

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend, on an emergency basis, the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011 to establish financial disclosure requirements for the Council of the District of Columbia and to clarify financial disclosure requirements for certain Washington Metropolitan Area Transit Authority Board members.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Council Financial Disclosure Emergency Amendment Act of 2016”.

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(47) (D.C. Official Code § 1-1161.01(47)) is amended as follows:

(1) Subparagraph (G-1) is amended by striking the phrase “pursuant to section 1 of the Washington Metropolitan Area Transit Regulation Compact, approved November 6, 1966 (80 Stat. 1324; D.C. Official Code § 9-1107.01)” and inserting the phrase “appointed by the Council pursuant to section 5(a) of the Washington Metropolitan Area Transit Regulation Compact, approved November 6, 1966 (80 Stat. 1324; D.C. Official Code § 9-1107.01(5)(a))” in its place.

(2) A new subparagraph (G-2) is added to read as follows:

“(G-2) A Member or Alternate Member of the Washington Metrorail Safety Commission appointed by the District of Columbia pursuant to Article III.B. of the Metrorail Safety Commission Interstate Compact enacted pursuant to the Washington Metrorail Safety Commission Establishment Act of 2016, passed on 2nd reading on December 20, 2016 (Enrolled version of Bill 21-828);”.

(3) Subparagraph (H) is amended by striking the phrase “; and” and inserting a semicolon in its place.

(4) Subparagraph (I) is amended as follows:

(A) Strike the phrase “A District of Columbia Excepted Service employee” and insert the phrase “A District of Columbia Excepted Service employee, except an employee of the Council,” in its place.

(B) Strike the phrase “appearance of a conflict of interest.” and insert the phrase “appearance of a conflict of interest; and” in its place.

(5) A new subparagraph (J) is added to read as follows:

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“(J) An employee of the Council paid at a rate equal to or above the midpoint rate of pay for Excepted Service 9.”.

(b) Section 224 (D.C. Official Code § 1-1162.24) is amended as follows:

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

(A) Strike the phrase “, members of the Washington Metropolitan Area Transit Authority Board of Directors appointed pursuant to section 1 of the Washington Metropolitan Area Transit Regulation Compact, approved November 6, 1966 (80 Stat. 1324; D.C. Official Code § 9-1107.01),”.

(B) Strike the phrase “shall file annually” and insert the phrase “shall file” in its place.

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

“(c)(1) Except as otherwise provided in this subsection, reports required by this section shall be filed annually no later than 11:59 p.m. on May 15 of each year. If, prior to 11:59 p.m. on May 15, a public official ceases to hold an office or position, the occupancy of which imposes upon him or her the reporting requirements set forth in subsection (a) of this section, the public official shall file the report required by subsection (a) of this section within 3 months after leaving the office or position.

“(2) Reports required by this section for the Chairman and each member of the Council shall be filed semiannually no later than 11:59 p.m. on May 15 and November 15 of each year. If, prior to 11:59 p.m. on May 15 or November 15, the Chairman or a member of the Council ceases to hold office, the occupancy of which imposes upon him or her the reporting requirements set forth in subsection (a) of this section, the Chairman or member of the Council shall file the report required by subsection (a) of this section within 3 months after leaving the office.”.

(3) A new subsection (c-1) is added to read as follows:

“(c-1) The Ethics Board shall publish in the District of Columbia Register no later than 11:59 p.m. on June 15 of each year, or in the case of the Chairman or a member of the Council, no later than 11:59 p.m. on June 15 and December 15, of each year, the name of each public official who has:

“(1) Filed a report under this section;

“(2) Sought and received an extension of the filing deadline and the reason for the extension; and

“(3) Not filed a report and the reason for not filing, if known.”.

(4) A new subsection (i) is inserted to read as follows:

“(i) Each personnel authority shall compile a list of all public officials, as defined by section 101(47), within its respective agency or the Council, and shall supply the list to the Ethics Board no later than 11:59 p.m. on March 1 of each year. The list required by this subsection shall include the name, title, position, grade level, home address, work e-mail address, and work telephone number for each public official appearing on the list.”.

(c) Section 225 (D.C. Official Code § 1-1162.25) is amended to read as follows:

“(a)(1) Each employee, other than a public official or a Council employee, who advises, makes decisions or participates substantially in areas of contracting, procurement, administration

of grants or subsidies, developing policies, land-use planning, inspecting, licensing, policy-making, regulating, or auditing, or acts in areas of responsibility that may create a conflict of interest or appearance of a conflict of interest, as determined by the appropriate agency head, shall file a report containing a full and complete statement of the information required by section 224 with the appropriate agency head no later than 11:59 p.m. on May 15 of each year.

“(2) Each Council employee who acts in areas of responsibility that may create a conflict of interest or appearance of a conflict of interest, as determined by that employee’s personnel authority, shall file a confidential report containing a full and complete statement of the information required by section 224 with the General Counsel to the Council no later than 11:59 p.m. on May 15 of each year.

“(b) Each personnel authority shall review each confidential financial disclosure statement filed by an employee of its agency or the Council pursuant to subsection (a) of this section no later than 11:59 p.m. on June 1 of each year. Any violation of the Code of Conduct found by the personnel authority shall be forwarded immediately to the Ethics Board for review.

“(c) Each personnel authority shall compile a list of all employees required to submit a confidential financial disclosure statement within its agency or the Council and shall supply the list to the Ethics Board by 11:59 p.m. on March 1 of each year. The list required by this subsection shall include the name, title, position, and grade level for each employee.

“(d) A confidential financial disclosure statement filed pursuant to this section shall remain confidential, and shall be retained by the personnel authority for at least 6 years.

“(e) For the purposes of this section, the Chairman of the Council may delegate all or a portion of his or her personnel authority, described in section 406(b)(3)(A)(i) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-604.06(b)(3)(A)(i)), to one or more employees of the Council.”.

Sec. 3. Applicability

(a) Amendatory section 224(c)(2) 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 § 1-1162.24(c)(2)), within section 2(b)(2) of this act shall apply upon the date of inclusion of its fiscal effect in an approved budget and financial plan.

(b) The Chief Financial Officer shall certify the date of the inclusion of the provision’s fiscal effect in an approved budget and financial plan, and provide notice to the Budget Director of the Council of the certification.

(c)(1) The Budget Director shall cause the notice of the certification to be published in the District of Columbia Register.

(2) The date of publication of the notice of the certification shall not affect the applicability of the provision.

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Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report for the Council Financial Disclosure Amendment Act of 2016, passed on 2nd reading on December 20, 2016 (Enrolled version of Bill 21-332), as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, effective October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

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 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)), and publication in the District of Columbia Register.

Chairman
Council of the District of Columbia

Mayor
District of Columbia