

AN ACT
D.C. ACT 15-181

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
OCTOBER 24, 2003

*Codification
District of
Columbia
Official Code*

2001 Edition

2004 Winter
Supp.

West Group
Publisher

To amend section 5c(c)(1)(A) of Chapter V of the Life Insurance Act to change the interest rate for calculating the minimum nonforfeiture amount for life insurance annuities from 3% to 1.5% because the 3% interest rate for cash surrender benefits is incompatible with the current low interest rate environment.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Standard Valuation and Nonforfeiture Amendment Act of 2003".

Sec. 2. Section 5c(c)(1) of Chapter V of the Life Insurance Act, effective October 13, 1978 (D.C. Law 2-120; D.C. Official Code § 31-4705.03(c)(1)), is amended as follows:

Amend
§ 31-4705.03

(a) Subparagraph (A) is amended by striking the phrase "3 per centum per annum" wherever it appears and inserting the phrase "1.5% per year" in its place.

(b) A new subparagraph (A-1) is added to read as follows:

"(A-1) Notwithstanding the interest rate of 1.5% per year used to calculate the minimum nonforfeiture amount under subparagraph (A) of this paragraph, the Mayor shall issue regulations which shall set forth the computation of the interest rate used to determine the minimum nonforfeiture amount. The regulations shall apply to any contract issued on or after the effective date of the regulations."

Sec. 3. Rulemaking.

The Commissioner shall issue rules and regulations to implement this act within 120 days of the effective date of this act.

Sec. 4. 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. Official Code § 1-206.02(c)(3)).

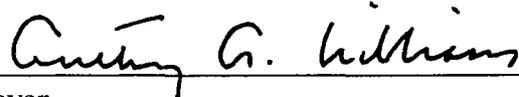
ENROLLED ORIGINAL

Sec. 5. 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), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
October 24, 2003

ENROLLED ORIGINAL

AN ACT

D.C. ACT 15-182

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 24, 2003*Codification
District of
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2001 Edition

2003 Winter
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To regulate self-storage facilities.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Self Storage Act of 2003".

Sec. 2. Definitions.

For the purposes of this act, the term:

(1) "Default" means the failure to perform any obligation or duty set forth in the rental agreement.

(2) "Last known address" means the address provided by the occupant in the rental agreement or the address provided by the occupant in a subsequent written notice of a change of address.

(3) "Leased space" means the individual storage space at the self-service facility which is rented to an occupant pursuant to a rental agreement.

(4) "Occupant" means a person, including an assignee, a sublessee, or successor, entitled to the use of a leased space at a self-service storage facility under a rental agreement.

(5) "Operator" means the owner, operator, lessor, or sublessor of a self-service storage facility, an agent, or any other person authorized to manage the facility. The term "operator" shall not mean a warehouseman, unless the operator issues a warehouse receipt, bill of lading, or other document of title for the personal property stored.

(6) "Personal property" means movable property, not affixed to land, including goods, wares, merchandise, motor vehicles, watercraft, and household items and furnishings.

(7) "Rental agreement" means any written agreement that establishes or modifies the terms, conditions, or rules concerning the use and occupancy of a self-service storage facility.

(8) "Self-service storage facility" means any real property used for renting or leasing individual storage spaces in which the occupants themselves customarily store and remove their own personal property on a 'self-storage' basis.

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Sec. 3. Prohibited acts.

- (a) An operator shall not knowingly permit a leased space at a self-service storage facility to be used as a residence.
- (b) An occupant shall not use a leased space as a residence.

Sec. 4. Lien for rent, labor, or other charges.

- (a) The operator shall have a lien on all personal property stored within each leased space for rent, labor, or other charges, and for expenses reasonably incurred in its sale, as provided in this act.
- (b) The rental agreement shall contain a statement, in bold type, advising the occupant:
- (1) Of the existence of the lien; and
 - (2) That property stored in the leased space may be sold to satisfy the lien if the occupant is in default.

Sec. 5. Enforcement of lien.

- (a)(1) If the occupant is in default for a period of more than 60 days, the operator may enforce the lien by selling the property stored in the leased space at a public sale.
- (2) Proceeds from the sale shall be applied to satisfy the lien, and any surplus shall be disbursed as provided in subsection (e) of this section.
- (b) Before conducting a sale under subsection (a) of this section, the operator shall:
- (1) Notify the occupant of the default by regular mail at the occupant's last known address;
 - (2) Send a second notice of default by certified mail, return receipt requested, to the occupant at the occupant's last known address which includes:
 - (A) A statement that the contents of the occupant's leased space are subject to the operator's lien;
 - (B) A statement of the operator's claim, indicating the charges due on the date of the notice, the amount of any additional charges which shall become due before the date of sale, and the date those additional charges shall become due;
 - (C) A demand for payment of the charges due within a specified time, not less than 14 days after the date that the notice was mailed;
 - (D) A statement that unless the claim is paid within the time stated, the contents of the occupant's space will be sold at a specified time and place; and
 - (E) The name, street address, and telephone number of the operator, or his designated agent, whom the occupant may contact to respond to the notice; and
 - (3) At least 3 days before the sale, advertise the time, place, and terms of the sale in a newspaper of general circulation in the jurisdiction where the sale is to be held.
- (c) At any time before a sale under this section, the occupant may pay the amount necessary to satisfy the lien and redeem the occupant's personal property.
- (d) The sale under this section shall be held at the self-service storage facility where the personal property is stored.

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- (e) If a sale is held under this section, the operator shall:
- (1) Satisfy the lien from the proceeds of the sale; and
 - (2) Hold the balance, if any, for delivery on demand to the occupant or any other recorded lienholders.
- (f) A purchaser in good faith of any personal property sold under this act shall take the property free and clear of any rights of:
- (1) Persons against whom the lien was valid; and
 - (2) Other lienholders.
- (g) If the operator complies with the provisions of this act, the operator's liability:
- (1) To the occupant shall be limited to the net proceeds received from the sale of the personal property; and
 - (2) To other lienholders shall be limited to the net proceeds received from the sale of any personal property covered by that other lien.
- (h) If an occupant is in default, the operator may deny the occupant access to the leased space.
- (i)(1) Unless otherwise specifically provided, all notices required by this act shall be sent by certified mail, return receipt requested.
- (2)(A) Notices sent to the operator shall be sent to the self-service storage facility where the occupant's property is stored.
- (B) Notices to the occupant shall be sent to the occupant at the occupant's last known address.
- (3) Notices shall be deemed delivered when deposited with the United States Postal Service, properly addressed as provided in subsection (b) of this section, with postage prepaid.
- (j) The operator shall retain a copy of the second notice of default and the return receipt as provided in subsection (b)(2) of this section for 6 months following the date of the lien sale.

Sec. 6. Unless the rental agreement specifically provides otherwise and until a lien sale under this act, the exclusive care, custody, and control of all personal property stored in the leased self-service storage space shall remain vested in the occupant.

Sec. 7. Fiscal impact statement.

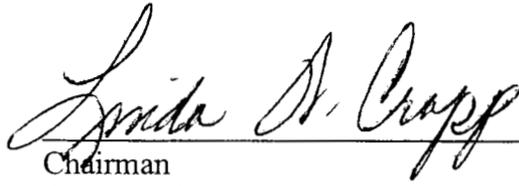
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 8. Effective date.

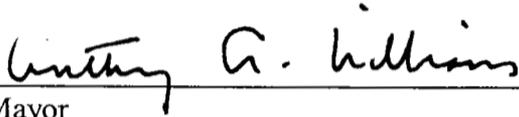
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

ENROLLED ORIGINAL

24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
October 24, 2003

ENROLLED ORIGINAL

AN ACT

D.C. ACT 15-183

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 24, 2003

To provide, on a temporary basis, equitable real property tax relief to the Sexual Minority Youth Assistance League, a nonprofit, tax-exempt organization.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Sexual Minority Youth Assistance League Equitable Real Property Tax Relief Temporary Act of 2003".

Sec. 2. The Council of the District of Columbia orders that all real property taxes, interest, penalties, fees, and other related charges assessed against the Sexual Minority Youth Assistance League for the period of June 1, 2000 through October 31, 2000, on real property located at 410 - 7th Street, S.E., located in square 902, lot 814, be forgiven and any payments already made for this period be refunded.

Sec. 3. Inclusion in the budget and financial plan.

This act shall be subject to the inclusion of its fiscal effect in an approved budget and financial plan.

Sec. 4. Fiscal impact statement.

The Council adopts the attached fiscal impact statement 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. Official Code § 1-206.02(c)(3)).

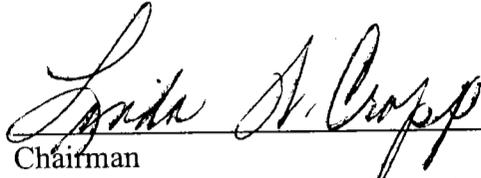
Sec. 5. Effective date.

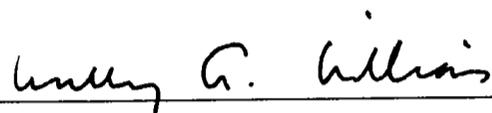
(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

ENROLLED ORIGINAL

24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.


Chairman
Council of the District of Columbia


Mayor
District of Columbia
APPROVED
October 24, 2003

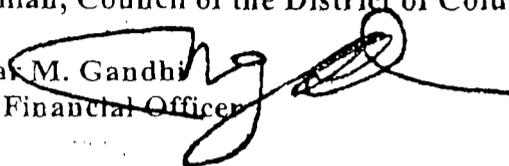
Government of the District of Columbia
Office of the Chief Financial Officer



Natwar M. Gandhi
Chief Financial Officer

MEMORANDUM

TO: The Honorable Linda W. Cropp
Chairman, Council of the District of Columbia

FROM: Natwar M. Gandhi 
Chief Financial Officer

DATE: MAY 27 2003

SUBJECT: Fiscal Impact Statement: "Sexual Minority Youth Assistance
League Equitable Real Property Tax Relief Act of 2003"

REFERENCE: Bill 15-257 as Introduced

Conclusion

Funds are not sufficient in the FY 2003 budget and the proposed FY 2004 through FY 2007 budget and financial plan as agreed to by the Mayor and the Council of the District of Columbia. The proposed legislation will result in foregone real property tax revenue, thus reducing the local General Fund. The proposed legislation will result in unbudgeted costs of approximately \$3,663 from foregone revenue in FY 2003.

Background

The proposed legislation approves a real property tax exemption for property located in Square 902, Lots 814 and 815 located at 408 and 410 7th Street, S.E. The property is used, owned and occupied by the Sexual Minority Youth Assistance League. In addition, the proposed legislation foregoes all real property taxation, fees, interest and penalties on the subject property for a period beginning May 8, 2000 through September 10, 2001. The occupants would be entitled to a refund of all amounts paid for real property taxes assessed during that period. Currently the real property tax exemption is effective for all matters on and after November 1, 2000¹.

¹ Pursuant to D.C. Official Code § 47-1002(8); Application was reviewed by the Office of Tax and Revenue and the property was inspected by the assessor's office.

9309

The Honorable Linda W. Cropp
 FIS: Bill 15-257, "SMYAL Equitable RPTx Relief Act of 2003"
 Page 2 of 2

Financial Plan Impact

Funds are not sufficient in the FY 2003 budget and the proposed FY 2004 through FY 2007 budget and financial plan as agreed to by the Mayor and the Council. The combined subject properties are assessed at \$486,850 for TY 2003. The Sexual Minority Youth Assistance League has paid \$3,663 for a portion of TY 2000 tax obligations and this amount will need to be refunded by the provisions of the proposed legislation. Funds would need to be identified in FY 2003 for these purposes.

The following table represents the approximate foregone revenue and exempted taxation as a result of implementing the proposed legislation.

Revenue Impact to the Financial Plan (\$ in 000s)					
FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	Total
(\$3.6)	(\$0.0)	(\$0.0)	(\$0.0)	(\$0.0)	(\$3.6)

The property was purchased in May 2000. An application for exemption was filed on October 31, 2000 by the owners with the Office of Tax and Revenue (OTR). The exemption was properly supported and subsequently granted. However, OTR cannot retroactively exempt a property from taxation. The property is currently tax exempt in perpetuity as long as the property is used for purposes of public charity conducted principally in the District of Columbia.

The Chief Financial Officer's legislative fiscal analysis is prepared by the Special Projects and Fiscal Analysis Administration in the Office of Research and Analysis. Contact us at 441 4th Street, NW, Suite 400S, Washington D.C., 20001 or view our work on-line at <http://cfo.dc.gov>.

ENROLLED ORIGINAL

AN ACT
D.C. ACT 15-184

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
OCTOBER 24, 2003

*Codification
 District of
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 Official Code*

2001 Edition

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 Supp.

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To amend, on a temporary basis, the Business Improvement Districts Act of 1996 to approve the expansion of the Golden Triangle business improvement district.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Expansion of the Golden Triangle Business Improvement District Temporary Amendment Act of 2003".

Sec. 2. Section 5 of the Business Improvement Districts Act of 1996, effective May 29, 1996 (D.C. Law 11-134; D.C. Official Code § 2-1215.04), is amended as follows:

Note,
 § 2-1215.04

(a) Designate the existing subsection (e-1) as subsection (e-2).

(b) Add a new subsection (e-1) to read as follows:

"(e-1)(1) The expansion of the Golden Triangle BID, to include Square 166, Lots 32, 33, 38, 41, 841, 859, and 7000; Square 168, Lots 50, 51, and 823; and Square 169, Lots 70 and 71, is hereby authorized and the BID taxes specified for the Golden Triangle BID are hereby imposed, subject to the approval of the Mayor pursuant to section 10(a).

"(2) This subsection shall constitute the approval of the Council pursuant to section 10(b)."

Sec. 3. Fiscal impact statement.

The Council adopts the attached fiscal impact statement 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. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

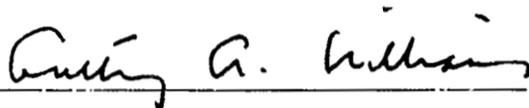
(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved

ENROLLED ORIGINAL

December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.


Chairman
Council of the District of Columbia


Mayor
District of Columbia
APPROVED
October 24, 2003

COUNCIL OF THE DISTRICT OF COLUMBIA
OFFICE OF THE BUDGET DIRECTOR FISCAL IMPACT STATEMENT

Bill Number:	Type: Emergency (X) Temporary () Permanent ()	Date Reported: September 2003
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Subject/Short Title: Expansion of the Golden Triangle Business Improvement District Amendment Act of 2002

Part I. Summary of the Fiscal Estimates of the Bill

	YES	NO
1. It will impact spending. (If "Yes," complete Section 1 in the Fiscal Estimate Worksheet).	()	(X) See 3 below.
a) It will affect local expenditures.	()	()
b) It will affect federal expenditures.	()	()
c) It will affect private/other expenditures.	()	()
d) It will affect intra-District expenditures.	()	()
2. It will impact revenue. (If "Yes," complete Section 2 in the Fiscal Estimate Worksheet).	()	(X) See 3 below.
a) It will impact local revenue.	()	()
b) It will impact federal revenue.	()	()
c) It will impact private/other revenue.	()	()
d) It will impact intra-District revenue.	()	()
3. The bill will have NO or minimal fiscal impact. (If "Yes," explain below). The bill will approve the expansion of the Golden Triangle BID. The bill would lead to an increase in revenues collected by the District, in the form of increased BID tax collections, but the increased revenue will be passed through to the BID.	(X)	()

Part II. Other Impact of the Bill

If you check "Yes" for each question, please explain on separate sheet, if necessary.

	YES	NO
1. It will affect an agency and/or agencies in the District. The bill will increase the collections of the Districts Office of Tax and Revenue; however, the increased collections will be passed through to the BID.	(X)	()
2. Are there performance measures/output for this bill?	()	(X)
3. Will it have results/outcome, i.e., what would happen if this bill is not enacted? This bill will expand the provision of BID services to a larger geographic area. The provision of these services will help improve the image of the area and help attract visitors and investors to the area.	(X)	()
4. Are funds appropriated for this bill in the Budget and Financial Plan for the current year? No additional funds are necessary to implement this bill.	(X)	()

Sources of information:	Councilmember: Harold Brazil
	Staff Person & Tel: Barry Kreiswirth 724-8792
	Council Budget Director's Signature: <i>ANTHONY</i> 9/16/03

ENROLLED ORIGINAL

AN ACT

D.C. ACT 15-185

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 24, 2003*Codification
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To amend, on a temporary basis, the Uniform Per Student Funding Formula for Public Schools and Public Charter Schools Act of 1998 and the District of Columbia School Reform Act of 1995 to provide a definition for resident student, to clarify the dates of the pupil counts to which appropriations under the Uniform Per Student Funding Formula apply for District of Columbia public schools versus that for public charter schools, to require the Mayor to establish a committee to adopt a policy governing proof of District residency for school enrollment purposes, to define requirements and responsibility for audits of enrollment at District of Columbia public schools and public charter schools, to provide for quarterly payments to the public charter schools, to define their schedule and basis in enrollment, to clarify the effect the annual enrollment audit is to have upon the schedule and amount of payments, to make conforming amendments regarding the definition of nonresident and quarterly enrollment reporting Funding Formula, to require that the Mayor be responsible for collecting enrollment reports until the State Education Office assumes the role to eliminate redundant or inconsistent audit provisions, to make conforming amendments to the fund transfer provisions for public charter schools, and to clarify the definition of new schools.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Public School Enrollment Integrity Clarification Temporary Amendment Act of 2003".

Sec. 2. The Uniform Per Student Funding Formula for Public Schools and Public Charter Schools Act of 1998, effective March 26, 1999 (D.C. Law 12-207; D.C. Official Code § 38-2901 *et seq.*), is amended as follows:

(a) Section 102 (D.C. Official Code § 38-2901) is amended by adding a new paragraph (10A) to read as follows:

“(10A) “Resident student” means a minor enrolled in a District of Columbia public school or public charter school who has a parent, guardian, or custodian residing in the

Note,
§ 38-2901

ENROLLED ORIGINAL

District of Columbia or an adult enrolled in a District of Columbia public school or a public charter school who resides in the District of Columbia.”

(b) Section 107 (D.C. Official Code § 38-2906) is amended to read as follows:

Note,
§ 38-2906

"(a) Annual appropriations for the DCPS pursuant to the Formula shall be based on the number of resident students enrolled in the DCPS on October 5 in the year preceding the fiscal year for which the appropriation is made. This count shall be verified as provided in subsection (e) of this section.

"(b) Annual appropriations for the public charter schools pursuant to the Formula shall equal the total estimated costs for the following:

"(1) The number of resident students enrolled in all public charter schools combined as of October 5 in the year preceding the fiscal year for which the appropriation is made, and verified as provided in subsection (e) of this section, plus or minus;

"(2) The number of resident students projected to be enrolled in all public charter schools combined during the fiscal year for which the appropriation is made, and calculated as provided in subsection (f) of this section, plus;

"(3) The annual budget of the District of Columbia Public Charter School Board and, beginning in fiscal year 2002, the Public Charter School Office of the Board of Education, plus;

"(4) Five percent of the total amount generated pursuant to paragraphs (1), (2) and (3) of this subsection, to be put into escrow as a reserve for payments to public charter schools in case enrollment, including enrollment in special needs categories, should exceed that of the projections on which costs are based pursuant to paragraph (2) of this subsection. Any amount remaining in the escrow at the end of each fiscal year shall revert to the General Fund.

"(c) The Mayor shall establish a committee to develop and implement, within 90 days of the effective date of the Public School Enrollment Integrity Congressional Review Emergency Amendment Act of 2001, effective November 29, 2001 (D.C. Act 14-19; 48 DCR 11239), a policy governing proof of District residency for the purposes of this section and the District of Columbia Nonresident Tuition Act, approved September 8, 1970 (74 Stat. 853; D.C. Official Code § 38-302 *et seq.*). The committee shall be composed of the Mayor, the Chair of the Council Committee on Education, Libraries and Recreation, the Superintendent of District of Columbia Public Schools, a representative of each of the eligible chartering authorities, and a representative of the D.C. Charter Public School Coalition. Upon establishment of a state education office, the Mayor shall transfer this function to that office.

"(d) The residency policy developed pursuant to subsection (c) of this section shall apply to students in DCPS and the public charter schools.

"(e) The student counts reported for October 5 of each year shall be verified by an independent contractor commissioned by the Mayor. The independent contractor shall perform a census on the student enrollment of each DCPS and of each public charter school. The verification process shall begin no later than one week following the day on which the count is

ENROLLED ORIGINAL

taken. The verification shall cover the information required by section 2402 of the District of Columbia School Reform Act of 1995, approved April 26, 1996 (110 Stat. 257; D.C. Official Code § 38-1804.02) ("School Reform Act"), and shall be transmitted by the Mayor to the Council, the Authority, the Comptroller General of the United States, and the appropriate congressional committees no later than the following December 31. Until the verification is transmitted, the unaudited October count shall serve as the basis for the annual appropriation for the following fiscal year and for quarterly payments.

"(f) Preliminary projections of Public Charter School enrollment shall be made by each chartering authority for the Public Charter Schools under its supervision, and submitted to the Mayor by the date on which the DCPS is required to submit its budget request to the Mayor. The chartering authorities may submit revisions of such projections to the Mayor and Council at any time before the Council committee with oversight responsibilities for the public education budget reports its recommendations on that budget to the Council."

(c) A new section 107a is added to read as follows:

Note, New
§ 38-2906.01

"Sec. 107a. Payments.

"(a) Except as provided in subsection (b)(2) of this section, following the enactment of an act making appropriations for the District of Columbia each fiscal year, the Mayor shall provide to DCPS the full amount of its appropriation in accordance with standard procedures for independent agencies. The Mayor shall make payments to each public charter school from the escrow account established under section 2403 of the School Reform Act to a bank designated by each school. The annual payment shall be made in the form of four equal quarterly payments calculated in accordance with subsections (b), (c) and (d) of this section, provided; however, that the entire annual payment for facilities pursuant to section 109 shall be included in the first payment of the fiscal year and that any payment for new charter schools pursuant to section 2403 of the School Reform Act shall also be included in the first payment of the fiscal year. The first payment shall be made no later than July 15; subsequent payments shall be made no later than October 15, January 15, and April 15.

"(b)(1) Except as provided in paragraph (2) of this subsection, each payment shall be one-fourth of each public charter school's entitlement based on its October enrollment count. The basis of the July 15 and October 15 payments shall be the unaudited numbers contained in the reports submitted by the eligible chartering authorities under section 2402(a) of the School Reform Act. The basis of the January 15 and April 15 payments shall be the audited October enrollment numbers, provided that these amounts shall be adjusted in accordance with the provisions of subsection (c) of this section.

"(2) The payment of October 15, 2000 shall be 50% of each public charter school's entitlement based on its unaudited October 5 enrollment count.

"(c) Payments shall not be reduced or delayed pending the conduct and results of the audit prescribed by section 107(e). If the audit finds that the number of verified resident students in enrollment at any public charter school differs from that on which its July 15 and

ENROLLED ORIGINAL

October 15 payments were based, the Mayor shall recalculate the appropriate amount of subsequent payments accordingly, adjusting them by the amount of the discrepancy.

"(d) Payments for special education, limited English proficient students, and other add-on components of the Funding Formula shall be included in the quarterly payments to public charter schools. Payments shall reflect one-quarter of the annual per student amount for each add-on; provided, however, that add-ons for special education and limited English proficient students shall be added on a pro rata basis from the date on which a public charter school begins to provide add-on services for such students.

"(e) Prior to or concurrent with any payment made pursuant to this section, the Chief Financial Officer of the District of Columbia shall provide to each public charter school an accounting indicating what the payment is for and how it was calculated."

Sec. 3. The District of Columbia School Reform Amendment Act of 1995, approved April 26, 1996 (110 Stat. 226; D.C. Official Code § 38-1800.01 *et seq.*), is amended as follows:

(a) Section 2002(25)(A) (D.C. Official Code § 38-1800.02(25)(A)) is amended by striking the word "parent" and inserting the phrase "parent, guardian or custodian" in its place.

Note,
§ 38-1800.02

(b) Section 2402 (D.C. Official Code § 38-1804.02) is amended as follows:

Note,
§ 38-1804-.02

(1) Subsection (a) is amended to read as follows:

"(a) *Quarterly reporting requirement.* -- On June 30, October 15, December 15, and March 30 of each year the District of Columbia public schools and each eligible chartering authority shall submit a report to the Mayor containing the information described in subsection (b) of this section that is applicable to their schools; provided, however, that in the case of the June 30 report, the information submitted by each eligible chartering authority shall be in the form of estimates of the number of students who will fall into each category on the following October 5."

(2) Subsection (b) is amended by striking the phrase "*Calculation of the number of students.* -- Not later than 30 days after April 26, 1996, and not later than October 15, of each year thereafter, the State Education Office shall calculate the following:" and inserting the phrase "*Information required.* -- The reports described in subsection (a) of this section shall contain the following information:" in its place.

(3) Subsection (c) is amended to read as follows:

"(c) *Annual reports.* -- Not later than October 30 of each year the Mayor shall prepare and submit to the Authority (during a control year), the Council, the Comptroller General of the United States, and the appropriate congressional committees a report containing a summary of the calculations made pursuant to subsection (b) of this subsection, including the four immediately prior reporting periods specified in subsection (a) of this section."

(4) Subsection (d) is repealed.

(c) Section 2403 (D.C. Official Code § 38-1804.03) is amended as follows:

Note,
§ 38-1804.03

(1) Subsection (a)(2) is amended as follows:

ENROLLED ORIGINAL

(A) Subparagraph (A) is amended to read as follows:

"(A) *Initial payment.* --

"(i) *In General.* -- Except as provided in sub-subparagraph (ii) of this subparagraph, no later than July 15, October 15, January 15, and April 15 of each year, the Mayor shall transfer, by electronic funds transfer, the quarterly payments for each public charter school as prescribed in section 107a of the Uniform Per Student Funding Formula for Public Schools and Public Charter Schools Act of 1998, passed by the Council on an emergency basis on September 16, 2003 (Enrolled version of Bill 15-431), to a bank designated by such school.

"(ii) *Reduction in case of a new school.* -- In the case of a public charter school that has received a payment pursuant to subsection (b) of this section in the fiscal year immediately preceding the fiscal year in which a transfer pursuant to sub-subparagraph (i) of this subparagraph is made, the amounts transferred to the school under sub-subparagraph (i) of this subparagraph shall be reduced by an amount equal to 25% of the amount of the payment made pursuant to subsection (b) of this section."

(B) Subparagraph (B) is repealed.

(2) Subsection (b) is amended as follows:

(A) Paragraph (4) is amended to read as follows:

"(4) *Credits to fund.* -- Upon the receipt of each of its payments pursuant to subsection (a)(2)(A) of this section by a public charter school described in paragraph (5) of this subsection, the Chief Financial Officer of the District of Columbia shall credit the New Charter School Fund with 25 % of the amount paid to the school pursuant to paragraph (3) of this subsection."

(B) Paragraph (5)(B) is amended to read as follows:

"(B) Has had its petition to establish a public charter school approved pursuant to section 2203 and is scheduled to begin operation as a public charter school in the fiscal year for which funds are appropriated to carry out the provisions of this subsection."

(3) A new subsection (d) is added to read as follows:

"(d) *Additional payment to new schools.* -- Until section 441 of the District of Columbia Home Rule Act is amended to establish the first day of the fiscal year for D.C. Public Schools and Public Charter Schools as July 1, the amount of payment to a public charter school described in subsection (b)(5)(B) of this section, shall be increased by 1/12 of the total dollar amount to which the public charter school is entitled for the fiscal year based on its unaudited October 5 enrollment."

Sec. 4. Repealers.

(a) The Public School Enrollment Integrity Emergency Amendment Act of 2003, effective July 29, 2003 (D.C. Act 15-139; 50 DCR 6866), is repealed.

(b) The Public School Enrollment Integrity Temporary Amendment Act of 2003, passed on second reading on September 16, 2003 (Enrolled version of Bill 15-404), is repealed.

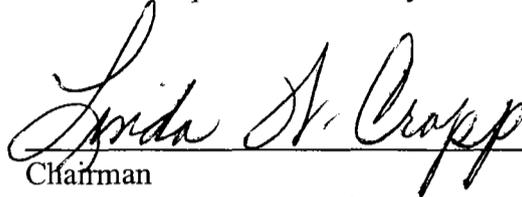
ENROLLED ORIGINAL

Sec. 5. Fiscal impact statement.
The fiscal impact statement is attached.

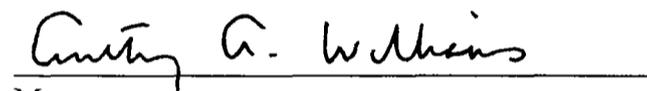
Sec. 6. Effective date.

(a) 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), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
October 24, 2003

COUNCIL OF THE DISTRICT OF COLUMBIA
OFFICE OF THE BUDGET DIRECTOR FISCAL IMPACT STATEMENT

Bill Number:	Type: Emergency (<input checked="" type="checkbox"/>) Temporary (<input type="checkbox"/>) Permanent (<input type="checkbox"/>)	Date Reported: Sept. 16, 2003
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Subject/Short Title: "Public School Enrollment Integrity Clarification Act of 2003"

Part I: Summary of the Fiscal Estimates of the Bill		
	YES	NO
1. It will impact spending. (If "Yes," complete Section 1 in the Fiscal Estimate Worksheet).	()	(x)
a) It will affect local expenditures.	()	()
b) It will affect federal expenditures.	()	()
c) It will affect private/other expenditures.	()	()
d) It will affect intra-District expenditures.	()	()
2. It will impact revenue. (If "Yes," complete Section 2 in the Fiscal Estimate Worksheet).	()	(x)
a) It will impact local revenue.	()	()
b) It will impact federal revenue.	()	()
c) It will impact private/other revenue.	()	()
d) It will impact intra-District revenue.	()	()
3. The bill will have NO or minimal fiscal impact. (If "Yes," explain below).	(x)	()
<p>Explanation: This bill no fiscal impact because it does not cause the District to do anything new. It only legalizes the current practices of the OCFO, Public Schools and Public Charter Schools. This bill is need because prior legislation that mandated these practices has expired.</p>		

Part II: Other Impact of the Bill		
If you check "Yes" for each question, please explain on separate sheet, if necessary.		
	YES	NO
1. It will affect an agency and/or agencies in the District.	(x)	()
2. Are there performance measures/output for this bill?	()	()
3. Will it have results/outcome, i.e., what would happen if this bill is not enacted?	(x)	()
4. Are funds appropriated for this bill in the Budget and Financial Plan for the current year?	(x)	()

Sources of information: SEO, OCFO, Office of Corporation Council. General Counsel for the Council of D.C.	Councilmember: Kevin P. Chavous
	Staff Person & Tel: Kevin K. Otuome
	Council Budget Director's Signature: <i>[Signature]</i>

9/16/03