AN ACT

To amend, on a temporary basis, the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011 to allow the District of Columbia Board of Ethics and Government Accountability to issue advisory opinions upon its own initiative, and expand the range of penalties that may be imposed for a violation of the Code of Conduct.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Board of Ethics and Government Accountability Temporary Amendment Act of 2013".

Sec. 2. The Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011, effective April 27, 2012 (D.C. Law 19-124; D.C. Official Code § 1-1161.01 *et seq*.), is amended as follows:

(a) Section 219 (D.C. Official Code § 1-1162.19) is amended by adding a new subsection (a-1) to read as follows:

"(a-1) The Ethics Board or the Director of Government Ethics may issue, on its own initiative, an advisory opinion on any general question of law it deems of sufficient public importance concerning a provision of the Code of Conduct over which the Ethics Board has primary jurisdiction.".

(b) Section 221(a)(4) (D.C. Official Code § 1-1162.21(a)(4)) is amended to read as follows:

"(4) In addition to any civil penalty imposed under this title, a violation of the Code of Conduct may result in the following:

"(A) Remedial action in accordance with the Merit Personnel Act;

"(B) A public censure imposed by the Ethics Board;

"(C) A nonpublic informal admonition imposed by the Director and appealable to the Board for low-level violations of the Code of Conduct including or similar to:

"(i) A one-time, minor misuse of government property;

"(ii) A time and leave issue, where it is not habitual and did not have a specific harmful impact;

"(iii) A non-uniform application of a regulation or policy by a supervisor, where it is not a regular occurrence and was not for an unlawful purpose;

"(iv) A relatively minor action based, at least in part, on advice or guidance sought in good faith from another, such as a supervisor, and given in good faith, though erroneous; or

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(Related Emergency Legislation is Act 20-24, 20 DCSTAT 483)

          "(v) Any minor, incidental ethics violation where the person made amends and rectified the situation.

          "(D) A finding of a violation and a period of probation during which a respondent may seek expungement of the violation upon successful completion of any probationary terms imposed by the Director of Government Ethics or the Ethics Board; or

          "(E) Any negotiated disposition of a matter offered by the Director of Government Ethics, and accepted by the respondent, subject to approval by the Ethics Board.".

     Sec. 3. Fiscal impact statement.

     The Council adopts the fiscal impact statement of the Budget Director 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 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.