section 2(d) and (e) shall apply to all taxable periods beginning after September 30, 1989. All other sections of this act shall apply as of July 1, 1989.

Sec. 13. 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, 1-233(c)(1)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED: May 26, 1989



COUNCIL OF THE DISTRICT OF COLUMBIA
Council Period Eight

RECORD OF OFFICIAL COUNCIL VOTE

DOCKET NO: Bill 8-224

Item on Consent Calendar

ACTION & DATE: Adopted First Reading, 5-2-89

VOICE VOTE: Approved, Member Kane voted no

Recorded vote on request

Absent: Ray and Rolark

ROLL CALL VOTE: — RESULT _____ (_____)

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. CLARKE					MASON					THOMAS, SR.				
CRAWFORD					NATHANSON					WILSON				
JARVIS					RAY					WINTER				
KANE					ROLARK									
LIGHTFOOT					SMITH, JR.									

X — Indicates Vote A.B. — Absent N.V. — Present, not voting

CERTIFICATION RECORD

Rosemary Gatti
 Secretary to the Council

5-22-89
 Date

Item on Consent Calendar

ACTION & DATE: Adopted Final Reading, 5-16-89

VOICE VOTE: Approved, Chairman Clarke and Member Kane voted no

Recorded vote on request

Absent: all present

ROLL CALL VOTE: — RESULT _____ (_____)

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. CLARKE					MASON					THOMAS, SR.				
CRAWFORD					NATHANSON					WILSON				
JARVIS					RAY					WINTER				
KANE					ROLARK									
LIGHTFOOT					SMITH, JR.									

X — Indicates Vote A.B. — Absent N.V. — Present, not voting

CERTIFICATION RECORD

Rosemary Gatti
 Secretary to the Council

5-22-89
 Date

Item on Consent Calendar

ACTION & DATE: _____

VOICE VOTE: _____

Recorded vote on request

Absent: _____

ROLL CALL VOTE: — RESULT _____ (_____)

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. CLARKE					MASON					THOMAS, SR.				
CRAWFORD					NATHANSON					WILSON				
JARVIS					RAY					WINTER				
KANE					ROLARK									
LIGHTFOOT					SMITH, JR.									

X — Indicates Vote A.B. — Absent N.V. — Present, not voting

CERTIFICATION RECORD

Secretary to the Council

Date