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EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503

APPROVED  
AUG 21 1974

AUG 16 1974

Ported  
8/21  
Jo Archives  
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MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 12832 - District of Columbia Law  
Revision Commission  
Sponsor - Rep. Diggs (D) Michigan and 10 others

Last Day for Action

August 24, 1974 - Saturday

Purpose

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

Agency Recommendations

|  |                           |
|--|---------------------------|
| Office of Management and Budget                      | Approval                  |
| District of Columbia Government                      | Approval                  |
| Civil Service Commission                             | No objection              |
| Department of Justice                                | Defers to D.C. Government |
| Administrative Office of the<br>United States Courts | No comment                |

Discussion

The enrolled bill would establish a Law Revision Commission to examine D.C. laws and to recommend reforms. There has been no complete revision of the D.C. laws since the early 1900s.

H.R. 12832 would:

- establish a D.C. Law Revision Commission of 15 members appointed as follows:
  - . two by the President;
  - . one each by the Speaker, the President pro tempore, the House Minority Leader, and the Senate Minority Leader;

- . three by the D.C. Commissioner;
  - . one by the Chairman of the D.C. Council;
  - . two by the Joint Committee on Judicial Administration in D.C.;
  - . one by the D.C. Corporation Counsel; and
  - . two by the D.C. bar.
- provide that members of the Commission serve four year terms and select their own chairman;
  - establish no political criteria for Commissioners but specify that members must meet statutory criteria of residence, be lawyers, or otherwise meet expressed criteria;
  - authorize the Commission to employ staff, to obtain information, to contract for activities necessary to carry out its duties, and to establish advisory groups;
  - make the Commission responsible to:
    - . review the law and recommend needed reforms;
    - . receive and consider proposed changes and suggestions from all sources;
    - . recommend changes in the law to the Congress or to the Commissioner;
    - . give special consideration to the criminal law; and
    - . recommend uniform rules of practice including those before administrative agencies of D.C. and a review of the D.C. Administrative Procedure Act;
  - limit the life of the Commission to 4 years;
  - provide for codification of D.C. regulations in the Municipal Code; and
  - authorize appropriation of such amounts as may be necessary to carry out the work of the Commission.

The District of Columbia, in its views letter on the enrolled bill estimates that the cost to the D.C. Government will approximate \$223,000 for the first year of operation.

In its report on H.R. 12832 the House Committee on D.C. states:

"The failure to modernize these laws has led to needless litigation, complicated law enforcement efforts, and necessitated a steady flow of remedial and amendatory legislation... A thorough study, which this legislation would make possible, is long overdue."

*Melvin H. Rummel*

Assistant Director for  
Legislative Reference

Enclosures



THE DISTRICT OF COLUMBIA

WASHINGTON, D. C. 20004

WALTER E. WASHINGTON  
Mayor-Commissioner

August 14, 1974

Mr. Wilfred H. Rommel  
Assistant Director for  
Legislative Reference  
Office of Management and Budget  
Washington, D. C. 20503

Dear Mr. Rommel:

This is in reference to a facsimile of an enrolled enactment of Congress entitled:

H.R. 12832 - To create a Law Revision Commission for the District of Columbia, and to establish a municipal code for the District of Columbia.

The enrolled bill would provide for the establishment of a Law Revision Commission whose fifteen members would be appointed by the President, the Speaker of the House of Representatives, the President pro tempore of the Senate, the minority leaders of the House and Senate, the Commissioner of the District of Columbia, the Chairman of the District of Columbia Council, the Joint Committee on Judicial Administration, the Corporation Counsel, and the Board of Governors of the unified bar, respectively. The members of the Commission would be appointed on a nonpartisan basis for a four-year term of office. At least eight of the appointees would be required to be citizens and bona fide residents of the District of Columbia, and the remaining number would have to be residents of the surrounding National Capitol Region. The Chairman of the Commission would be selected by the members from among their number.

Other provisions of the enrolled bill relate to the compensation and travel allowances of members of the Commission, and authorize the Commission to hire and fix the

compensation of a staff, request pertinent information from any Federal or District department or agency, and acquire such services by contract with Federal or State agencies and private entities as may be necessary to carry out its duties and responsibilities.

The bill would empower the Commission to examine and study the common and statutory law of the District of Columbia, municipal ordinances and regulations, and judicial decisions, and to consider suggestions and recommendations of the American Law Institute, the Conference of Commissioners on Uniform State Laws, bar associations, the judiciary, lawyers, and the public generally for the purpose of making recommendations to the Congress, and, where appropriate, to the Commissioner and the District of Columbia Council for the improvement and modernization of the civil and criminal laws of the District. Section 3(a) of the bill provides that the Commission shall give special consideration to examination of the criminal law of the District of Columbia.

In addition, the bill would authorize the Commission to propose uniform rules of practice and procedure, including the conduct of hearings, before administrative agencies of the District Government, and to prepare a manual for the guidance of District agencies in carrying out the mandates of the District of Columbia Administrative Procedure Act. Section 5(a) of the bill would amend the Administrative Procedure Act to authorize establishment of a Municipal Code of the District of Columbia and require that every regulation in the nature of a law or municipal ordinance adopted by the District of Columbia Council be codified and published therein. The Municipal Code would conform as closely as possible and would be cross-indexed with the District of Columbia Code compiled by the Committee on the Judiciary of the House of Representatives, and the first such codification and publication of the Municipal Code is to be completed within one year after the date of enactment of the bill.

Finally, the bill provides that at the end of the fourth full calendar year after the date funds are first appropriated to the Commission, it shall cease to exist unless

extended by Congress, and section 6 authorizes, out of moneys in the Treasury credited to the District of Columbia and not otherwise appropriated, appropriations to carry out the purposes of the bill.

The enactment of this bill will enable, for the first time since the turn of the century, a comprehensive review of the District's code of laws, both civil and criminal, to be undertaken. The failure to modernize the local code of laws by eliminating unnecessary or undersirable statutes and by updating and streamlining other statutory provisions has fostered needless litigation, complicated law enforcement responsibilities, and resulted in a steady flow of remedial and amendatory legislative proposals to the Congress. A study of the kind authorized by this bill is long overdue.

The enactment of the enrolled bill would result in an estimated cost to the District Government of \$223,000 for the first year of operation of the Law Revision Commission.

Accordingly, the District recommends approval of H.R. 12832.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Walter E. Washington".

WALTER E. WASHINGTON  
Mayor-Commissioner



UNITED STATES CIVIL SERVICE COMMISSION

WASHINGTON, D.C. 20415

CHAIRMAN

August 14, 1974

Honorable Roy L. Ash  
Director  
Office of Management and Budget

Attention: Assistant Director for Legislative Reference

Dear Mr. Ash:

This is in response to your request for the views and recommendation of the Civil Service Commission on enrolled bill H. R. 12832, a bill "To create a Law Revision Commission for the District of Columbia, and to establish a municipal code for the District of Columbia."

Enrolled bill H. R. 12832 would establish a District of Columbia Law Revision Commission to study the laws of the District of Columbia and recommend such changes in those laws as it deems necessary. The enrolled bill also provides for a Municipal Code for the District of Columbia.

Our comments are limited to the personnel provisions of the enrolled bill.

Under section 2(g) of the enrolled bill, the fifteen members of the Law Revision Commission would be paid at the rate of \$100 a day for their services on the Commission, except that no member could be paid more than \$5,000 during any twelve-month period. While we believe the daily equivalent of the rate for GS-18 would have been a preferable rate of pay for the members of the Commission, we do not object to this provision of the enrolled bill.

Section 2(i) of the enrolled bill provides that the staff members of the Law Revision Commission are to be appointed in the competitive service and paid under the General Schedule classification and pay system. Since the employees of the Commission will be regarded as employees of the District Government, we believe that it would have been preferable, in view of the establishment of home rule for the District,

to have the employees of the Commission appointed under whatever employment system the District Government establishes for its own employees rather than under the appointment laws applicable to positions in the Federal competitive service. However, in view of the enrolled status of H.R. 12832, we will not object to this provision.

Therefore, the Civil Service Commission recommends, from the standpoint of the personnel provisions of the bill, that the President sign enrolled bill H.R. 12832 into law.

By direction of the Commission:

Sincerely yours,

  
Chairman

Department of Justice  
Washington, D.C. 20530

AUG 14 1974

Honorable Roy L. Ash  
Director, Office of Management  
and Budget  
Washington, D. C. 20503

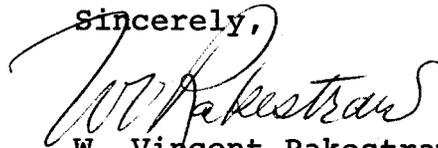
Dear Mr. Ash:

In compliance with your request, I have examined a facsimile of the enrolled bill H.R. 12832, the proposed "District of Columbia Law Revision Commission Act."

H.R. 12832 would establish within the District of Columbia a fifteen member District of Columbia Law Revision Commission which would be required to examine the common law and statutes relating to the District of Columbia, the ordinances, regulations, resolutions, and acts of the District of Columbia Council, and all relevant judicial decisions for the purpose of discovering defects and anachronisms in the law relating to the District of Columbia, and, after considering the suggestions of various organizations and public officials, make recommendations to the Congress, and where appropriate to the Commissioner and District of Columbia Council. The Commission would be required to give special consideration to the examination of the criminal law in the District of Columbia.

The Department of Justice defers to the Government of the District of Columbia concerning whether this bill should receive Executive approval.

Sincerely,



W. Vincent Rakestraw  
Assistant Attorney General

ADMINISTRATIVE OFFICE OF THE  
UNITED STATES COURTS

SUPREME COURT BUILDING  
WASHINGTON, D.C. 20544

ROWLAND F. KIRKS  
DIRECTOR

WILLIAM E. FOLEY  
DEPUTY DIRECTOR

August 13, 1974

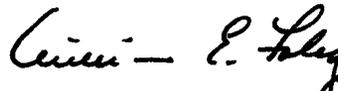
W. H. Rommel  
Assistant Director for  
Legislative Reference  
Office of Management and Budget  
Washington, D. C.

Dear Mr. Rommel:

This is in reference to your request for views and recommendations on the enrolled bill, H.R. 12832, an act to create a Law Revision Commission for the District of Columbia, and to establish a municipal code for the District of Columbia.

The views of the Judicial Conference of the United States were not solicited on this legislation nor is it likely that the Conference would have commented since in its terms the bill appears to relate to the local courts and the local judicial system of the District of Columbia over which the Judicial Conference of the United States has no jurisdiction. In the circumstances no comment is made concerning Executive approval.

Sincerely,

  
William E. Foley  
Deputy Director

THE WHITE HOUSE  
WASHINGTON

ENROLLED BILL

SUBJECT: Enrolled Bill H.R. 12832

District of Columbia Law Revision Commission

| <u>Name</u>                 | <u>Approval</u>             | <u>Date</u>                 |
|-----------------------------|-----------------------------|-----------------------------|
| <u>Geoff Shepard</u>        | <u>Yes</u>                  | <u>                    </u> |
| <u>Andre Buckles</u>        | <u>Yes</u>                  | <u>                    </u> |
| <u>Fred Buzhardt</u>        | <u>Yes</u>                  | <u>                    </u> |
| <u>Bill Timmons</u>         | <u>Yes</u>                  | <u>                    </u> |
| <u>Ken Cole</u>             | <u>                    </u> | <u>                    </u> |
| <u>                    </u> | <u>                    </u> | <u>                    </u> |
| <u>                    </u> | <u>                    </u> | <u>                    </u> |
| <u>                    </u> | <u>                    </u> | <u>                    </u> |
| <u>                    </u> | <u>                    </u> | <u>                    </u> |

*(Handwritten signature/initials over the 'Yes' in the Ken Cole row)*

-----  
Comments:

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.: 519

Date: August 19, 1974

Time: 9:30 a. m.

FOR ACTION: ✓ Geoff Shepard

cc (for information): Warren K. Hendriks

✓ Bill Timmons

Jerry Jones

✓ Fred Buzhardt

*Andre Buckles*

FROM THE STAFF SECRETARY

DUE: Date: Wednesday, August 21, 1974

Time: 2:00 p. m.

SUBJECT: Enrolled Bill H. R. 12832 - District of Columbia Law  
Revision Commission

ACTION REQUESTED:

\_\_\_ For Necessary Action

XX For Your Recommendations

\_\_\_ Prepare Agenda and Brief

\_\_\_ Draft Reply

\_\_\_ For Your Comments

\_\_\_ Draft Remarks

REMARKS:

Please return to Kathy Tindle - West Wing

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

\_\_\_\_\_  
K. R. COLE, JR.  
For the President

THE WHITE HOUSE

WASHINGTON

August 19, 1974

MEMORANDUM FOR: MR. WARREN HENDRIKS

FROM: WILLIAM E. TIMMONS

*PA M. for WET*

SUBJECT: Action Memorandum - Log No. 519  
Enrolled Bill H. R. 12832 - District of  
Columbia Law Revision Commission

The Office of Legislative Affairs concurs in the attached proposal and has no additional recommendations.

Attachment

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.: 519

Date: August 19, 1974

Time: 9:30 a. m.

FOR ACTION: Geoff Shepard  
✓ Bill Timmons  
Fred Buzhardt

cc (for information): Warren K. Hendriks  
Jerry Jones

FROM THE STAFF SECRETARY

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\_\_\_ For Necessary Action

XX For Your Recommendations

\_\_\_ Prepare Agenda and Brief

\_\_\_ Draft Reply

\_\_\_ For Your Comments

\_\_\_ Draft Remarks

REMARKS:

Please return to Kathy Tindle - West Wing

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Warren K. Hendriks  
For the President

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.: 519

Date: August 19, 1974

Time: 9:30 a.m.

FOR ACTION: Geoff Shepard  
Bill Timmons  
Fred Buzhardt  
✓ Andre Buckles

cc (for information): Warren K. Hendriks  
Jerry Jones

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\_\_\_ Draft Reply

\_\_\_ For Your Comments

\_\_\_ Draft Remarks

REMARKS:

Please return to Kathy Tindle - West Wing

*No objection*

*AMB*

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

Warren K. Hendriks  
For the President

THE WHITE HOUSE

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WASHINGTON

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XX For Your Recommendations

\_\_\_ Prepare Agenda and Brief

\_\_\_ Draft Reply

\_\_\_ For Your Comments

\_\_\_ Draft Remarks

REMARKS:

Please return to Kathy Tindle - West Wing

*No objection  
A.C.S.*

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

Warren K. Hendriks  
For the President

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

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Date: August 19, 1974

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ACTION REQUESTED:

- For Necessary Action
- For Your Recommendations
- Prepare Agenda and Brief
- Draft Reply
- For Your Comments
- Draft Remarks

REMARKS:

Please return to Kathy Tindle - West Wing

*No objection  
W.C.*

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

Warren K. Hendriks  
For the President

DISTRICT OF COLUMBIA LAW REVISION COMMISSION  
ACT

---

MARCH 19, 1974.—Committed to the Committee of the Whole House on the State  
of the Union and ordered to be printed

---

Mr. DIGGS, from the Committee on the District of Columbia,  
submitted the following

REPORT

together with

ADDITIONAL VIEWS

[To accompany H.R. 12832]

The Committee on the District of Columbia, to whom was referred the bill (H.R. 12832) to create a Law Revision Commission for the District of Columbia, and to establish a municipal code for the District of Columbia, having considered the same, report favorably thereon with amendments and recommend that the bill as amended to pass.

The amendments are as follows:

Page 2, strike out line 24 and all that follows down through and including line 4 on page 3 and insert in lieu thereof the following:

“(b) No person may be appointed as a member of the Commission unless he is a citizen of the United States. At least eight persons appointed to the Commission shall be bona fide residents of the District of Columbia who have maintained an actual place of abode in the District of Columbia for at least the 90 days immediately prior to their appointments as such members. The remaining persons appointed as members of the Commission shall be residents of the National Capital Region, as defined in the Act of June 6, 1924 (D.C. Code, sec. 1-1001 et seq.) (establishing the National Capital Planning Commission), who have maintained an actual place of abode in the National Capital Region for at least 90 days immediately prior to their appointments as such members”.

Page 6, line 14, strike out “priority” and insert in lieu thereof “special consideration”.

Page 6, beginning on line 19, strike out “reforms, and this task shall be completed before the Commission begins the examination of the civil law in the District of Columbia.” and insert in lieu thereof “reforms.”

## PURPOSE OF THE BILL

The purpose of the bill, H.R. 12832, as reported by the Committee, is to create a Law Revision Commission for the District of Columbia, whose duty it shall be to examine the law relating to the District of Columbia, to receive learned suggestions thereon and to recommend changes and reforms to the Congress and the District Council for the purpose of remedying defects and anachronisms in the law and to thereby bring the law relating to the District of Columbia, both civil and criminal, into harmony with modern conditions. The bill further seeks to create a municipal code for the District of Columbia so that all the laws enacted by the District Council may be in a codified form that will facilitate their use.

## NEED FOR LEGISLATION

There has not been a complete revision of the District of Columbia Criminal Code since the early 1900's. There are many crimes listed in the Code which have no relevance in modern times. The Code also fails to take into account the changes that have generally taken place in the trends of the criminal law nationwide. The witnesses on this bill indicated that the Criminal Code is in drastic need of revision.

The President's Commission on Crime in the District of Columbia was aware of the need for Criminal Code revision. The Commission recommended that "the criminal law of the District of Columbia should be reviewed and reformed. The reviews should include reexamination of all substantive and procedural provisions of the law to provide a clear definition of criminal behavior to achieve fair and consistent policies in dealing with offenders and introduce new concepts of treatment into the code".

Under the Home Rule Act (Public Law 93-198, approved December 24, 1973), the District Council will receive jurisdiction over the Criminal Code twenty-four months after it takes office in January, 1975, assuming the charter is ratified on May 7, 1974.

In the course of Congressional consideration of this legislation, one of the most difficult questions was the issue of granting authority over the criminal sections of the District of Columbia Code. Drafters of the self-government legislation ultimately settled on an arrangement calling for the District of Columbia Council to acquire authority over the criminal sections of the District of Columbia Code two years after taking office in January, 1975. During the interim, it was understood, a Law Revision Commission would be created by the Congress, which would have as one of its responsibilities reviewing and recommending reforms of the Code's criminal sections.

Thus, the Law Revision Commission, as created by the reported bill, is mandated to give special consideration to revision of the Criminal Code in order to effectuate this goal. The District is one of only four jurisdictions which has not recently revised its Criminal Code or is in the process of doing so.

Due to the longstanding need for criminal code revision, it is the intention of the Committee that the Law Revision give special consideration to the examination and recommendation for revision of

the criminal law. The Committee intends that while the Commission need not deal exclusively with the criminal law, it should have substantially completed its work on criminal code revision before turning its attention to the civil law. The Commission should therefore to the extent possible complete the long-needed recommendations for criminal code revision before turning its attention to other areas of the law.

The actual need for substantive Criminal Code reform is rooted in the fact that an inadequate Criminal Code can result in improvisation and poorly guided discretionary authority by police, prosecutors and judges; a lack of understanding by the public as to what conduct is unacceptable; and ultimately, a decreased respect for the law and its enforcers.

More generally, the Law Revision Commission is deemed an imposing its attention to the civil law. The Commission should therefore need to eliminate antiquated and inequitable rules of law by examining the common law and statutes of the District of Columbia, current judicial decisions and the actions of the City Council.

There have been many changes, too, in the field of civil law, including the areas of consumer affairs, and the environment, to mention just two. The Commission will also have the duty of reviewing the civil law with an eye towards recommending needed reforms.

The establishment of a Law Revision Commission was one of the specific recommendations of the Commission on the Organization of the Government of the District of Columbia—the Nelsen Commission. Such commissions are working effectively in such areas of proposing legislation in several states at this time.

## CONCLUSION

The enactment of this legislation will mark the first time since the turn of the century that a comprehensive review of the District's code of laws will be undertaken. The failure to modernize these laws has led to needless litigation, complicated law enforcement efforts, and necessitated a steady flow of remedial and amendatory legislation through Congress. A thorough study, which this legislation would make possible, is long overdue.

The Law Revision Commission would supply Congress with needed recommendations on how the District of Columbia Code, in both its civil and criminal aspects, can be brought into harmony with modern social and legal conditions.

## PROVISIONS OF THE BILL

### ESTABLISHMENT OF A 15 MEMBER LAW REVISION COMMISSION AND APPOINTMENTS TO THE COMMISSION

A Law Revision Commission to consist of 15 members is established to be appointed as follows:

(1) Two members shall be appointed by the President of the United States.

(2) One member shall be appointed by the Speaker of the House of Representatives.

(3) One member shall be appointed by the President *pro tempore* of the Senate.

(4) One member shall be appointed by the Minority Leader of the House of Representatives.

(5) One member shall be appointed by the Minority Leader of the Senate.

(6) Three members shall be appointed by the Commissioner of the District of Columbia, one of whom shall be a nonlawyer, and one of whom shall be a member of the law faculty of a law school in the District of Columbia.

(7) One member shall be appointed by the Chairman of the District of Columbia Council.

(8) Two members shall be appointed by the Joint Committee on Judicial Administration of the District of Columbia.

(9) One member shall be appointed by the District of Columbia Corporation Counsel.

(10) Two members shall be appointed by the Board of Governors of the District of Columbia Unified Bar.

The members of the Commission must be United States citizens, and at least eight shall be bona fide residents of the District of Columbia for at least 90 days prior to their appointment. The remaining persons appointed shall be residents of the National Capital Region. They will serve 4-year terms and will elect the Chairman from among their members. The appointments shall be made without regard to political party affiliation and vacancies shall be filled in the same manner as the original appointment to serve out the remainder of the term.

The appointment process is designed to provide broad-based representation on the Commission so that it may function as a non-partisan body which reflects the diverse views of the legal and non-legal community.

#### COMPENSATION AND STAFF

Each of the Commissioners shall receive \$100 a day for their services including travel time up to a maximum of \$5000 per year. They shall also be allowed travel expenses and per diem in lieu of subsistence when traveling on Commission business. The Commission may appoint and fix the compensation of such personnel as it deems advisable on the basis of ability and without regard to political party affiliation. Employees of the Commission shall be regarded as employees of the District of Columbia government.

#### POWERS OF THE COMMISSION

The Commission may request from any department, agency or instrumentality of the Federal or District government any information for carrying out the purposes of the Act. The Commission may enter into contracts with governmental or private bodies for research or surveys, the preparation of reports, and other activities necessary to the discharge of its duties. The Commission may establish such advisory groups consisting of members or non-members as it deems necessary for the efficient and effective discharge of its duties.

#### DUTIES OF THE COMMISSION

It shall be the duty of the Commission to review all the relevant law relating to the District of Columbia, including judicial decisions, for the purpose of discovering defects and anachronisms in the law and recommending needed reforms. The Commission shall receive and consider proposed changes from any bar association or other learned body, and from judges, public officials, lawyers, and the public in general as to defects and anachronisms in the law relating to the District of Columbia. It is the view of the Committee that participation by these segments of the District of Columbia community is essential to the compiling of recommendations that realistically reflect the modern community and its needs.

The Commission shall recommend from time to time, to the Congress and where appropriate to the Commissioner of the District of Columbia and to the District of Columbia Council, such changes in the law relating to the District of Columbia as it deems necessary to modify or eliminate antiquated and inequitable rules of law, and to bring the law relating to the District of Columbia, both civil and criminal, into harmony with modern conditions.

The Commission shall give special consideration to the examination of the criminal law and recommend changes in it.

The Commission is charged with preparing a proposed uniform rules of practice for administrative agencies of the District. The Commission shall also make a study of the District of Columbia Administrative Procedures Act of 1968 for the purpose of preparing a manual. This Act, as amended by the Court Reform and Criminal Procedure Act of 1970, established uniform procedures for the exercise of powers and responsibilities by the administrative agencies of the District Government. The Nelsen Commission Report recommended legislative reforms to provide an improved framework in which the District Administrative Procedures Act may operate. The uniform rules of practice governing the District agencies and the Administrative Procedures Act manual are viewed as useful tools for the guidance and information of District agencies.

The Commission must make an annual report of its proceedings to the President, the Congress, the Commissioner and the Council by March 31 of each year and shall include draft legislation where appropriate.

#### LIFE OF THE COMMISSION

The Commission shall have a 4-year life from the date that funds are first appropriated, unless extended by Congress.

#### MUNICIPAL CODE

The District of Columbia Administrative Procedures Act is amended to require that every regulation in the nature of a law or municipal ordinance shall be codified and published in a municipal code which shall conform as closely as possible to the District of Columbia Code. The code shall be kept current with supplements and shall be first completed within one year. The code shall be available for public distribution, at cost.

## AUTHORIZATION

For carrying out the purposes of this Act, there are authorized to be appropriated out of the monies in the Treasury not otherwise appropriated, such amounts as may be necessary.

## DISTRICT GOVERNMENT REPORT

The report of the District Government on the bill, H.R. 12832, is as follows:

THE DISTRICT OF COLUMBIA,  
Washington, D.C. March 14, 1974.

HON. CHARLES C. DIGGS, JR.,  
Chairman, Committee on the District of Columbia, U.S. House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: The Government of the District of Columbia has for report H.R. 12832, a bill "To create a Law Revision Commission for the District of Columbia, and to establish a municipal code for the District of Columbia."

H.R. 12832 provides for the establishment of a Law Revision Commission whose fifteen members would be appointed by the President, the Speaker of the House of Representatives, the President pro tempore of the Senate, the minority leaders of the House and Senate, the Commissioner of the District of Columbia, the Chairman of the District of Columbia Council, the Joint Committee on Judicial Administration, the Corporation Counsel, and the Board of Governors of the unified bar, respectively. The members of the Commission would be appointed on a nonpartisan basis for a four-year term of office and would be required to be citizens and bona fide residents of the District of Columbia. The Chairman of the Commission would be selected by the members from among their number.

Other provisions of H.R. 12832 relate to the compensation and travel allowances of members of the Commission, and authorize the Commission to hire and fix the compensation of a staff, request pertinent information from any Federal or District department or agency, and acquire such services by contract with Federal or State agencies and private entities as may be necessary to carry out its duties and responsibilities.

The bill would empower the Commission to examine and study the common and statutory law of the District of Columbia, municipal ordinances and regulations, and judicial decisions, and to consider suggestions and recommendations of the American Law Institute, the Conference of Commissioners on Uniform State Laws, bar associations, the judiciary, lawyers, and the public generally for the purpose of making recommendations to the Congress, and where appropriate to the Commissioner and the District of Columbia Council for the improvement and modernization of the civil and criminal laws of the District. Section 3(a) of H.R. 12832 provides that the Commission shall give priority to examination of the criminal law of the District and shall make its recommendations with respect to criminal law reform before beginning its examination of the civil law of the District.

In addition, H.R. 12832 would authorize the Commission to propose uniform rules of practice and procedure, including the conduct of hearings, before administrative agencies of the District Government, and to prepare a manual for the guidance of District agencies in carrying out the mandates of the District of Columbia Administrative Procedure Act. Section 5(a) of the bill would amend the Administrative Procedure Act to authorize establishment of a Municipal Code of the District of Columbia and require that every regulation in the nature of a law or municipal ordinance adopted by the District of Columbia Council be codified and published therein. The Municipal Code would conform as closely as possible and would be cross-indexed with the District of Columbia Code compiled by the Committee on the Judiciary of the House of Representatives, and the first such codification and publication of the Municipal Code is to be completed within one year after the date of enactment of the bill.

Finally, the bill provides that at the end of the fourth full calendar year after the date funds are first appropriated to the Commission, it shall cease to exist unless extended by Congress, and section 6 authorizes, out of moneys in the Treasury not otherwise appropriated, appropriations to carry out the purposes of the bill.

The District Government, in its report of July 11, 1973 on H.R. 7412 and H.R. 7658, expressed strong support for the creation of a Law Revision Commission charged with carrying out the functions and duties of the type authorized by H.R. 12832. We continue to support these objectives and recommend favorable consideration, subject to the following suggestions, of H.R. 12832.

First, it is possible that there may be appointed to membership on the Commission persons who are employed by the Federal or District Governments. Because of the dual compensation laws, such personnel are not generally entitled, when sitting as members of official boards and commissions, to compensation over and above their regular salaries. Accordingly, it is suggested that on page 3 of the bill the following sentence be added at the end of line 25: "Members of the Commission who are officers or employees of the Federal or District of Columbia government shall receive no additional compensation by virtue of their membership on the Commission."

Second, it would appear that the amendment of the District of Columbia Administrative Procedure Act provided by section 5 of the bill is not now necessary. To meet the requirements of the Act, the District Government has entered into a contract with Autocode, a division of Autocomp, Incorporated, to compile and publish all of the rules and regulations in effect in the District of Columbia. This project is well underway and is expected to be completed by July 1, 1974. The compilation will be cross-indexed with the District of Columbia Code and supplements will be issued by the contractor periodically to keep the compilation current and up-to-date.

Sincerely yours,

WALTER E. WASHINGTON,  
Mayor-Commissioner.

## HISTORY

A public hearing was held by the Judiciary Subcommittee on this proposed legislation (H.R. 7412 and H.R. 7658) on July 11, 1973, at which time testimony or statements were submitted by Members of Congress; by the Chief Judge, D.C. Court of Appeals; the Corporation Counsel of the District of Columbia; Chairman of the New York State Law Review Commission; member of the Colorado Institute of Law and Society; representatives of a local law school; and of the District of Columbia Bar.

The bill reported reflects several amendments proposed and considered by both the Subcommittee and the Full Committee.

## COST

The Committee is informed by the District of Columbia government that there will be an estimated cost of \$223,000 per year for the operation of the Law Revision Commission. This is based on salaries for 15 Commissioners and a staff of 5 professionals with requisite clerical support and normal operating, contractual and travel expenses. The four-year cost of the Commission would be \$892,000.

## VOTE

H.R. 12832 was approved and ordered reported to the House by voice vote of the Committee on March 14, 1974.

CHANGES IN EXISTING LAW MADE BY THE BILL,  
AS REPORTED

In compliance with clause 3 of Rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (new matter is printed in italics, existing law in which no change is proposed is shown in roman) :

SECTION 7 OF THE DISTRICT OF COLUMBIA ADMINISTRATIVE  
PROCEDURE ACT

## FILING AND PUBLISHING OF RULES

SEC. 7. (a) Each agency, within thirty days after the effective date of this Act, shall file with the Commissioner a certified copy of all of its rules in force on such effective date.

(b) The Commissioner shall keep a permanent register open to public inspection of all rules.

(c) Except in the case of emergency rules, each rule adopted after the effective date of this Act by the Commissioner or Council or by any agency, shall be filed in the office of the Commissioner. No such rule shall become effective until after its publication in the District of Columbia Register, nor shall such rule become effective if it is required by law, other than this Act, to be otherwise published, until such rule is also published as required in such law.

(d) *Every regulation in the nature of a law or municipal ordinance adopted by the Council under authority specified in Reorganization Plan Numbered 3 of 1967, or under authority of any Act of Congress, upon enactment, shall be codified and published in a Municipal Code of the District of Columbia which shall conform as closely as possible and shall be cross-indexed with the District of Columbia Code compiled by the Committee on the Judiciary of the House of Representatives. The Council shall from time to time issue such supplements or otherwise update and keep current the Municipal Code of the District of Columbia established under this subsection. The first such codification and publication of the Municipal Code of the District of Columbia shall be completed within one year after the date of enactment of this subsection.*

ADDITIONAL VIEWS OF REPRESENTATIVE ANCHER  
NELSEN ON H.R. 12832

The Commission on the Organization of the Government of the District of Columbia (the Nelsen Commission) filed with the Speaker of the House of August 17, 1972, its Report which contained in Recommendation No. VIII-3 the recommendation for the establishment of a law revision commission for the District of Columbia. The thrust of this proposal was to provide for the establishment of a law revision commission that would examine anachronisms in the local District of Columbia Code, both civil and criminal laws.

On May 9, 1973, I introduced H.R. 7658 with Congressman Don Fuqua of Florida as a co-sponsor (Congressman Fuqua also served as a member of the Commission on the Organization of the Government of the District of Columbia), and in that bill there was a provision that the Congress would have an opportunity to review, after four years, how the Commission was performing its function. It was not our desire to limit the life of the Commission, unless the Congress in its judgment considered that it was failing to perform its duties as contemplated in such legislation. There is a similar provision in this bill, and I believe it is a provision which enhances its passage in the House and the Senate.

H.R. 7658, which I introduced and much of which is incorporated in H.R. 12832, the bill which this report accompanies, did not give priority to the study or examination of either the criminal or civil law. H.R. 12832, as taken up by the Full Committee on March 14, 1974, contained two provisions which were amended as follows:

1. *Eliminated priority for the study of criminal law to special consideration.* As originally provided in H.R. 12832, the Commission could not undertake the consideration of other matters until its examination of the criminal law was "completed." I agree with and quote favorably from a letter written by Frank J. Whalen, Jr. (a member of the Nelsen Commission Advisory Committee on Administrative Procedures), raising questions about this priority provision as it read before amendment:

This priority provision seems to me to preclude establishment of the Commission on a broad base commensurate with the all-encompassing purposes described elsewhere in the legislation. Although the Commission should obviously devote a fair share of its attention to the criminal law, the effect of the priority provision would cause the Commission, for at least the first two years of its existence, and probably longer, to deal exclusively with criminal law. In my view, the appointments to the Commission will inevitably be made with this in mind, and the staffing and funding of the Commission will be similarly one-sided. The result will be that the Commission's at-

tention will be devoted for a substantial period of time solely to Titles 22 through 24, of the District of Columbia Code (and the decisional law and other matters which are related thereto), to the complete exclusion of 46 other Titles and everything else.

In the testimony of Professor MacDonald, who has for several years been the Chairman of the New York Law Revision Commission and who has been involved in the activities of that Commission since its very beginning almost 40 years ago, he made it very clear that he thought that the value of the Law Revision Commission was its receptivity to matters of all kinds which have legal impact upon the community and that it was definitely undesirable to bog down the Commission in a single aspect of the law. He specifically discussed, for example, the difficulties which the New York Commission experienced when it devoted most of its work for a period of about 6 years to examination of and adaptation of the Uniform Commercial Code into New York Law.

In the last analysis, the effectiveness of the Commission will be measured largely by its ability to attract as members of the Commission persons who are able and willing to dedicate a substantial portion of their time to the work of the Commission. Most of the persons who will be appointed to the Commission must necessarily be lawyers and the number and variety of lawyers who will accept appointment to the Commission will be narrowed immensely if the Commission is going to devote itself solely to criminal law for a substantial period of time. Before the Commission will be able, under the proposed priority, to go forward with any other work, it will be essential to have the criminal law "task . . . completed." This would appear to compel a subsequent change of personnel after the completion of the criminal law phase in order to obtain the appropriate mix of Commission members and staff to deal with the wide-ranging problems which the Commission should normally be ready to handle. It seems to me that it would be desirable to eliminate the priority altogether, and to make it clear that the Commission should be established on the broadest base possible, and should be staffed to do its entire job from the very beginning.

2. *Membership on the Commission extended to the Metropolitan Area.* Certainly there is a need for local residents and those who practice to a substantial degree in the District of Columbia to be represented on this law revision commission. Certainly the provisions of the District of Columbia Self-Government and Governmental Reorganization Act, Public Law 93-198, provides that after January, 1975, judges appointed to the local courts must be residents of the District of Columbia. However, I am of the opinion that judicial appointments are in a very different case than appointees to members of the law revision commission established by this bill.

First, the appointment of judges is virtually a life-time appointment, in that the appointments are for 15 years. The appointments in this bill are for a substantially lesser period of time.

Secondly, the remuneration consists of \$100 a day up to \$5,000 per year for members of the law revision commission. If the quality of individuals appointed are of the caliber we envisaged when we recommended the formation of the law revision commission in the Nelsen Commission Report, they cannot begin to be compensated fully for their time. They would be leaders of the bar and scholars of note. Thus, I would expect that members appointed to the Commission would in the final analysis make a substantial economic sacrifice to the benefit of the District of Columbia by their service.

Furthermore, the problems which the law revision commission will be addressing are not purely local in nature. The commission must take into account the metropolitan characteristics of the community as a whole and that the District of Columbia is the Nation's Capital, yours and mine. As I understand it, there are somewhere in the vicinity of 18,000 members of the Unified Bar in the District of Columbia. The information I have is that 8,000 of these live outside the metropolitan area of Washington, D.C., and that somewhere between 2,000 and 3,000 of the members of the Unified Bar live in the District of Columbia. Accordingly, the amendment taken up in the Full Committee to permit appointment of individuals living in the Washington Metropolitan Area was again a provision which I believe enhances the passage of this measure in the House and Senate.

Finally, as to the question of funding this Commission, it is my understanding from a review of the testimony that the New York State Law Revision Commission, as testified to by Professor MacDonald, had a budget of approximately \$350,000. I believe that if the cost of the District of Columbia Law Revision Commission gets out of hand, the permanency of the Commission, which I believe we all endorse, may be threatened substantially. In four years the issue must come back to Congress for consideration of the continuance of the commission, and each year its budget must be justified. Accordingly, I exhort those who serve on the commission to do so with all the dedication and fervor at their command. But I also caution them to do so with an eye to the fact that we must all live within realistic budgets. This Law Revision Commission can perform an outstanding service to the community, the Congress, and the nation as a whole. I trust that those who serve on the Commission will do so in a very dedicated, but common-sense, manner. I am sure that they will, and when they do, they will be assured of success.

ANCHER NELSEN.

## DISTRICT OF COLUMBIA LAW REVISION COMMISSION ACT

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AUGUST 7, 1974.—Ordered to be printed

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Mr. EAGLETON, from the Committee on the District of Columbia,  
submitted the following

### REPORT

[To accompany H.R. 12832]

The Committee on the District of Columbia, to which was referred the bill (H.R. 12832) to create a Law Revision Commission for the District of Columbia, and to establish a municipal code for the District of Columbia, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

The amendment is as follows:

On page 4 at the end of line 8 add the following:

Members of the Commission who are officers or employees of the Federal or District of Columbia government shall receive no additional compensation by virtue of their membership on the Commission.

#### PURPOSE OF THE BILL

The purpose of the bill, H.R. 12832, as reported by the Committee, is to create a Law Revision Commission for the District of Columbia, whose duty it shall be to examine the law relating to the District of Columbia, to receive learned suggestions thereon and to recommend changes and reforms to the Congress and the District Council for the purpose of remedying defects and anachronisms in the law and to thereby bring the law relating to the District of Columbia, both civil and criminal, into harmony with modern conditions. The bill further seeks to create a municipal code for the District of Columbia so that all the laws enacted by the District Council may be in a codified form that will facilitate their use.

## NEED FOR LEGISLATION

There has not been a complete revision of the District of Columbia Criminal Code since the early 1900's. There are many crimes listed in the Code which have no relevance in modern times. The Code also fails to take into account the changes that have generally taken place in the trends of the criminal law nationwide. The witnesses on this bill indicated that the Criminal Code is in drastic need of revision.

The President's Commission on Crime in the District of Columbia was aware of the need for Criminal Code revision. The Commission recommended that "the criminal law of the District of Columbia should be reviewed and reformed. The reviews should include reexamination of all substantive and procedural provisions of the law to provide a clear definition of criminal behavior to achieve fair and consistent policies in dealing with offenders and introduce new concepts of treatment into the code".

Under the Home Rule Act (Public Law 93-198, approved December 24, 1973), the District Council will receive jurisdiction over the Criminal Code twenty-four months after it takes office in January, 1975.

In the course of Congressional consideration of this legislation, one of the most difficult questions was the issue of granting authority over the criminal sections of the District of Columbia Code. Drafters of the self-government legislation ultimately settled on an arrangement calling for the District of Columbia Council to acquire authority over the criminal sections of the District of Columbia Code two years after taking office in January, 1975. During the interim, it was understood, a Law Revision Commission would be created by the Congress, which would have as one of its responsibilities reviewing and recommending reforms of the Code's criminal sections.

Thus, the Law Revision Commission, as created by the reported bill, is mandated to give special consideration to revision of the Criminal Code in order to effectuate this goal. The District is one of only four jurisdictions which has not recently revised its Criminal Code or is in the process of doing so.

Due to the longstanding need for criminal code revision, it is the intention of the Committee that the Law Revision Commission give special consideration to the examination and recommendation for revision of the criminal law. The Committee intends that while the Commission need not deal exclusively with the criminal law, it should have substantially completed its work on criminal code revision before turning its attention to the civil law. The Commission should, therefore, to the extent possible, complete the long-needed recommendations for criminal code revision before turning its attention to other areas of the law.

The actual need for substantive Criminal Code reform is rooted in the fact that an inadequate Criminal Code can result in improvisation and poorly guided discretionary authority by police, prosecutors and judges; a lack of understanding by the public as to what conduct is unacceptable; and ultimately, a decreased respect for the law and its enforcers.

More generally, the Law Revision Commission is deemed an important tool to provide information to Congress on the existence of and

need to eliminate antiquated and inequitable rules of law by examining the common law and statutes of the District of Columbia, current judicial decisions and the actions of the City Council.

There have been many changes, too, in the field of civil law, including the areas of consumer affairs, and the environment, to mention just two. The Commission will also have the duty of reviewing the civil law with an eye towards recommending needed reforms.

## CONCLUSION

The enactment of this legislation will mark the first time since the turn of the century that a comprehensive review of the District's code of laws will be undertaken. The failure to modernize these laws has led to needless litigation, complicated law enforcement efforts, and necessitated a steady flow of remedial and amendatory legislation through Congress. A thorough study, which this legislation would make possible, is long overdue.

The Law Revision Commission would supply Congress with needed recommendations on how the District of Columbia Code, in both its civil and criminal aspects, can be brought into harmony with modern social and legal conditions.

## PROVISIONS OF THE BILL

## ESTABLISHMENT OF A 15 MEMBER LAW REVISION COMMISSION AND APPOINTMENTS TO THE COMMISSION

A Law Revision Commission to consist of 15 members is established to be appointed as follows:

- (1) Two members shall be appointed by the President of the United States.
- (2) One member shall be appointed by the Speaker of the House of Representatives.
- (3) One member shall be appointed by the President *pro tempore* of the Senate.
- (4) One member shall be appointed by the Minority Leader of the House of Representatives.
- (5) One member shall be appointed by the Minority Leader of the Senate.
- (6) Three members shall be appointed by the Commissioner of the District of Columbia, one of whom shall be a nonlawyer, and one of whom shall be a member of the law faculty of a law school in the District of Columbia.
- (7) One member shall be appointed by the Chairman of the District of Columbia Council.
- (8) Two members shall be appointed by the Joint Committee on Judicial Administration of the District of Columbia.
- (9) One member shall be appointed by the District of Columbia Corporation Counsel.
- (10) Two members shall be appointed by the Board of Governors of the District of Columbia Unified Bar.

The members of the Commission must be United States citizens, and at least eight shall be bona fide residents of the District of Columbia

for at least 90 days prior to their appointment. The remaining persons appointed shall be residents of the National Capital Region. They will serve 4-year terms and will elect the Chairman from among their members. The appointments shall be made without regard to political party affiliation and vacancies shall be filled in the same manner as the original appointment to serve out the remainder of the term.

The appointment process is designed to provide broad-based representation on the Commission so that it may function as a non-partisan body which reflects the diverse views of the legal and non-legal community.

#### COMPENSATION AND STAFF

Each of the Commissioners shall receive \$100 a day for their services including travel time up to a maximum of \$5,000 per year. They shall also be allowed travel expenses and per diem in lieu of subsistence when traveling on Commission business. The Commission may appoint and fix the compensation of such personnel as it deems advisable on the basis of ability and without regard to political party affiliation. Employees of the Commission shall be regarded as employees of the District of Columbia government.

#### POWERS OF THE COMMISSION

The Commission may request from any department, agency or instrumentality of the Federal or District government any information for carrying out the purposes of the Act. The Commission may enter into contracts with governmental or private bodies for research or surveys, the preparation of reports, and other activities necessary to the discharge of its duties. The Commission may establish such advisory groups consisting of members or non-members as it deems necessary for the efficient and effective discharge of its duties.

#### DUTIES OF THE COMMISSION

It shall be the duty of the Commission to review all the relevant law relating to the District of Columbia, including judicial decisions, for the purpose of discovering defects and anachronisms in the law and recommending needed reforms. The Commission shall receive and consider proposed changes from any bar association or other learned body, and from judges, public officials, lawyers, and the public in general as to defects and anachronisms in the law relating to the District of Columbia. It is the view of the Committee that participation by these segments of the District of Columbia community is essential to the compiling of recommendations that realistically reflect the modern community and its needs.

The Commission shall recommend from time to time, to the Congress and where appropriate to the Commissioner of the District of Columbia and to the District of Columbia Council, such changes in the law relating to the District of Columbia as it deems necessary to modify or eliminate antiquated and inequitable rules of law, and to bring the law relating to the District of Columbia, both civil and criminal, into harmony with modern conditions.

The Commission shall give special consideration to the examination of the criminal law and recommend changes in it.

The Commission is charged with preparing proposed uniform rules of practice for administrative agencies of the District. The Commission shall also make a study of the District of Columbia Administrative Procedures Act of 1968 for the purpose of preparing a manual. This Act, as amended by the Court Reform and Criminal Procedure Act of 1970, established uniform procedures for the exercise of powers and responsibilities by the administrative agencies of the District Government. The Nelsen Commission Report recommended legislative reforms to provide an improved framework in which the District Administrative Procedures Act may operate. The uniform rules of practice governing the District agencies and the Administrative Procedures Act manual are viewed as useful tools for the guidance and information of District agencies.

The Commission must make an annual report of its proceedings to the President, the Congress, the Commissioner and the Council by March 31 of each year and shall include draft legislation where appropriate.

#### LIFE OF THE COMMISSION

The Commission shall have a 4-year life from the date that funds are first appropriated, unless extended by Congress.

#### MUNICIPAL CODE

The District of Columbia Administrative Procedures Act is amended to require that every regulation in the nature of a law or municipal ordinance shall be codified and published in a municipal code which shall conform as closely as possible to the District of Columbia Code. The code shall be kept current with supplements and shall be first completed within one year. The code shall be available for public distribution, at cost.

#### AUTHORIZATION

For carrying out the purposes of this Act, there are authorized to be appropriated out of the monies in the Treasury not otherwise appropriated, such amounts as may be necessary.

#### DISTRICT GOVERNMENT REPORT

The report of the District Government on the bill, H.R. 12832, is as follows:

DEAR MR. CHAIRMAN: The Government of the District of Columbia has for report H.R. 12832, a bill "To create a Law Revision Commission for the District of Columbia, and to establish a municipal code for the District of Columbia."

H.R. 12832 provides for the establishment of a Law Revision Commission whose fifteen members would be appointed by the President, the Speaker of the House of Representatives, the President pro tempore of the Senate, the minority leaders of the House and Senate, the Commissioner of the District of Columbia, the Chairman of the District of Columbia Council, the Joint Committee on Judicial Administration, the Corporation Counsel, and the Board of Governors of the unified bar, respectively. The members of the Commission would be appointed on a nonpartisan basis for a four-year term of office

and would be required to be citizens and bona fide residents of the District of Columbia. The Chairman of the Commission would be selected by the members from among their number.

Other provisions of H.R. 12832 relate to the compensation and travel allowances of members of the Commission, and authorize the Commission to hire and fix the compensation of a staff, request pertinent information from any Federal or District department or agency, and acquire such services by contract with Federal or State agencies and private entities as may be necessary to carry out its duties and responsibilities.

The bill would empower the Commission to examine and study the common and statutory law of the District of Columbia, municipal ordinances and regulations, and judicial decisions, and to consider suggestions and recommendations of the American Law Institute, the Conference of Commissioners on Uniform State Laws, bar associations, the judiciary, lawyers, and the public generally for the purpose of making recommendations to the Congress, and where appropriate to the Commissioner and the District of Columbia Council for the improvement and modernization of the civil and criminal laws of the District. Section 3(a) of H.R. 12832 provides that the Commission shall give priority to examination of the criminal law of the District and shall make its recommendations with respect to criminal law reform before beginning its examination of the civil law of the District.

In addition, H.R. 12832 would authorize the Commission to propose uniform rules of practice and procedure, including the conduct of hearings, before administrative agencies of the District Government, and to prepare a manual for the guidance of District agencies in carrying out the mandates of the District of Columbia Administrative Procedure Act. Section 5(a) of the bill would amend the Administrative Procedure Act to authorize establishment of a Municipal Code of the District of Columbia and require that every regulation in the nature of a law or municipal ordinance adopted by the District of Columbia Council be codified and published therein. The Municipal Code would conform as closely as possible and would be cross-indexed with the District of Columbia Code compiled by the Committee on the Judiciary of the House of Representatives, and the first such codification and publication of the Municipal Code is to be completed within one year after the date of enactment of the bill.

Finally, the bill provides that at the end of the fourth full calendar year after the date funds are first appropriated to the Commission, it shall cease to exist unless extended by Congress, and section 6 authorizes, out of moneys in the Treasury not otherwise appropriated, appropriations to carry out the purposes of the bill.

The District Government, in its report of July 11, 1973 on H.R. 7412 and H.R. 7658, expressed strong support for the creation of a Law Revision Commission charged with carrying out the functions and duties of the type authorized by H.R. 12832. We continue to support these objectives and recommend favorable consideration, subject to the following suggestions, of H.R. 12832.

First, it is possible that there may be appointed to membership on the Commission persons who are employed by the Federal or District Governments. Because of the dual compensation laws, such personnel are not generally entitled, when sitting as members of official boards and commissions, to compensation over and above their regular sal-

aries. Accordingly, it is suggested that on page 3 of the bill the following sentence be added at the end of line 25: "Members of the Commission who are officers or employees of the Federal or District of Columbia government shall receive no additional compensation by virtue of their membership on the Commission."

Second, it would appear that the amendment of the District of Columbia Administrative Procedure Act provided by section 5 of the bill is not now necessary. To meet the requirements of the Act, the District Government has entered into a contract with Autocode, a division of Autocomp, Incorporated, to compile and publish all of the rules and regulations in effect in the District of Columbia. This project is well underway and is expected to be completed by July 1, 1974. The compilation will be cross-indexed with the District of Columbia Code and supplements will be issued by the contractor periodically to keep the compilation current and up to date.

Sincerely yours,

WALTER E. WASHINGTON,  
Mayor-Commissioner.

#### HISTORY

A public hearing was held by the Committee on this legislation (H.R. 12832) on July 25, 1974, at which time testimony and statement was submitted by the Corporation Counsel of the District of Columbia.

The bill reported an amendment proposed and considered by the Committee.

#### COST

The Committee is informed by the District of Columbia government that there will be an estimated cost of \$223,000 per year for the operation of the Law Revision Commission. This is based on salaries for 15 Commissioners and a staff of 5 professionals with requisite clerical support and normal operating, contractual and travel expenses. The four-year cost of the Commission would be \$892,000.

#### VOTE

H.R. 12832 was approved and ordered reported to the Senate by unanimous vote of the Committee on August 7, 1974.

#### CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with subsection (4) of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (new matter is printed in italic, existing law in which no change is proposed is shown in roman):

#### SECTION 7 OF THE DISTRICT OF COLUMBIA ADMINISTRATIVE PROCEDURE ACT

##### FILING AND PUBLISHING OF RULES

SEC. 7. (a) Each agency, within thirty days after the effective date of this Act, shall file with the Commissioner a certified copy of all of its rules in force on such effective date.

(b) The Commissioner shall keep a permanent register open to public inspection of all rules.

(c) Except in the case of emergency rules, each rule adopted after the effective date of this Act by the Commissioner or Council or by any agency, shall be filed in the office of the Commissioner. No such rule shall become effective until after its publication in the District of Columbia Register, nor shall such rule become effective if it is required by law, other than this Act, to be otherwise published, until such rule is also published as required in such law.

(d) *Every regulation in the nature of a law or municipal ordinance adopted by the Council under authority specified in Reorganization Plan Numbered 3 of 1967, or under authority of any Act of Congress, upon enactment, shall be codified and published in a Municipal Code of the District of Columbia which shall conform as closely as possible and shall be cross-indexed with the District of Columbia Code compiled by the Committee on the Judiciary of the House of Representatives. The Council shall from time to time issue such supplements or otherwise update and keep current the Municipal Code of the District of Columbia established under this subsection. The first such codification and publication of the Municipal Code of the District of Columbia shall be completed within one year after the date of enactment of this subsection.*

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# Ninety-third Congress of the United States of America

## AT THE SECOND SESSION

*Begun and held at the City of Washington on Monday, the twenty-first day of January,  
one thousand nine hundred and seventy-four*

### An Act

To create a Law Revision Commission for the District of Columbia, and to establish a municipal code for the District of Columbia.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as "the District of Columbia Law Revision Commission Act".*

SEC. 2. (a) There is established in the District of Columbia a District of Columbia Law Revision Commission (hereafter in this Act referred to as the "Commission") which shall consist of fifteen members appointed as follows:

- (1) Two members shall be appointed by the President of the United States.
- (2) One member shall be appointed by the Speaker of the House of Representatives.
- (3) One member shall be appointed by the President pro tempore of the Senate.
- (4) One member shall be appointed by the minority leader of the House of Representatives.
- (5) One member shall be appointed by the minority leader of the Senate.
- (6) Three members shall be appointed by the Commissioner of the District of Columbia, one of whom shall be a nonlawyer, and one of whom shall be a member of the law faculty of a law school in the District of Columbia.
- (7) One member shall be appointed by the Chairman of the District of Columbia Council.
- (8) Two members shall be appointed by the Joint Committee on Judicial Administration in the District of Columbia.
- (9) One member shall be appointed by the District of Columbia Corporation Counsel.
- (10) Two members shall be appointed by the Board of Governors of the District of Columbia unified bar.

(b) No person may be appointed as a member of the Commission unless he is a citizen of the United States. At least eight persons appointed to the Commission shall be bona fide residents of the District of Columbia who have maintained an actual place of abode in the District of Columbia for at least the ninety days immediately prior to their appointments as such members. The remaining persons appointed as members of the Commission shall be residents of the National Capital Region, as defined in the Act of June 6, 1924 (D.C. Code, sec. 1-1001 et seq.) (establishing the National Capital Planning Commission), who have maintained an actual place of abode in the National Capital Region for at least ninety days immediately prior to their appointments as such members.

(c) Members of the Commission shall serve for four-year terms and may be reappointed.

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

(e) Each appointment of members of the Commission shall be made, without regard to political party affiliation, on the basis of the ability of that person to perform his duties with the Commission.

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

(g) Members and the Chairman of the Commission shall be entitled to receive \$100 for each day (including traveltime) during which they are engaged in the actual performance of duties vested in the Commission, except no member or Chairman shall receive more than \$5,000 for the performance of such duties during any twelve-month period.

(h) While away from their homes or regular places of business in the performance of the duties of the Commission, members, including the Chairman, of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5 of the United States Code.

(i) The Commission may appoint and fix the compensation of such personnel as it deems advisable. Such personnel shall be appointed subject to the provisions of title 5 of the United States Code, governing appointments in the competitive service, and shall be paid in accordance with the provisions of chapter 51 and subchapter II of chapter 53 of such title relating to classification and General Schedule pay rates. Persons appointed to the staff of the Commission shall be so appointed solely on the basis of their ability to perform the duties of the Commission without regard to political party affiliation. Employees of the Commission shall be regarded as employees of the District of Columbia government.

(j) The Commission, acting through its Chairman, may request from any department, agency, or instrumentality of the executive branch of the Federal and District governments, including independent agencies, any information for carrying out the purposes of this Act; and each department, agency, instrumentality, and independent agency is authorized and directed, to the extent permitted by law, to furnish to the Commission the requested information.

(k) The Commission may enter into contracts with Federal or State agencies, private firms, institutions, and individuals for the conduct of research or surveys, the preparation of reports, and other activities necessary to the discharge of its duties.

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

SEC. 3. (a) It shall be the duty of the Commission to—

(1) examine the common law and statutes relating to the District of Columbia, the ordinances, regulations, resolutions, and acts of the District of Columbia 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;

(2) 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;

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

(4) recommend, from time to time, to the Congress, and where appropriate to the Commissioner of the District of Columbia and

to the District of Columbia Council, such changes in the law relating to the District of Columbia as it deems necessary to modify or eliminate antiquated and inequitable rules of law, and to bring the law relating to the District of Columbia, both civil and criminal, into harmony with modern conditions.

In carrying out its duties under this Act, the Commission shall give special consideration to the examination of the common law and statutes relating to the criminal law in the District of Columbia, and all relevant judicial decisions, for the purpose of discovering defects and anachronisms in the law relating to the criminal law in the District of Columbia and recommending needed reforms.

(b) In addition to those duties of the Commission specified in subsection (a), the Commission shall prepare and recommend proposed uniform rules of practice, including rules relating to the conduct of hearings, for administrative agencies of the District of Columbia, including both independent and subordinate agencies, which conduct on-the-record hearings. The Commission shall also make a study of the District of Columbia Administrative Procedure Act for the purpose of preparing a manual, including relevant legislative history and legal precedents, for the guidance of the respective administrative agencies.

SEC. 4. (a) The Commission shall make an annual report of its proceedings to the President, to the Congress, to the Commissioner of the District of Columbia, and to the District of Columbia Council by March 31 of each year. All reports of the Commission to the Congress, including reports made under section 3(a)(4), shall be filed with the Clerk of the House of Representatives and the Secretary of the Senate, and where appropriate, include drafts of proposed bills to carry out any of its recommendations.

(b) Upon the filing of the Commission's annual report at the end of the fourth full calendar year after the date that funds are first appropriated to the Commission, the Commission shall cease to exist, unless extended by Congress.

SEC. 5. (a) Section 7 of the District of Columbia Administrative Procedure Act (D.C. Code, sec. 1-1507) is amended by adding at the end thereof the following:

"(d) Every regulation in the nature of a law or municipal ordinance adopted by the Council under authority specified in Reorganization Plan Numbered 3 of 1967, or under authority of any Act of Congress, upon enactment, shall be codified and published in a Municipal Code of the District of Columbia which shall conform as closely as possible and shall be cross-indexed with the District of Columbia Code compiled by the Committee on the Judiciary of the House of Representatives. The Council shall from time to time issue such supplements or otherwise update and keep current the Municipal Code of the District of Columbia established under this subsection. The first such codification and publication of the Municipal Code of the District of Columbia shall be completed within one year after the date of enactment of this subsection."

H. R. 12832—4

(b) The District of Columbia Council shall provide for public distribution (at cost) of the Municipal Code of the District of Columbia established by the amendment made by subsection (a).

SEC. 6. For the purpose of carrying out this Act, including the amendment made by this Act, there are authorized to be appropriated, out of moneys in the Treasury credited to the District of Columbia and not otherwise appropriated, such amounts as may be necessary to carry out the purpose of this Act.

*Speaker of the House of Representatives.*

*Vice President of the United States and  
President of the Senate.*

August 13, 1974

Dear Mr. Director:

The following bills were received at the White House on August 13th:

H.R. 11108

H.R. 12832

Please let the President have reports and recommendations as to the approval of these bills as soon as possible.

Sincerely,

Robert D. Linder  
Chief Executive Clerk

The Honorable Roy L. Ash  
Director  
Office of Management and Budget  
Washington, D. C.