



MURIEL BOWSER
MAYOR

10/26/2021

The Honorable Phil Mendelson
Chairman, Council of the District of Columbia
John A. Wilson Building
1350 Pennsylvania Avenue, NW, Suite 504
Washington, DC 20004

Dear Chairman Mendelson:

Enclosed for consideration by the Council of the District of Columbia are the "Department of Insurance, Securities and Banking Emergency Powers Emergency Declaration Resolution of 2021," the "Department of Insurance, Securities and Banking Emergency Powers Emergency Amendment Act of 2021," the "Department of Insurance, Securities and Banking Emergency Powers Temporary Amendment Act of 2021," and the "Department of Insurance, Securities and Banking Emergency Powers Amendment Act of 2021." The purpose of the bills are to amend the Department of Insurance and Securities Regulation Establishment Act of 1996 to allow the Commissioner of the Department of Insurance, Securities and Banking ("DISB") to exercise emergency powers to issue emergency rulemaking, orders, or bulletins during the existence of a public emergency.

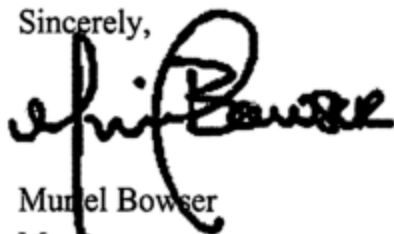
The Council granted the Commissioner emergency powers to, on a temporary basis, address the circumstances giving rise to an emergency when a public health emergency was declared by the Mayor when it enacted section 310 of the Coronavirus Support Temporary Amendment Act of 2021, effective June 24, 2021 (D.C. Law 24-9; D.C. Official Code § 31-104.01). Recognizing the need for the Commissioner to exercise the emergency powers beyond the existence of a public health emergency, the Council enacted section 3(n) of the Public Emergency Extension and Eviction and Utility Moratorium Phasing Emergency Amendment Act of 2021, effective July 24, 2021 (Act 24-125; 68 DCR 7432), which was passed in response to the expiration of the Mayor's public health emergency and allows the Commissioner to exercise the emergency powers, on a temporary basis, until November 5, 2021.

The looming expiration of the Commissioner's authority to exercise emergency powers reveals three immediate concerns for the District: First, that the COVID-19 pandemic and the Council's response in granting the Mayor and the DISB emergency powers was essential to effectively

addressing the new and diverse threats posed by public emergencies in a modern society; second, that District officials must have tools in place to continue to respond quickly and comprehensively to the public emergency that remains on-going; and third, that the DISB has played a critical role in ensuring that District policyholders do not have their coverage terminated and that COVID-19 testing and treatment are covered, especially for in-person work and learning as determined by the Department of Health. To this end, it is crucial that the Commissioner's emergency powers to act in this regard during the existence of a public emergency is extended.

Accordingly, I urge the Council to act favorably and expeditiously on these bills.

Sincerely,

A handwritten signature in black ink, appearing to read "Muriel Bowser", written over the printed name.

Muriel Bowser
Mayor

Enclosures



MURIEL BOWSER
MAYOR

October 26, 2021

The Honorable Phil Mendelson
Chairman
Council of the District of Columbia
John A. Wilson Building
1350 Pennsylvania Avenue, NW, Suite 504
Washington, DC 20004

Dear Chairman Mendelson:


Please be advised that I am requesting the withdrawal of the following nomination:

- Proposed Resolution 24-0243- "Commission on the Arts and Humanities Kymber Lovett-Menkiti Confirmation Resolution of 2021."
- Proposed Resolution 24-0244- "Commission on the Arts and Humanities Natalie Hopkinson Confirmation Resolution of 2021."
- Proposed Resolution 24-0245- "Commission on the Arts and Humanities Cora Masters Barry Confirmation Resolution of 2021."
- Proposed Resolution 24-0246- "Commission on the Arts and Humanities Gretchen Wharton Confirmation Resolution of 2021."

Please do not hesitate to contact me or Steven Walker, Director, Mayor's Office of Talent and Appointments, should the Council require additional information.

Sincerely,

Muriel Bowser


Chairman Phil Mendelson
at the request of the Mayor

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend the Department of Insurance and Securities Regulation Establishment Act of 1996 to grant the Commissioner of the Department of Insurance, Securities and Banking the authority to exercise emergency powers to issue emergency rulemaking, orders, or bulletins during the existence of a public emergency declared by the Mayor pursuant to the District of Columbia Public Emergency Act of 1980.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Department of Insurance and Securities Emergency Powers Amendment Act of 2021”.

Sec. 2. Amendatory section 5a of the Department of Insurance and Securities Regulation Establishment Act of 1996, effective June 24, 2021 (D.C. Law 24-9; D.C. Official Code § 31-104.01), in section 310 of the Coronavirus Support Temporary Amendment Act of 2021, effective June 24, 2021 (D.C. Law 24-9; 68 DCR 4824), is amended as follows:

(a) The section heading is amended to read as follows:

“Sec. 5a. Emergency authority of the Commissioner during a declared public emergency.”

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

(1) The lead-in text is amended to read as follows:

“(a) For the duration of a public emergency declared by the Mayor pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304) (“public emergency”), and to address the

34 circumstances giving rise to that emergency, the Commissioner may issue emergency
35 rulemaking, orders, or bulletins that:"

36 (2) Paragraph (2)(K) is amended by striking the phrase "public health emergency"
37 and inserting the phrase "public emergency" in its place.

38 (c) Subsection (c)(2) is amended by striking the phrase "public health emergency" and
39 inserting the phrase "public emergency" in its place.

40 Sec. 3. Fiscal impact statement.

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

44 Sec. 4. Effective date.

45 This act shall take effect following approval by the Mayor (or in the event of a veto by
46 the Mayor, action by the Council to override the veto), a 30-day period of Congressional review
47 as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
48 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)); and publication in the District of
49 Columbia Register.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of the Attorney General



ATTORNEY GENERAL
KARL A. RACINE

Legal Counsel Division

MEMORANDUM

TO: Ronan Gulstone
Executive Director
Office of Policy & Legislative Affairs

FROM: Brian K. Flowers
Deputy Attorney General
Legal Counsel Division

DATE: October 21, 2021

SUBJECT: Legal Sufficiency Review of the "Department of Insurance, Securities and Banking Emergency Powers Clarification Emergency Amendment Act of 2021," the "Department of Insurance, Securities and Banking Emergency Powers Clarification Temporary Amendment Act of 2021," and the Accompanying Emergency Declaration Resolution
(AE-21-633)

This is to Certify that this Office has reviewed the above-referenced proposed bill and found it to be legally sufficient. If you have any questions in this regard, please do not hesitate to call me at 724-5524.

Brian K. Flowers

Brian K. Flowers


Government of the District of Columbia
Office of the Chief Financial Officer



Fitzroy Lee
Acting Chief Financial Officer

MEMORANDUM

TO: The Honorable Phil Mendelson
Chairman, Council of the District of Columbia

FROM: Fitzroy Lee
Acting Chief Financial Officer 

DATE: October 26, 2021

SUBJECT: Fiscal Impact Statement – Department of Insurance, Securities and
Banking Emergency Powers Emergency Amendment Act of 2021

REFERENCE: Draft Bill as provided to the Office of Revenue Analysis on October 26,
2021

Conclusion

Funds are sufficient in the fiscal year 2022 through fiscal year 2025 budget and financial plan to implement the bill.

Background

The Council granted the Commissioner of the Department of Insurance, Securities and Banking (DISB) additional authority to issue emergency rulemakings, orders, or bulletins during a declared public health emergency.¹ DISB is authorized to issue requirements for any entity it regulates and to address any issues related to DISB's operations or the regulated industries' operations. This authority was subsequently limited to March 11, 2020 until November 5, 2021.²

The bill makes permanent and reestablishes a broader authorization for DISB to issue emergency rulemakings, orders, or bulletins during any declared public emergency and not just during a public health emergency.

¹ Coronavirus Support Temporary Amendment Act of 2021, effective June 24, 2021 (D.C. Law 24-9; D.C. Official Code § 31-104.01).

² Public Emergency Extension and Eviction and Utility Moratorium Phasing Emergency Amendment Act of 2021, effective July 24, 2021 (D.C. Act 24-125; D.C. Official Code § 31-104.01).

The Honorable Phil Mendelson

FIS: "Department of Insurance, Securities and Banking Emergency Powers Emergency Amendment Act of 2021," Draft Bill as provided to the Office of Revenue Analysis on October 26, 2021

Financial Plan Impact

Funds are sufficient in the fiscal year 2022 through fiscal year 2025 budget and financial plan to implement the bill. DISB can absorb the cost of issuing any rulemakings, orders, or bulletins during a declared public emergency, when needed to support DISB's operations or the operations within the industries DISB regulates, within DISB's existing budgeted resources.