



MURIEL BOWSER
MAYOR

June 1, 2023

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 and enactment by the Council of the District of Columbia are the Office of Administrative Hearings Jurisdiction Amendment Act of 2023, the Office of Administrative Hearings Jurisdiction Temporary Amendment Act of 2023, and the Office of Administrative Hearings Jurisdiction Emergency Amendment Act of 2023, along with an accompanying emergency declaration resolution.

This legislation will transfer the authority to hear certain concealed pistol licensing appeals from the Concealed Pistol Licensing Review Board ("CPLRB") to the Office of Administrative Hearings ("OAH") and would dissolve the CPLRB effective October 1, 2023. Cases currently pending at the CPLRB would be transferred to OAH. The bill also authorizes OAH to use CPLRB's current administrative procedures for appeals until OAH issues new rules on this subject matter.

The legislation streamlines the process of adjudicating appeals of concealed pistol licensing issues with one entity and aligns with the agency funding included in the pending Fiscal Year 2024 budget and financial plan.

I urge the Council to take prompt and favorable action on the enclosed legislation.

Sincerely,

A handwritten signature in black ink that reads "Muriel Bowser".

Muriel Bowser

Enclosures


Chairman Phil Mendelson
at the request of the Mayor

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A PROPOSED RESOLUTION

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To declare the existence of an emergency with respect to the need to amend the Office of Administrative Hearings Establishment Act of 2001 to provide for the jurisdiction of the Office of Administrative Hearings to include certain cases to be decided under the Firearms Control Regulations Act of 1975.

RESOLVED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Office of Administrative Hearings Jurisdiction Emergency Declaration Resolution of 2023”.

Sec. 2. (a) Section 6(b-2) of the Office of Administrative Hearings Establishment Act of 2001, effective March 6, 2002 (D.C. Law 14-76; D.C. Official Code § 2-1831.03), provides for the Office of Administrative Hearings to adjudicate appeals involving firearm registration certificates but not those involving concealed pistol licenses, although both types of appeals arise under the Firearms Control Regulations Act of 1975, effective June 16, 2015 (D.C. Law 20-279; D.C. Official Code § 7-2501.01 *et seq.*).

(b) On May 30, 2023, the Council adopted Bill 25-203, the Fiscal Year 2024 Local Budget Act of 2023, which provides resources for the Office of Administrative Hearings that will enable it to adjudicate both registration and licensing appeals beginning October 1, 2023, which will promote a fair, clear, and efficient process for disposing of both types of appeals.

32 (c) The Office of Administrative Hearings Jurisdiction Emergency Amendment Act of
33 2023 is necessary to provide the statutory authority for the Office of Administrative Hearings to
34 exercise jurisdiction over both registration and licensing appeals beginning October 1, 2023.

35 Sec. 3. The Council of the District of Columbia determines that the circumstances
36 enumerated in section 2 constitute emergency circumstances making it necessary that the Office
37 of Administrative Hearings Jurisdiction Emergency Amendment Act of 2023 be adopted after a
38 single reading.

39 Sec. 4. This resolution shall take effect immediately.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF THE ATTORNEY GENERAL



BRIAN L. SCHWALB
ATTORNEY GENERAL

Legal Counsel Division

MEMORANDUM

TO: Tommy Wells
Director
Office of Policy and Legislative Affairs

FROM: Megan D. Browder
Deputy Attorney General
Legal Counsel Division

DATE: May 9, 2023

SUBJECT: Legal Sufficiency Review of Draft Bill, the “Office of Administrative Hearings Jurisdiction Amendment Act of 2023”, Emergency and Temporary Versions, and Accompanying Emergency Declaration Resolution (AE-23-301)

This is to Certify that this Office has reviewed the above-referenced legislation and has found it to be legally sufficient. If you have any questions regarding this certification, please do not hesitate to contact me at (202) 724-5524.

A handwritten signature in black ink that reads "Megan D. Browder".

Megan D. Browder

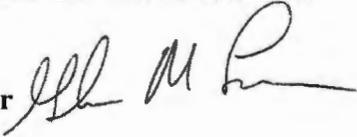
Government of the District of Columbia
Office of the Chief Financial Officer



Glen Lee
Chief Financial Officer

MEMORANDUM

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

FROM: Glen Lee
Chief Financial Officer 

DATE: May 9, 2023

SUBJECT: Fiscal Impact Statement - Office of Administrative Hearings
Jurisdiction Amendment Act of 2023 (and accompanying emergency
and temporary versions)

REFERENCE: Draft bill as provided to the Office of Revenue Analysis on April 24,
2023

Conclusion

Funds are sufficient in the fiscal year 2023 budget and proposed fiscal year 2024 through fiscal year 2027 budget and financial plan to implement the bill.

Background

Concealed pistol licenses are issued by the Metropolitan Police Department, and an individual who is denied a concealed pistol license or has an existing concealed pistol license revoked or suspended may file an appeal with the Concealed Pistol Licensing Review Board (CPLRB).

The bill would move this appeals caseload from the Office of the Deputy Mayor for Public Safety and Justice (DMPSJ) to the Office of Administrative Hearings (OAH) and would disband the CPLRB, effective October 1, 2023. Cases currently pending at the CPLRB would be transferred to OAH, along with any reconsideration requests of CPLRB decisions. The draft bill also permits OAH to use CPLRB's current administrative procedures for appeals until OAH issues new rules. The bill was included as a subtitle in the Mayor's Fiscal Year 2024's Budget Support Act (BSA) of 2023¹ and is being moved separately from the BSA.

¹ [B25-0203-Introduction.pdf \(dccouncil.gov\)](https://www.dccouncil.gov/documents/legislation/2023/0203-0203-Introduction.pdf)

The Honorable Phil Mendelson

FIS: "Office of Administrative Hearings Jurisdiction Amendment Act of 2023" (and accompanying emergency and temporary versions), Draft bill as provided to the Office of Revenue Analysis on April 24, 2023

Financial Plan Impact

Funds are sufficient in the fiscal year 2023 budget and proposed fiscal year 2024 through fiscal year 2027 budget and financial plan to implement the bill.

The Mayor's proposed budget and financial plan includes an enhancement of \$218,000 in fiscal year 2024 and \$895,000 from fiscal year 2024 through fiscal year 2027 for OAH to hire one administrative law judge to carry out the bill. The transfer of license appeal responsibilities to OAH and the elimination of the CPLRB also allows for savings at the DMPSJ. The DMPSJ had two employees working on license appeals in 2023 and \$108,000 of recurring funding for CPLRB board member stipends. In total, the net impact of the bill is \$64,000 in savings in fiscal year 2024 and \$253,000 in savings through fiscal year 2027.

Office of Administrative Hearings Jurisdiction Amendment Act of 2023						
(\$ thousands)						
	FY 2023	FY 2024	FY 2025	FY 2026	FY 2027	Total
Costs at OAH	\$0	\$218	\$222	\$226	\$230	\$895
Less: Savings at DMPSJ	\$0	(\$282)	(\$285)	(\$289)	(\$292)	(\$1,148)
Total (Savings)	\$0	(\$64)	(\$64)	(\$63)	(\$62)	(\$253)