

AN ACT

Bill 20-754

Emergency  
Declaration  
Res. 20-452  
20 DCStat 3385

Codification  
District of  
Columbia  
Official Code  
2001 Edition

*To amend, on an emergency basis, the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011 to subject certain conduct to the Code of Conduct enforceable by the District of Columbia Board of Ethics and Government Accountability ("BEGA"), to clarify that the Code of Conduct applies to the entire District government and its instrumentalities, while excluding the courts, to require the BEGA to develop a comprehensive Code of Conduct for review and approval by the Council, to allow the Director of Government Ethics 30 business days from the initiation of a formal investigation to present evidence to the BEGA, to allow the Director of Government Ethics to pursue a civil fine and refer matters for criminal prosecution, and to clarify that any failure to obey the order of the court enforcing a penalty imposed by the BEGA may be treated by the court as contempt; and to amend the Confirmation Act of 1978 to include BEGA among the boards and commissions to which specified confirmation procedures apply.*

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Comprehensive Code of Conduct and BEGA Emergency Amendment Act of 2014".

Comprehensive  
Code of  
Conduct and  
BEGA  
Emergency  
Amendment  
Act of 2014

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 101(7) (D.C. Official Code § 1-1161.01(7)) is amended as follows:

Note,  
§ 1-1161.01

(1) Subparagraph (A) is amended by striking the word "The" and inserting the phrase "For members and employees of the Council, the" in its place.

(2) Subparagraph (E) is amended by striking the word "Chapter" and inserting the phrase "For employees and public officials who are not members or employees of the Council, Chapter" in its place.

(3) Subparagraph (F) is amended by striking the period and inserting the phrase "and" in its place.

(4) A new subparagraph (G) is added to read as follows:

"(G) The Acceptance and use of gifts by District Entities Act of 2000, effective October 19, 2000 (D.C. Law 13-172; D.C. Official Code § 1-329.01), concerning gifts to the District of Columbia."

(b) A new section 201a is added to read as follows:

Note,  
§ 1-1162.01

"Sec. 201a. Comprehensive applicability to employees and public officials.

“This act and the Code of Conduct shall apply to all employees and public officials serving the District of Columbia, its instrumentalities, subordinate and independent agencies, the Council of the District of Columbia, boards and commissions, and Advisory Neighborhood Commissions, but excluding the Courts.”.

(c) Section 209 (D.C. Official Code § 1-1162.09) is amended to read as follows:

**Note,**  
**§ 1-1162.09**

“Sec. 209. Rules.

“(a) The Ethics Board, pursuant to Title I of the Administrative Procedure Act, shall issue rules to implement the provisions of this title, including rules for the administration of preliminary investigations, formal investigations, and hearings related to violations of the Code of Conduct or other provisions of this title.

“(b)(1) The Ethics Board shall submit to the Council for its consideration proposed legislation codifying a comprehensive Code of Conduct applicable to all employees and public officials serving the District of Columbia, its instrumentalities, subordinate and independent agencies, the Council of the District of Columbia, boards and commissions, and Advisory Neighborhood Commissions, but excluding the Courts. Upon the effective date of legislation establishing a comprehensive Code of Conduct, the comprehensive Code of Conduct shall supplant the existing Code of Conduct as defined by section 101(7).

“(2) Upon the effective date of legislation establishing a comprehensive Code of Conduct, the Ethics Board shall issue rules to implement the provisions of the comprehensive Code of Conduct. The proposed rules shall be submitted to the Council for a 45-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed rules, in whole or in part, by resolution within this 45-day review period, the proposed rules shall be deemed disapproved.”.

(d) Section 212(a) (D.C. Official Code § 1-1162.12(a)) is amended by striking the word “violation” and inserting the phrase “violation of” in its place.

**Note,**  
**§ 1-1162.12**

(e) Section 213(e) (D.C. Official Code § 1-1162.13(e)) is amended to read as follows:

**Note,**  
**§ 1-1162.13**

“(e) Within 30 business days of the initiation of a formal investigation, the Director of Government Ethics shall cause evidence concerning the complaint to be presented to the Ethics Board, with the potential for a 15-business-day extension to be granted by the Ethics Board. If the Ethics Board decides that there is reasonable belief that a violation has occurred, the Ethics Board may authorize the issuance of subpoenas.”.

(f) Section 215(a) (D.C. Official Code § 1-1162.15(a)) is amended by striking the phrase “the Ethics Board may:” and inserting the phrase “the Ethics Board may take one or more of the following actions:” in its place.

**Note,**  
**§ 1-1162.15**

(g) Section 221(a)(5) (D.C. Official Code § 1-1162.21(a)(5)) is amended by adding a new subparagraph (C) to read as follows:

**Note,**  
**§ 1-1162.21**

“(C) Any failure to obey the order of the court may be treated by the court as contempt.”.

Sec. 3. Section 2(e) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01(e)), is amended as follows:

**Note,**  
**§ 1-523.01**

(a) Paragraph (29) is amended by striking the word “and”.

(b) Paragraph (30) is amended by striking the period and inserting the phrase “; and” in its place.

(c) A new paragraph (31) is added to read as follows:

“(31) The District of Columbia Board of Ethics and Government Accountability, established by section 202 of 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 § 1-1162.02).”.

**Sec. 4. 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. 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), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).