

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend, on a temporary basis, the District of Columbia Public Emergency Act of 1980 to clarify the types of circumstances that may constitute a public emergency, to authorize the Mayor to extend the duration of the public emergencies related to the opioid crisis and juvenile crime, to authorize the Mayor to waive the requirements of Title IV of the Procurement Practices Reform Act of 2010 in exercising her authority under the public emergencies related to the opioid crisis and juvenile crime, and to require the Mayor to provide written notice to the Council before engaging in conduct that would require the waiver of Title IV of the Procurement Practices Reform Act of 2010; and to specify that a new Office of Independent Juvenile Justice Facilities Oversight shall be established upon the sunset of the operations of the current Office of Independent Juvenile Justice Facilities Oversight.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Opioid Crisis and Juvenile Crime Public Emergencies Extension Authorization Temporary Amendment Act of 2023”.

Sec. 2. The District of Columbia Public Emergency Act of 1980, effective March 5, 1981 (D.C. Law 3-149; D.C. Official Code § 7-2301 *et seq.*), is amended as follows:

(a) Section 2(3)(I) (D.C. Official Code § 7-2301(3)(I)) is amended by striking the phrase “Outbreak of a communicable disease” and inserting the phrase “Outbreak of a communicable disease, or significant existence of a deadly or otherwise dangerous disease, disorder, condition, or activity,” in its place.

(b) Section 7 (D.C. Official Code § 7-2306) is amended by adding a new subsection (c-1) to read as follows:

“(c-1)(1) Notwithstanding subsections (b) and (c) of this section, the Mayor may extend the 15-day November 13, 2023, emergency executive order declaring a public emergency in response to the opioid crisis (Mayor’s Order 2023-141) and the 15-day November 13, 2023, emergency executive order declaring a public emergency in response to juvenile crime (Mayor’s Order 2023-141) until February 15, 2024. After the extensions authorized by this subsection, the Mayor may extend the emergency orders for additional 15-day periods pursuant to subsection (b) or subsection (c) of this section.

“(2) Notwithstanding section 5(b) (D.C. Official Code § 7-2304(b)), the Mayor shall comply with all District laws when exercising her authority pursuant to Mayor’s Order 2023-141, including those laws stated in Mayor’s Order 2023-141 to be subject to waiver, suspension, or modification; except, that the Mayor may waive the requirements of Title IV of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-354.01 *et seq.*).

“(3) The Mayor shall, prior to any exercise of the authority granted by this subsection, provide written notice to the Council. Such notice shall include, at a minimum:

“(A) Citations to the law or laws being waived;

“(B) In any instance where the Mayor is waiving procurement laws, a summary of each proposed procurement, which shall include:

“(i) A description of the specific goods or services to be procured;

“(ii) The source selection method, including whether the procurement was competitively sourced;

“(iii) The contract amount and the source of funds, whether federal or local;

“(iv) The name and certified business enterprise status of the proposed awardee; and

“(v) An explanation regarding why expedited procurement procedures are necessary to meet the specific need identified.”.

Sec. 3. Office of Independent Juvenile Justice Facilities Oversight.

(a) Upon the sunset of the operations of the Office of Independent Juvenile Justice Facilities Oversight (“predecessor Office”) pursuant to section VIII of Mayor’s Order 2020-115 issued November 13, 2020 (67 DCR 13813), or a succeeding Mayor’s Order, there shall be established a new Office of Independent Juvenile Justice Facilities Oversight (“successor Office”) in the executive branch of the District of Columbia government.

(b) All personnel, records, property, duties, structure, authorities and powers, dispute resolution procedures, confidentiality and anti-retaliation procedures, and funding and organization assigned to the predecessor Office pursuant to sections I, II, III, IV, V, VI, and VII of Mayor’s Order 2020-115, shall be transferred to the successor Office.

(c) Notice of any request to reprogram successor Office funds made by the Executive to the Chief Financial Officer shall be provided by the Chief Financial Officer to all Councilmembers within 24 hours after the reprogramming is requested, regardless of the amount of funds intended to be reprogrammed.

Sec. 4. Applicability.

Section 2(a) shall apply as of November 13, 2023.

Sec. 5. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 6. Effective date.

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.

Chairman
Council of the District of Columbia

Mayor
District of Columbia