

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 3-119

"District of Columbia Law Revision Commission Act of 1980".

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. 3-324, on first and second readings, November 25, 1980 and December 9, 1980, respectively. Following the signature of the Mayor on December 18, 1980, this legislation was assigned Act No. 3-313, published in the December 26, 1980, edition of the D.C. Register, (Vol. 27 page 5641) and transmitted to Congress on January 7, 1981 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 3-119 effective February 26, 1981.



ARRINGTON DIXON
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

January 7, 8, 9, 12, 13, 14, 15, 16, 19, 20, 21, 22, 23, 26, 27, 28, 29, 30

February 2, 3, 4, 5, 6, 17, 18, 19, 20, 23, 24, 25

D.C. LAW 3-119

EFFECTIVE DATE FEB 26 1981

AN ACT

D.C. ACT 3-313

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DEC 18 1980

To create a Law Revision Commission in the District of Columbia.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA:

That this act may be cited as the "District of Columbia Law Revision Commission Act of 1980".

Sec. 2. (a) There is established in the District of Columbia a District of Columbia Law Revision Commission (hereafter referred to as the "Commission") which shall consist of no more than seventeen (17) members to be appointed as follows:

CODIFICATION
D.C. Code,
sec. 49-401

(1) Three (3) members shall be appointed by the Mayor of the District of Columbia, one (1) of whom shall be a member of the faculty of a law school in the District of Columbia and one (1) of whom shall be a nonlawyer;

(2) Four (4) members shall be appointed by the Council of the District of Columbia upon

the recommendation of the Chairman of the Council of the District of Columbia, one (1) of whom shall be a nonlawyer and one (1) of whom shall be a member of the faculty of a law school in the District of Columbia;

(3) Three (3) members may be appointed by the Joint Committee on Judicial Administration in the District of Columbia, one (1) of whom shall be a nonlawyer;

(4) One (1) member shall be appointed by the Corporation Counsel of the District of Columbia;

(5) Two (2) members may be appointed by the Board of Governors of the District of Columbia Bar;

(6) One (1) member shall be appointed by the Director of the District of Columbia Public Defender Service;

(7) One (1) member may be appointed by the President of the United States;

(8) One (1) member may be appointed by the Chairman of the Committee on Governmental Affairs of the Senate; and

(9) One (1) member may be appointed by the Chairman of the Committee on the District of Columbia of the House of Representatives;

(b) Any person who is currently serving a term under the District of Columbia Law Revision Commission Act, approved August 21, 1974 (88 Stat. 408; D.C. Code, sec. 49-401 et seq.) which does not expire on or before March 31, 1981, may remain in office until the expiration of that term. If a person remains in office, then that person is included in determining the total number of appointments available to each appointing authority under subsection (a): PROVIDED, That:

(1) the President of the United States may appoint a member to the Commission under subsection (a) only after the expiration of the term or resignation of those persons appointed by the President of the United States under the District of Columbia Law Revision Commission Act, approved August 21, 1974 (88 Stat. 408; D.C. Code, sec. 49-401 et seq.);

(2) the Chairman of the Committee on Governmental Affairs of the Senate may appoint a member to the Commission under subsection (a) only

after the expiration of the term or resignation of those persons appointed by the President pro tempore of the Senate and the minority leader of the Senate under the District of Columbia Law Revision Commission Act, approved August 21, 1974 (88 Stat. 408; D.C. Code, sec. 49-401 et seq.); and

(3) the Chairman of the Committee on the District of Columbia of the House of Representatives may appoint a member to the Commission under subsection (a) only after the expiration of the term or resignation of those persons appointed by the Speaker of the House of Representatives and the minority leader of the House of Representatives under the District of Columbia Law Revision Commission Act, approved August 21, 1974 (88 Stat. 408; D.C. Code, sec. 49-401 et seq.).

(c) Except as provided in subsection (d), no person may be appointed as a member of the Commission after the effective date of this act unless he or she is a bona fide resident of the District of Columbia who has maintained an actual place of abode in the District of Columbia for at

Enrolled Order

least ninety (90) days immediately prior to his or her appointment to the Commission.

(d) Notwithstanding the provisions of subsection (c), the residency requirements of the District of Columbia Law Revision Commission Act, approved August 21, 1974 (88 Stat. 408, D.C. Code, sec. 47-401 et seq.) shall be applied to any person previously appointed to the Commission under that act.

(e) Members of the Commission shall serve for four (4) year terms and may be reappointed for no more than two (2) consecutive terms.

(f) The Chairman of the Commission shall be selected by the members of the Commission from among their number.

(g) Appointments to fill vacancies on the Commission shall be made in the same manner, and on the same basis, as original appointments to the Commission. A member appointed to fill a vacancy shall serve until the expiration of the term of the member whose vacancy he or she was appointed to fill.

(h) Members and the Chairman of the Commission shall be entitled to receive

Enrolled Original

compensation (including traveltime) in accordance with the provisions of section 1103 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective January 1, 1980 (D.C. Law 2-139; D.C. Code, sec. 1-341.8), except no member or the Chairman of the Commission shall receive more than five thousand dollars (\$5,000) for the performance of such duties during any twelve (12) month period.

(j) The Commission may request from any department, agency, or instrumentality of the executive branch of the District of Columbia or federal government, including independent agencies, any information necessary to carry out the provisions of this act. Each department, agency, instrumentality, or independent agency of the District of Columbia is authorized and directed, to the extent permitted by law, to furnish the Commission the requested information.

(k) The Commission may enter into contracts for which sufficient appropriations are authorized and provided with federal or state agencies, private firms, institutions and individuals to conduct research or surveys, prepare reports and

perform other activities necessary to the discharge of its duties: PROVIDED, That the Commission shall contract with vendors based in the District of Columbia who pay an unincorporated or incorporated business franchise tax, unless the Commission Chairperson confirms in writing, in advance of contracting, to the Mayor and the Chairman of the Council of the District of Columbia that such goods and services are not reasonably and competitively available from a vendor based in the District of Columbia."

(k) The Commission may establish such advisory groups, committees, or subcommittees, consisting of members or nonmembers, as it deems necessary and appropriate to carry out the purposes of this act.

Sec. 3. It shall be the duty of the Commission to do the following:

D.C. Code,
sec. 49-402

(a) examine the common law and statutes relating to the District of Columbia of the District of Columbia, the ordinances, regulations, resolutions, and acts of the Council, and all relevant judicial decisions for the purpose of discovering defects and anachronisms in the law

relating to the District of Columbia and recommending needed reforms;

(b) receive and consider proposed changes in the law recommended by the American Law Institute, the Conference of Commissioners on Uniform State Laws, any bar association, or other learned bodies;

(c) receive and consider suggestions from judges, public officials, lawyers, and the public generally as to defects and anachronisms in the law relating to the District of Columbia;

(d) recommend, from time to time, to the Council of the District of Columbia such changes in the law relating to the District of Columbia as it deems necessary to modify or eliminate antiquated or inequitable rules of law, and to bring the civil, criminal, and administrative law relating to the District of Columbia into harmony with modern conditions;

(e) upon request of the Council of the District of Columbia or the Chairman of the Council of the District of Columbia, study the legislative and rulemaking methods, practices, and procedures used by the District of Columbia

government and make recommendations for improvement and modernization.

Sec. 4. The Commission shall make an annual report of its proceedings to the Council of the District of Columbia and the Mayor by March 31st of each year. The report shall contain the following:

D.C. Code,
sec. 49-403

- (a) a list of all topics considered by the Commission during the reported year;
- (b) the final disposition of all the topics;
- (c) the number of hearings held;
- (d) suggested legislative changes;
- (e) a discussion of any problems which may have arisen after a change in legislation; and
- (f) the agenda of the Commission for the next reporting year.

Sec. 5. Section 406(b)(11) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective January 1, 1980 (D.C. Law 2-139; D.C. Code, sec. 1-334.6(b)(11)) is amended to read as follows:

D.C. Code,
sec. 1-334.6(b)(11)

“(11) For employees of the District of Columbia Law Revision Commission, the personnel


authority is the District of Columbia Law Revision Commission."

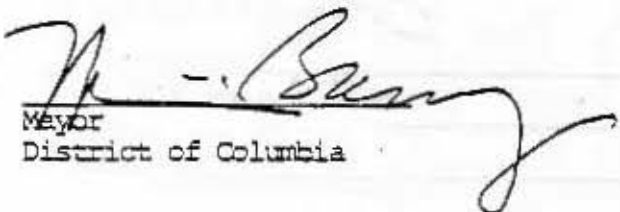
Sec. 6. Appropriations are authorized to carry out the purposes of this act.

D.C. Code,
sec. 49-404

Sec. 7. This act shall take effect after a thirty (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. 873; D.C. Code, sec. 1-147(c)(1)): PROVIDED, That this act shall not take effect prior to March 31, 1981.

Note,
D.C. Code,
sec. 49-401


Chairman
Council of the District of Columbia


Mayor
District of Columbia

APPROVED: December 18, 1980

COUNCIL OF THE DISTRICT OF COLUMBIA
BOARD OF OFFICIAL CONSTITUTION

DOCKET NO: B 3-324

ACTION: Adopted First Reading, Consent Calendar 11-25-80

VOICE VOTE: Unanimous

Absent: all present

ROLL CALL VOTE:

COUNCIL MEMBER	PRESENT	ABSENT	COUNCIL MEMBER	PRESENT	ABSENT
BEYON			KANE		ISHACKLETON
CHAMBER			MASON		ISPAITONG
CLARKE			MOORE		WILSON
ELSON			RAY		
FRONTS			ROLDAN		

CERTIFICATION OF RECORD

John D. Brown
 Secretary to the Council

ACTION: Adopted Final Reading, Consent Calendar 12-9-80

VOICE VOTE: Unanimous

Absent: Clarke

ROLL CALL VOTE:

COUNCIL MEMBER	PRESENT	ABSENT	COUNCIL MEMBER	PRESENT	ABSENT
BEYON			KANE		ISHACKLETON
CHAMBER			MASON		ISPAITONG
CLARKE			MOORE		WILSON
ELSON			RAY		
FRONTS			ROLDAN		

CERTIFICATION OF RECORD

John D. Brown
 Secretary to the Council

ACTION: _____

VOICE VOTE: _____

Absent: _____

ROLL CALL VOTE:

COUNCIL MEMBER	PRESENT	ABSENT	COUNCIL MEMBER	PRESENT	ABSENT
BEYON			KANE		ISHACKLETON
CHAMBER			MASON		ISPAITONG
CLARKE			MOORE		WILSON
ELSON			RAY		
FRONTS			ROLDAN		

CERTIFICATION OF RECORD

Secretary to the Council