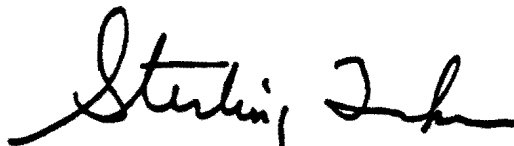


COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act (PL 93-198)(the Act), the Council of the District of Columbia adopted Bill No. 1-1 on first and second readings June 3, 1975, and June 20, 1975, respectively. Following the signature of the Mayor on July 10, 1975, this legislation was assigned Act No. 1-30, published in the July 28, 1975, edition of the D. C. Register, and transmitted to both Houses of Congress 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 the following legislation as D. C. Law No. 1-19, effective October 8, 1975.



STERLING TUCKER
Chairman of the Council

In the Council of the District of Columbia

October 8, 1975

To amend the Administrative Procedure Act regarding the Council of the District of Columbia.

Be it enacted by the Council of the District of Columbia,

That:

TITLE I

Sec. 101. Short Title. This Title may be cited as the "District of Columbia Administrative Procedure Act Amendments act of 1975".

Sec. 102. Amendments of District of Columbia Administrative Procedure Act. The District of Columbia Administrative Procedure Act (82 Stat. 1203) is amended as follows:

(a) Section 2 of that Act (82 Stat. 1204) is amended by striking out "Commissioner, the Council," and inserting in lieu thereof "Mayor";

(b) Paragraph (a) of subsection (1) of section 3 of that Act (82 Stat. 1204) is amended to read as follows:

"(1)(a) the term 'Mayor' means the Mayor of the District of Columbia, or his or her designated agent;"

(c) Paragraph (b) of subsection (1) of section 3 of that Act (82 Stat. 1204) is amended to read as follows:

"(b) the term 'Council' means the Council of the District of Columbia established by subsection (a) of section 401 of the District of Columbia Self-Government and Governmental Reorganization Act (87 Stat. 785) unless the term "District of Columbia Council" is used in which event it shall mean the District of Columbia Council established by subsection (a) of section 201 of Reorganization Plan No. 3 of 1967 (81 Stat. 948);"

(d) Subsection (4) of section 3 of that Act (82 Stat. 1204) is amended by striking out "Commissioner" each place it appears and inserting in lieu thereof in each such place "Mayor";

(e) Subsection (5) of section 3 of that Act (82 Stat. 1204) is amended by striking out "Commissioner" and inserting in lieu thereof "Mayor";

(f) Subsection (6) of section 3 of that Act (82 Stat. 1204) is amended by striking out "Commissioner's, Council's," and inserting in lieu thereof "Mayor's"; and by striking out "Commissioner, Council," and inserting in lieu thereof "Mayor";

(g) Subsection (7) of section 3 of that Act (82 Stat. 1204) is amended by striking out "Commissioner's, Council's" and inserting in lieu thereof "Mayor's";

(h) Subsection (8) of section 3 of that Act (82 Stat. 1204) is amended by (A) striking out "Commissioner, the Council," each

place it appears and inserting in lieu thereof in each such place "Mayor"; and (B) striking out "Commissioner or the Council" and inserting in lieu thereof "Mayor";

(i) Subsection (9) of section 3 of that Act (82 Stat. 1204) is amended by striking out "Commissioner" and inserting in lieu thereof "Mayor";

(j) Subsection (10) of section 3 of that Act (82 Stat. 1205) is amended by striking out "Commissioner, the Council," each place it appears and inserting in lieu thereof in each such place "Mayor";

(k) Subsection (11) of section 3 of that Act (82 Stat. 1205) is amended by striking out "Commissioner or Council or" and inserting in lieu thereof "Mayor or";

(l) Subsection (12) of section 3 of that Act (82 Stat. 1205) is amended by striking out "Commissioner, the Council," and inserting in lieu thereof "Mayor";

(m) Subsection (13) of section 3 of that Act (82 Stat. 1205) is amended by striking out "Commissioner or the Council" and inserting in lieu thereof "Mayor";

(n) Subsection (14) of section 3 of that Act (82 Stat. 1205) is amended by striking out "Commissioner's or Council's" and inserting in lieu thereof "Mayor's";

(o) Subsection (15) of section 3 of that Act (82 Stat. 1205) is amended by striking out "Commissioner or Council" and inserting in lieu thereof "Mayor";

(p) Subsection (16) of section 3 of that Act (82 Stat. 1205) is amended by striking out "Commissioner's or Council's" and inserting in lieu thereof "Mayor's";

(q) Section 3 of that Act (82 Stat. 1204) is further amended by adding thereto a subsection (17) to read as follows:

"(17) the term 'regulation' means the whole or any part of any District of Columbia Council statement of general or particular applicability and future effect designed to implement, interpret, or prescribe law or policy or to describe the organization, procedure, or practice requirements of the Mayor, District of Columbia Council, or any agency.";

(r) Subsection (a) of section 4 of that Act (82 Stat. 1205) is amended by striking out "The Commissioner and the Council shall, for themselves and" and inserting in lieu thereof "The Mayor and the Council shall for the Mayor and";

(s) Subsection (c) of section 4 of that Act (82 Stat. 1205) is amended by striking out "Commissioner and the Council" and inserting in lieu thereof "Mayor";

(t) Subsection (a) of section 5 of that Act (82 Stat. 1206) is amended by striking out "Commissioner" each place it appears and inserting in lieu thereof "Mayor" in each such place;

(u) Subsection (b) of section 5 of that Act (82 Stat. 1206) is amended by inserting a comma after the word "rules" and by

inserting between said comma and the word "published" the words "regulations, and Council acts and resolutions";

(v) Subsection (c) of section 5 of that Act (82 Stat. 1206) is amended by inserting the words "Council acts and resolutions, regulations adopted, amended, or repealed by the District of Columbia Council and" between the words "of" and "rules" and by striking out "Commissioner or Council" and inserting in lieu thereof "Mayor";

(w) Subsection (d) of section 5 of that Act (82 Stat. 1206) is amended by redesignating it as subsection "(e)" and is further amended to read as follows:

"(e) The Mayor is authorized to publish in the District of Columbia Register, in addition to rules published under authority contained in subsection (a) of this section and matters published under authority contained in subsection (d) of this section, (1) cumulative indexes to rules, regulations, and Council acts and resolutions which have been adopted, amended, or repealed; (2) information on changes in the organization of the District Government; (3) notices of public hearings; (4) codifications of rules, regulations, and Council acts and resolutions; and (5) such other matters as the Mayor may from time to time determine to be of general public interest.";

(x) Section 5 of that Act (82 Stat. 1206) is further amended by inserting between the end of subsection (c) and the beginning

of subsection (e) a new subsection (d) which shall read as follows:

"(d) The Mayor shall publish in the District of Columbia Register all acts, resolutions, and notices of the Council and shall publish such other matters as requested by the Chairman of the Council or his designee.";

(y) Section 6 of that Act (82 Stat. 1206) is amended (A) by striking out "Commissioner and Council" each place it appears and inserting in lieu thereof "Mayor" in each such place; and (B) by striking out "Commissioner and Council" each place it appears and inserting in lieu thereof "Mayor" in each such place;

(z) Subsection (a) of section 7 of that Act (82 Stat. 1207) is amended by striking out "Commissioner" and inserting in lieu thereof "Mayor";

(aa) Subsection (b) of section 7 of that Act (82 Stat. 1207) is amended by striking out "Commissioner" and inserting in lieu thereof "Mayor";

(bb) Subsection (c) of section 7 of that Act (82 Stat. 1207) is amended by (A) striking out "Commissioner or Council" and inserting in lieu thereof "Mayor" and (B) striking out "Commissioner" and inserting in lieu thereof "Mayor";

(cc) Subsection (a) of section 8 of that Act (82 Stat. 1207) is amended by (A) inserting the words "regulations adopted by the District of Columbia Council and" between the words "all" and "rules"; (B) striking out "Commissioner" and inserting in lieu

thereof "Mayor"; (C) striking out "Commissioner and Council" and inserting in lieu thereof "Mayor and District of Columbia Council"; (D) inserting the words "regulations and" between the words "new" and "rules"; and (E) inserting the words "regulation and" between the words "in" and "rules";

(dd) Subsection (b) of section 8 of that Act (82 Stat. 1207) is amended by striking out "Commissioner" and inserting in lieu thereof "Mayor";

(ee) Subsection (c) of section 8 of that Act (82 Stat. 1207) is amended by (A) striking out "Commissioner" and inserting in lieu thereof "Mayor"; (B) inserting the words "regulations adopted by the District of Columbia Council nor" between the words "no" and "rule"; and (C) striking out "Commissioner or by the Council" and inserting in lieu thereof "Mayor";

(ff) Section 9 of that Act (82 Stat. 1207) is amended by (A) striking out "Commissioner or Council" and inserting in lieu thereof "Mayor"; (B) striking out "Commissioner and the Council" and inserting in lieu thereof "Mayor"; (C) inserting a comma after the first use of the word "rule"; and (D) inserting the words "regulation, Council act or resolution," between said comma and the word "or";

(gg) Subsection (a) of section 10 of that Act (82 Stat. 1208) is amended by striking out "Commissioner or Council" each place it appears and inserting in lieu thereof in each such place "Mayor";

(hh) Subsection (b) of section 10 of that Act (82 Stat. 1208) is amended by (A) striking out "Commissioner and Council" and inserting in lieu thereof "Mayor"; and (B) striking out "Commissioner or Council" and inserting in lieu thereof "Mayor";

(ii) Subsection (c) of section 10 of that Act (82 Stat. 1208) is amended by striking out "Commissioner or Council" and inserting in lieu thereof "Mayor";

(jj) Subsection (d) of section 10 of that Act (82 Stat. 1208) is amended by striking out "Commissioner" and inserting in lieu thereof "Mayor";

(kk) Subsection (e) of section 10 of that Act (82 Stat. 1208) is amended by striking out "Commissioner or Council" in each place it appears and inserting in lieu thereof in each such place "Mayor"; and

(ll) Section 11 of that Act (82 Stat. 1209) is amended by striking out "Commissioner or Council" each place it appears and inserting in lieu thereof in each such place "Mayor".

Sec. 103. Savings.

(a) Vested rights and suits. The amendments made by this Title shall not be construed as abrogating any right vested or affecting or terminating any suit or other proceeding commenced before the effective date of those amendments. Any such suit or other proceeding may be continued or maintained to its conclusion as if those amendments had not been enacted.

(b) Compilation. The amendments made by subsections (cc), (dd) and (ee) of section 102 of this Title shall not give renewed effect to any rule (as defined by subsection 6 of section 3 of the District of Columbia Administrative Procedure Act before the effective date of this act) which was not compiled, indexed and published on or before October 21, 1970.

Sec. 104. Effective Date. This Title shall take effect upon becoming law by operation of subsection (c) of section 602 of the District of Columbia Self-Government and Governmental Reorganization Act (87 Stat. 814).

TITLE II

Sec. 201. Short Title. This Title may be cited as the "District of Columbia Codification act of 1975."

Sec. 202. Definitions. For the purpose of this Title:

(1) The term "act" shall have the same meaning as is ascribed to it in subsection (7) of section 103 of the District of Columbia Self-Government and Governmental Reorganization Act (87 Stat. 777).

(2) The term "agency" means any officer, employee, office, department, division, board, commission or other agency of the Government of the District of Columbia including both those which are independent of and those which are subordinate to the Mayor and Council but not including the Superior Court of the District of Columbia and the District of Columbia Court of Appeals.

(3) The term "Board of Commissioners" means the Board of Commissioners of the District of Columbia established by Act of June 11, 1878 (20 Stat. 102).

(4) The term "Commissioner" means the Commissioner of the District of Columbia established by subsection (a) of section 301 of Reorganization Plan No. 3 of 1967 (81 Stat. 949).

(5) The term "Council" means the Council of the District of Columbia created by subsection (a) of section 401 of the District of Columbia Self-Government and Governmental Reorganization Act (87 Stat. 785) unless the phrase "District of Columbia Council" is used in which event the term shall mean the District of Columbia Council created by subsection (a) of section 201 of Reorganization Plan No. 3 of 1967 (81 Stat. 948).

(6) The term "Council year" means the legislative period of the Council beginning on January 2 of each year and ending on January 1 of the following year.

(7) The term "District of Columbia Code" means the Code of the District of Columbia as provided for in the Act of July 30, 1947 (61 Stat. 638) and any continuations, supplements, or revisions thereof authorized by Act, Congressional resolution, or act.

(8) The term "District of Columbia Register" means the District of Columbia Register mandated by section 5 of the District of Columbia Administrative Procedure Act (82 Stat. 1206).

(9) The term "Mayor" means the Mayor of the District of Columbia created by subsection (a) of section 421 of the District of Columbia Self-Government and Governmental Reorganization Act (87 Stat. 789) or his or her designated agent.

(10) The term "rule" means the whole or any part of any Board of Commissioners', Commissioner's, District of Columbia Council's, Mayor's, or agency's statement of general or particular applicability and future effect designed to implement, interpret, or prescribe law or policy or designed to describe organization, procedure, or practice requirements.

(11) The term "regulation" shall have the same meaning as the term "rules".

(12) The term "resolution" means a resolution of the Council unless the term "Congressional resolution" is used in which case it shall mean a resolution of the Congress of the United States or either house thereof.

Sec. 203. Repeal of Prior Law. Subsection (d) of section 7 of the District of Columbia Administrative Procedure Act (82 Stat. 1207) relating to the District of Columbia Municipal Code is repealed.

Sec. 204. Municipal Code.

(a) Preparation. On or before January 10, 1976, unless the Council extends such date by resolution, the Mayor shall submit to the Council a proposed District of Columbia Municipal Code which shall contain the following: (1) all rules adopted by the

Mayor, the District of Columbia Council, the Commissioner, and the Board of Commissioners which are in force as of June 30, 1975; (2) all acts and resolutions of the Council which are in the nature of a municipal ordinance which are in force as of June 30, 1975 or which the Council may direct to be included in the proposed District of Columbia Municipal Code; and (3) all rules of each and every agency of the Government of the District of Columbia which are in force as of June 30, 1975. In preparing the proposed District of Columbia Municipal Code the Mayor shall take care to insure that there is included: (A) the full text of each rule, act and resolution in the proposed Code without any incorporation by reference; (B) a citation to the original rule, act, or resolution from which each section of the proposed District of Columbia Municipal Code was taken which citation shall appear in a parallel reference table or tables and/or at the end of that section of the proposed code; (C) a statement in the first portion of each title of the proposed District of Columbia Municipal Code specifying where a certified copy of each original rule, act, or resolution may be obtained; (D) a citation to the applicable section of the District of Columbia Code which each section of the proposed District of Columbia Municipal Code implements or upon which the proposed section is based, if any, which citation shall appear in a parallel reference table or tables and/or at the end of that section of the proposed District of Columbia Municipal Code; and (E) a parallel reference table,

indexed by District of Columbia Code section, indicating each section of the proposed District of Columbia Municipal Code which implements or is based upon that section of the District of Columbia Code.

(b) Approved and Publication. On or before February 27, 1976 the Council shall approve by resolution the District of Columbia Municipal Code after making such editorial additions and revisions as it may deem necessary and that which it approves shall be published, PROVIDED That approval by the Council shall not constitute enactment of the Code. The Council may extend by resolution the final date for its revision, approval and/or publication.

(c) Supplements and Revisions. From time to time, but no less than once each three months per Council year, the Mayor shall prepare such supplements and/or revisions of the District of Columbia Municipal Code as may be necessary to reflect new rules, acts, and/or resolutions and shall transmit the same to the Council which within forty-five (45) days of its receipt, shall make such editorial additions and revisions by resolution as it may deem necessary after which the supplements and/or revisions shall be published, PROVIDED That Council action shall not constitute enactment of the supplements and/or revisions.

(d) Cost. The Mayor shall make copies of the District of Columbia Municipal Code and any supplement or revisions thereof

available to the public at a reasonable cost in its entirety and by title.

(e) Library and Advisory Neighborhood Council Availability.

The Mayor shall make available a copy of the entire District of Columbia Municipal Code including revisions and supplements thereto at each regular branch of the District of Columbia Public Library System and to each Advisory Neighborhood Council which shall be established by the Council.

(f) Effectiveness.

(1) Necessity for Prior Publication. Unless adopted pursuant to the emergency circumstances provision of subsection (a) of section 412 of the District of Columbia Self-Government and Governmental Reorganization Act (87 Stat. 788), no Council act or resolution shall be effective unless it has been published in the District of Columbia Register, the District of Columbia Statutes-at-Large, or the District of Columbia Municipal Code.

(2) Continued Effectiveness. Except where the Council may direct for its acts and resolutions and except for acts and resolutions codified or to be codified in the District of Columbia Code, (A) any rule, act, or resolution which is not published in the District of Columbia Municipal Code at the time of the Code's original publication shall not thereafter be in effect unless it became law after June 30, 1975 and (B) any rule, act, or resolution becoming law after June 30, 1975, which is not published in the District of Columbia Municipal Code within

eighteen (18) months of its adoption shall not thereafter be in effect.

Sec. 205. District of Columbia Statutes-at-Large (a)

Creation. Within forty-five days of the end of each Council year, the Mayor shall compile and publish the District of Columbia Statutes-at-Large which shall include in separate chronological order:

(1) Council acts which become law during that Council year;

(2) Council resolutions adopted during that Council year; and

(3) Mayor's orders issued during that Council year.

(b) Actions of District of Columbia Council. The first publication of the District of Columbia Statutes-at-Large shall also contain in a separate part each regulation and resolution of the District of Columbia Council in chronological order.

(c) Cost. The Mayor shall make copies of the District of Columbia Statutes-at-Large available to the public at a reasonable cost calculated to cover the costs of its compilation, publication and distribution.

Sec. 206. Enrolled acts and resolutions. After enactment by the Council, but before any presentation to the Mayor, each act and resolution of the Council shall be set forth on parchment or other such suitable paper. Each parchment or other suitable paper which is an adopted resolution or is an act which becomes

law shall be filed with the Archives of the United States not more than five (5) years after its adoption.

Sec. 207. Judicial Notice. All courts within the District of Columbia shall take notice of the acts, rules, and resolutions published in the District of Columbia Municipal Code in accordance with this Title, and said courts shall also take notice of the acts and resolutions published in the District of Columbia Statutes-at-Large to the extent that they are in force in accordance with subsection (f) of section 204 of this Title.

Sec. 208. Effective Date. This Title shall take effect upon becoming law by operation of subsection (1) of section 602 of the District of Columbia Self-Government and Governmental Reorganization Act (87 Stat. 814).

Considered in Council 6/3/75

First vote 6/3/75

RECORD OF COUNCIL VOTE

COUNCIL MEMBER	YES	NO	P.R.	A.B.	R.A.	COUNCIL MEMBER	YES	NO	P.R.	A.B.	R.A.	COUNCIL MEMBER	YES	NO	P.R.	A.B.	R.A.	
TUCKER	X					DIXON	X					SPAULDING	X					
MOORE, D.	X					HARDY		X				WILSON	X					
BARRY	X					HOBSON				X		WINTER	X					
CLARKE			X			MOORE, I.	X											
GOATES	X					SHACKLETON	X											

X—Indicates Vote P. R.—Present A. B.—Absent R. A.—Readopted

Robert Williams
(Secretary of the Council)

Final vote in Council 6-20-75

RECORD OF COUNCIL VOTE

COUNCIL MEMBER	YES	NO	P.R.	A.B.	R.A.	COUNCIL MEMBER	YES	NO	P.R.	A.B.	R.A.	COUNCIL MEMBER	YES	NO	P.R.	A.B.	R.A.	
TUCKER	X					DIXON	X					SPAULDING	X					
MOORE, D.				X		HARDY	X					WILSON	X					
BARRY	X					HOBSON	X					WINTER	X					
CLARKE	X					MOORE, I.				X								
COATES	X					SHACKLETON	X											

X—Indicates Vote P. R.—Present A. B.—Absent R. A.—Readopted

Robert Williams
(Secretary of the Council)

Presented to the Mayor 6/25/75

Robert Williams
(Secretary of the Council)

Mayor's action
approve: 10 JUL 1975
disapprove: _____

Milton Washington
(Mayor's Signature)

Enacted without Mayor's signature _____

(Secretary of the Council)

Reconsidered by Council _____ Vote _____

RECORD OF COUNCIL VOTE

COUNCIL MEMBER	YES	NO	P.R.	A.B.	R.A.	COUNCIL MEMBER	YES	NO	P.R.	A.B.	R.A.	COUNCIL MEMBER	YES	NO	P.R.	A.B.	R.A.	
TUCKER						DIXON						SPAULDING						
MOORE, D.						HARDY						WILSON						
BARRY						HOBSON						WINTER						
CLARKE						MOORE, J.												
COATES						SHACKLETON												

X—Indicates Vote P. R.—Present A. B.—Absent R. A.—Readopted

 (Secretary of the Council)

Presented to the President _____

 (Secretary of the Council)

Sustain Mayor's veto _____

Not Sustain Mayor's veto _____

 (President of the U.S.)

Submitted to the Congress JUL 22 1975 _____

Robert Williams

 (Secretary of the Council)

Senate action _____
 resolution number _____

House action _____
 resolution number _____

 (Secretary of the Senate)

 (Clerk of the House)

Enacted without Congressional action _____

 (Secretary of the Council)