

RULES OF ORGANIZATION AND PROCEDURE

FOR THE

COMMITTEE ON PUBLIC SERVICES AND CONSUMER
AFFAIRS

OF THE

COUNCIL OF THE DISTRICT OF COLUMBIA

FOR COUNCIL PERIOD 19

Yvette M. Alexander, Chairperson

TABLE OF CONTENTS

ARTICLE I-DEFINITIONS

101. Definitions.....	1
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ARTICLE II-ORGANIZATION

201. Chairperson.....	2
202. Committee Staff.....	2
(a) Committee Staff.....	2
(b) Additional Resource Persons.....	2
(c) Staff Changes, Assignments, and Remuneration.....	2

ARTICLE III-RESPONSIBILITIES OF THE COMMITTEE

301. Matters under the Purview of the Committee.....	2
302. Agencies under the Purview of the Committee.....	2

ARTICLE IV-COMMITTEE MEETINGS

401. Regular Meetings.....	3
(a) Time.....	3
(b) Place.....	3
(c) Recess and Rescheduling.....	3
(d) Cancellation.....	3
(e) Agenda.....	4
402. Special and Additional Meetings.....	4
(a) Special Meetings.....	4
(b) Additional Meetings.....	5
(c) Notice.....	5
403. Procedures for Meetings.....	5
(a) Order of Business for Regular Meetings.....	5
(b) Order of Business for Special and Additional Meetings.....	6
(c) Proceeding Out of Order.....	6
(d) Recognition of Non-Committee Members.....	6
404. Minutes of Meeting.....	6

ARTICLE V-REVIEW AND APPROVAL OF REPORTS ON PROPOSED LEGISLATION

501. Approval of Measures.....	7
502. Reports on Bills and Proposed Resolutions.....	7
(a) Draft Reports.....	7
(b) Contents of Reports.....	7
503. Supplemental, Minority, and Additional Views.....	8

ARTICLE VI-HEARINGS AND INVESTIGATIONS

601. Hearing Procedures.....	8
(a) Calling.....	8
(b) Subject.....	8
(c) Notice.....	9
(d) Open Hearing.....	9
(e) Quorum.....	9
(f) Questioning of Witnesses.....	9

(g) Hearing Decorum	9
(h) Records	10
(g) Recess	10
602. Rights of Witnesses.....	10
(a) Right to Counsel	10
(b) Right to Make Opening Statement	10
603. Testimony Under Oath.....	10
604. Depositions	10
605. Investigations	10
606. Issuance of Subpoenas	10
607. Report to Secretary Regarding Use of Subpoena	11
608. Service of Subpoenas	11
609. Enforcement of Subpoenas	11
610. Right to Assert Privileges	11
611. Notification of Rights	12
612. Right to Transcript	12
613. Right of Persons Who Are Subjects of Investigations.....	12
614. Rights of Persons Identified in Investigations	12
ARTICLE VII–NOTICE PROVISION	
701. Notice.....	12
ARTICLE VIII–RULES	
801. Rules of the Council	13
802. Amendment.....	14
803. Filing with the Council Secretary	14
804. Effective Period 19	14

ARTICLE I-DEFINITIONS

Sec. 101. DEFINITIONS

Except as otherwise provided, the definitions contained in section 101 of the Rules of Organization and Procedure for the Council of the District of Columbia, Council Period 19, are incorporated by reference. In addition, for the purposes of the Committee Rules, the term:

- (1) "Chairperson" means the Chairperson of the Committee on Public Services and Consumer Affairs.
- (2) "Committee" means the Committee on Public Services and Consumer Affairs.
- (3) "Committee Rules" means the Rules of Organization and Procedure for the Committee on Public Services and Consumer Affairs for Council Period 19.
- (4) "Council Rules" means the Rules of Organization and Procedure for the Council of the District of Columbia, Council Period 19.
- (5) "Meeting" means the formal convening of the Committee, other than solely for the purposes of receiving testimony, held at a designated time and place for the purpose of transacting public business, including official action of any kind.
- (6) "Member" means a member of the Committee on Public Services and Consumer Affairs.
- (7) "Minutes" means the written, audio, electronic, or video recording of the actions and proceedings of the Committee, which may consist of a summary of Committee discussion and debate, and a description of each action taken including amendments, motions, or orders on which a vote was taken and the vote of each member concerning the action.
- (8) "Quorum" means three members of the Committee, except as provided in section 601(d).
- (9) "Testimony" means the oral or written statement of a witness.
- (10) "Witness" means a person who shall appear or is appearing before the Committee whether voluntarily or by mandatory process.

ARTICLE II-ORGANIZATION OF THE COMMITTEE

Sec. 201. CHAIRPERSON

The Chairperson shall be the presiding officer of the Committee. The Chairperson shall designate a member to act as temporary Chairperson when the Chairperson is absent or recuses himself from certain items before the Committee. If the Chairperson does not preside and does not designate a temporary Chairperson, then the member with the greatest seniority on the Council shall preside.

Sec. 202. COMMITTEE STAFF

- (a) Committee Staff. The Chairperson shall appoint Committee staff with the approval of the Committee, pursuant to section 406(b)(3)(B) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-604.06(b)(3)(B)).
- (b) Additional Resource Persons. Additional persons not to be compensated by Council funds may be retained by the Chairperson.
- (b) Staff Assignments, Removals, and Remuneration. Committee staff assignments, removals, and remuneration shall be determined by the Chairperson.

ARTICLE III-RESPONSIBILITIES OF THE COMMITTEE

Sec. 301 MATTERS UNDER THE PURVIEW OF THE COMMITTEE

The Committee on Public Services and Consumer Affairs is responsible for matters related to consumer and regulatory affairs; public utilities; the regulation of banks and banking activities, securities, and insurance, including private health insurance matters. The Committee is also tasked with the responsibility of oversight of each agency under its purview to ensure performance and responsiveness.

Sec. 302 AGENCIES UNDER THE PURVIEW OF THE COMMITTEE

The following agencies come within the purview of the Committee on Public Services and Consumer Affairs:

*Department of Consumer & Regulatory Affairs
Board of Consumer Claims Arbitration for the District of Columbia
Office of People's Counsel
Public Service Commission*

*Office of the Tenant Advocate
Department of Insurance, Securities and Banking
Board of Architecture and Interior Designers
Board of Accountancy
Board of Barber and Cosmetology
Board of Professional Engineering
Board of Funeral Directors
Board of Industrial Trades
Board of Real Estate
Board of Real Estate Appraisers*

ARTICLE IV-COMMITTEE MEETINGS

Sec. 401. REGULAR MEETINGS

- (a) **Time.** Regular meetings of the Committee shall be held on the fourth Thursday of each month at 2:00 p.m. except during periods of Council recess and legal holidays. The Chairperson shall circulate a notice of the date, hour, and place of all committee meetings to all members of the Council at least 24 hours before the date of the meeting, along with a copy of the agenda of the meeting and draft of any measures to be considered, unless at least four members of the committee agree to a shorter notice.
- (b) **Place.** Regular meetings of the Committee shall be held in Room 120 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C., 20004, unless another place is designated by the Chairperson.
- (c) **Recess and Rescheduling.** If a majority of the members is present at a regular meeting, the Chairperson may recess that meeting to another time, day, or place, or may reschedule a future regular meeting to another time, day, or place.
- (d) **Cancellation.** The Chairperson may cancel a regularly scheduled meeting. To cancel a regularly scheduled meeting, the Chairperson shall endeavor to provide at least 24 hours written notice of the cancellation to each Councilmember and the Secretary to the Council unless the circumstances necessitating the cancellation preclude the provision of such notice. If the circumstances preclude the provision of the notice 24 hours prior to the regularly scheduled meeting, the Chairperson shall provide written notice of the cancellation to each Councilmember and the Secretary to the Council at

the earliest possible time prior to the regularly scheduled meeting, but no later than 2 hours prior to the regularly scheduled meeting.

(e) Agenda.

- (1) The agenda and drafts of any measures to be considered shall be circulated to the members at least 24 hours prior to the meeting of the Committee, and copies shall be provided to all Councilmembers.
- (2) The Committee staff shall prepare the agenda at the direction of the Chairperson. The Chairperson shall set the agenda for all meetings, except special meetings called by a majority of the members.
- (3) The Chairperson may prepare a consent agenda for each committee meeting which shall include bills and proposed resolutions that the Chairperson believes will be adopted by unanimous vote. Adoption of the consent agenda shall be considered at the beginning of the committee meeting. Any member may strike a bill or proposed resolution from the consent agenda.

Sec. 402 SPECIAL AND ADDITIONAL MEETINGS.

(a) Special Meetings.

- (1) Special meetings may be called by filing a written request with the Committee Clerk for a special meeting signed by no fewer than three members. The Committee Clerk shall notify the Chairperson and the other members of the filing of the request.
- (2) The Chairperson shall call the special meeting within three business days of the written request and shall specify the date, hour, place, and agenda of the meeting.
- (3) If the Chairperson does not call the requested meeting, a majority of the members may file a written notice with the Committee Clerk that a special meeting will be held, specifying the date, place, and agenda for the meeting. Immediately upon the filing of the notice, the Committee staff shall notify all members of the Committee as provided for in 402 (c).

(a) Additional Meetings.

- (1) Additional meetings may be called by the Chairperson.

- (2) The Chairperson may cancel a scheduled additional meeting. To cancel a scheduled additional meeting, the Chairperson shall provide at least 12 hours written notice of the cancellation to each Councilmember and the Secretary of the Council unless the circumstances necessitating the cancellation shall preclude such notice. If the circumstances preclude the provision of the notice 12 hours prior to the scheduled additional meeting, the Chairperson shall provide written notice of the cancellation to each Councilmember and the Secretary to the Council at the earliest possible time prior to the scheduled additional meeting, but no later than 2 hours prior to the scheduled additional meeting.

(c) Notice.

- (1) Whenever an additional or special meeting is called, the Committee staff shall notify each member in writing, at least 24 hours before the special meeting, unless at least four members of the Committee agree to a shorter notice. The notice shall state the date, hour, place of the meeting. A copy of the agenda of the meeting and draft of any measures to be considered shall be circulated with the notice. Copies of the notice and other materials shall be provided to all Councilmembers. The Committee staff shall contact the Office of Secretary to ensure that the meetings of the committee do not conflict with previously scheduled meetings of another committee.
- (2) No matters shall be considered at any special meeting except those stated in the written request and notification.
- (3) Additional or special meetings to consider emergency matters may be called upon shorter notice, if this shorter notice is agreed upon in writing by at least four of the Committee members and the basis for the emergency is stated fully in the notice.

Sec. 403. PROCEDURES FOR MEETINGS

- (a) Order of Business for Regular Meetings. Subject to subsection (c) of this section, the Committee shall conduct business for regular meetings of the Committee in the following order:
 - (1) Call to order;
 - (2) Ascertainment of the presence of a quorum by the Chairperson;

- (3) Reading and approval of the written minutes, if any;
 - (4) Consent Agenda, if any;
 - (5) Consideration of proposed reports on and markup of pending measures assigned to the Committee;
 - (6) Old business;
 - (7) New business; and
 - (8) Adjournment.
- (b) Order of Business for Special and Additional Meetings. The Committee shall take up business in the following order at a special or additional meeting:
- (1) Call to order at the date, hour, and place set forth in the notice of the meeting;
 - (2) Ascertainment of the presence of a quorum by the Chairperson; and
 - (3) If a quorum is present, consideration of business in the order set forth in the meeting notice.
- (c) Proceeding Out of Order. The Chairperson or presiding member may, without objection or upon the vote of a majority of the members present and voting, take up any item of business out of order.
- (d) Recognition of Non-Council Members. The Chairperson or presiding member may recognize a member of the public or a District government employee when the participation of the person would, in the judgment of the Chairperson or presiding member, enhance the understanding of the matter under consideration by the Committee.

Sec. 404. MINUTES OF MEETINGS

The Committee Clerk shall ensure that there are minutes of every meeting. The minutes may consist of a summary of Committee discussion and debate, and a description of all Committee action. The minutes shall include a description of each amendment, motion, order, or other proposition on which a roll call vote was taken, the name of each member voting for and against the amendment, motion, order or proposition, and the names of those members present and voting. Unless the Committee specifically directs otherwise, minutes need not be taken of hearings before the Committee, except for electronic recording. The minutes shall be filed with

the Secretary to the Council and shall be made available for public inspection during normal business hours of the Council.

ARTICLE V-REVIEW OF AND REPORTS ON PROPOSED LEGISLATION

Sec. 501. APPROVAL OF MEASURES

The Committee may not report out a measure or recommendation on a matter assigned to the Committee unless a quorum is present at the time of approval. If an amendment is orally moved during a Committee meeting, it shall, upon request by a member, be reduced to writing and read by the Committee Clerk or other staff of the Committee, and made available for public inspection as soon as practicable.

Sec. 502. REPORTS ON BILLS AND PROPOSED RESOLUTIONS

- (a) Draft Reports. Each bill or resolution shall be accompanied by a draft report when it is considered by the Committee, unless the Committee votes to waive this requirement for a particular bill or resolution. In the event of a waiver, the Committee shall vote on the draft report at a regularly scheduled, additional, or special meeting of the Committee before filing the report and the reported bill or resolution with the Secretary.
- (b) Contents of Reports. Each adopted report on a bill or proposed resolution shall be in writing, signed by the Chairperson, accompanied by the final bill or resolution, and shall contain:
 - (1) A statement of background and need of the bill or resolution;
 - (2) A legislative chronology, including the date of introduction, all introducers and co-sponsors, date public notices were published in the District of Columbia Register, date(s) of public hearings and roundtables, and date of any action taken at a Committee meeting;
 - (3) A summary of testimony on the legislation or resolution presented at a public hearing or public roundtable held by the Committee;
 - (4) A statement of the impact on existing provisions of law that the bill or resolution would modify or affect;
 - (5) A fiscal impact statement;

- (6) A detailed section-by-section analysis of the provisions of the bill or resolution;
- (7) A record of Committee action, including the results of a voice vote or roll call vote on any amendments to the bill or resolution, and the results of a voice or roll call vote on the bill or resolution;
- (8) Dissenting, separate, or individual views of members if requested before the report is adopted;
- (9) A committee print that states the bill or proposed resolution number of the measure; in the top left-hand corner of the measure the name of the committee, the date of the committee markup, and the words "committee print";
- (10) Any additional information that the Chairperson or Committee directs to be included; and
- (11) Copies of some or all of the testimony or comments received on the measure, as directed by the Chairperson or requested by the Committee.

Sec. 503. SUPPLEMENTAL, MINORITY, AND ADDITIONAL VIEWS

If, at the time of approval of any measure by the Committee, any member of the Committee gives notice of intent to file supplemental, minority, or additional views, that member shall have not less than five days (excluding legal holidays) in which to file his or her views in writing. Such views shall be filed with the Committee Clerk and shall be included in the report of the Committee on that measure.

ARTICLE VI-HEARINGS AND INVESTIGATIONS

Sec. 601. HEARING PROCEDURES

- (a) Calling. All hearings or roundtables of the Committee shall be called by the Chairperson or his designee.
- (b) Subject. The Committee shall hold a hearing before passage of any bill. A hearing shall not be required where a hearing on the same or similar bill was held in a prior Council period. The Committee may hold a hearing or roundtable before the passage of a proposed resolution. The Committee shall hold a hearing when required by law and the Committee may hold a hearing on any matter relating to the affairs of the District that is properly within the Committee's jurisdiction as provided for in section 238 of the Council Rules. Unless a hearing is required by law, the Committee may

hold a roundtable on any matter relating to the affairs of the District that is properly within the Committee's jurisdiction as provided for in section 238 of the Council Rules.

(c) Notice. Written notice of Committee hearings shall be given in the manner provided for in section 422(a) of the Council Rules. Written notice of Committee roundtables shall be circulated to all Councilmembers not less than 24 hours before the roundtable.

(d) Open Hearing. Each hearing shall be open to the public unless a majority of the Committee decides in open session or publicly agrees that the hearing should be closed.

(e) Quorum. One member of the Committee constitutes a quorum for the taking of testimony and the receiving of evidence at a hearing.

(f) Questioning of Witnesses.

(1) The questioning of a witness before the Committee shall proceed in the order that Committee members arrived, followed by non-Committee members.

(2) The first round for questioning shall be ten minutes unless the members agree to a longer or shorter period.

(3) The Chairperson shall decide whether to allow for additional round or rounds, and the time allowed for each Councilmember for questioning during these rounds.

(4) A witness may be questioned, with the consent of the Chairperson or presiding member, by Committee staff or authorized Council staff or by counsel advising the Committee.

(g) Hearing Decorum.

(1) No witness may address a member except through the Chairperson or presiding member, except when responding to a direct question of a member.

(2) A witness shall confine his or her remarks to the question under discussion and shall avoid making negative personal comments.

(3) The Chairperson or presiding member shall maintain order during the meeting and if, in his or her opinion, the removal of any member of the public is necessary to maintain order, the Chairperson or presiding member may, after warning, order the removal of any disorderly person.

(h) Records. Committee staff shall be responsible for keeping one set of all written hearing testimony (including comments received prior to the record being closed) in unmarked condition. This set shall be filed with the Secretary of the Council as the hearing record.

(i) Recess. A hearing may be recessed to another time, day, and place by the Chairperson or member presiding over the hearing, and stating at the time of recess. The recessed time, day, and place shall be sufficient public notice.

Sec. 602. RIGHTS OF WITNESSES

(a) Right to Counsel. Any witness who appears before the Committee has the right to be represented by counsel.

(b) Right to Make Opening Statement. Any witness who testifies at a hearing of the Committee may submit an opening statement that shall be placed in the record of the hearing. The Chairperson or presiding member may permit a witness to read the statement at the hearing.

Sec. 603. TESTIMONY UNDER OATH

A witness may be affirmed or sworn to give truthful testimony.

Sec. 604. DEPOSITIONS

The Committee may authorize a Committee member, Committee staff, or Counsel advising the committee to take the testimony of witnesses by oral or written deposition.

Sec. 605. INVESTIGATIONS

The Committee may investigate any matter relating to the affairs of the District of Columbia that comes under the jurisdiction of the Committee. The Committee may also direct another person to investigate a matter within the Committee's jurisdiction.

Sec. 606. ISSUANCE OF SUBPOENAS

Subject to Council Rules, the Committee may require the attendance and testimony of witnesses and the production of documents, papers, and other tangible items through the use of its subpoena power. If a subpoena is issued and the person named on

the subpoena does not respond, the Committee may, by resolution, refer the matter to the Council for referral to the Superior Court of the District of Columbia.

Sec. 607. REPORT TO SECRETARY REGARDING USE OF SUBPOENA

Prior to issuing a subpoena, the Committee shall submit a report to the Secretary of the Council outlining the nature and scope of the investigation and the type of information sought through the use of the subpoena.

Sec. 608. SERVICE OF SUBPOENAS

Subpoenas shall be served personally on the witness or his or her designated agent in one of the following ways, which may be attempted concurrently or successively:

- (1) By a special process server, at least 18 years of age, designated by the Committee from among the staff appointed by the Secretary to the Council who are not directly involved in the investigation; or
- (2) By a special process server, at least 18 years of age, engaged by the Committee or the Council for this purpose.

Sec. 609. ENFORCEMENT OF SUBPOENAS

The Committee may refer to the Council any case of contumacy by any person subpoenaed to appear before the Committee.

Sec. 610. RIGHT TO ASSERT PRIVILEGES

- (a) Any witness has the right to refuse to answer any question which might tend to incriminate him or her by claiming his or her Fifth Amendment privilege against self-incrimination, other Constitutional privileges, or statutory or common law privileges recognized in the Superior Court of the District of Columbia.
- (b) If a witness asserts a privilege, the Chairperson or presiding member shall inquire into the witness's reasons for claiming the privilege. If the Chairperson or presiding member determines that the claim of privilege is not warranted, he or she shall direct the witness to answer the question. A witness's continued claim of privilege in the face of an order by the Chairperson or presiding member to answer a specific question constitutes contumacy by the witness.

Sec. 611. NOTIFICATION OF RIGHTS

Where a witness under subpoena is not represented by counsel, the Chairperson or presiding member shall advise the witness of his or her privilege against self-incrimination.

Sec. 612. RIGHT TO TRANSCRIPT

A witness under subpoena is entitled to receive, at the cost of producing it, a written transcript or a transcription of his or her testimony in connection with an investigation.

Sec. 613. RIGHTS OF PERSONS WHO ARE SUBJECTS OF INVESTIGATIONS

Any person who is the subject of an investigation authorized under section 601 of the Council Rules may submit written questions for the cross-examination of other witnesses at public hearings held by the Committee. With the consent of the members present and voting, those questions may be put to the witness by any member, by any authorized staff member, or by counsel advising the Council or the Committee.

Sec. 614. RIGHTS OF PERSONS IDENTIFIED IN INVESTIGATIONS

Any person who is named or specifically identified in connection with an investigation and who believes that the testimony or other evidence or comment by a member of the Council or a Committee or its staff does not comport with the truth may file a sworn statement of facts relevant to the testimony or other evidence or comment that is at issue.

ARTICLE VII-NOTICE PROVISION

Sec. 701. NOTICE

If there is no specific requirement for the giving of notice of any Committee action, meeting, or hearing, notice may be given by one of the following methods:

- (a) Posting in prominent places in 1350 Pennsylvania Avenue, N.W., or other public buildings or public posting places;
- (b) Publication in one or more newspapers of general circulation;
- (c) Publication in the District of Columbia Register;

- (d) Mailing notice to an established mailing list of organizations and individuals as maintained by the Secretary of the Council;
- (e) Use of other news media;
- (f) Facsimile;
- (g) E-mail; or
- (h) Any other manner the Committee considers appropriate.

ARTICLE VIII-RULES

Sec. 801. RULES OF THE COUNCIL

(a) The following Rules of the Council are and shall be considered rules of the Committee and except where the context dictates to the contrary, the term "Council" means "Committee," the term "Member" or "Member of the Council" means "Member of the Committee," the term "Chairperson" means "Chairperson of the Committee," and the term "Secretary" means "Committee staff director or other Committee staff:" 101 (Definitions); 202 (Conflict of Interest); 304 (Quorum); 305 (Meetings Open to the Public); 306 (Executive Meetings); 307 (Hearing the Mayor); 321 (Decorum of Members); 322 (Decorum of Members of the Public); 331 (Obtaining the Floor); 332 (Limitations on Debate); 333 (Personal Privilege); 334 (Points of Order); 335 (Appeal); 336 (Extensions of Remarks); 337 (Recognition of Non-Members); 341 (Motions Recognized During Debate); 342 (Withdrawal or Modification of Motions); 343 (Amendments to be Written); 351 (Form of Vote); 352 (Voice Votes); 353 (Demand for Roll Call Vote); 355 (Records of Votes); 356 (Proxy Voting Prohibited); 357 (Reconsideration); 448 (Records of Legislative Meetings); 450 (Effect of End of Council Period); 601 (Resolution Authorizing the Use of Subpoenas in an Investigation); 604 (Testimony Under Oath); 605 (Issuing the Oath); 606 (Depositions); 611 (Issuance of Subpoenas); 612 (Report to Secretary Regarding Use of Subpoena); 613 (Service of Subpoenas); 614 (Enforcement of Subpoenas); 621 (Right to Assert Privileges); 622 (Notification of Rights); 623 (Right to Transcript); 624 (Rights of Persons Who are Subjects of Investigations); 1001 (Parliamentary Authority); 1002 (Gender Rule of Construction); and 1003 (Suspension of Rules). The Rules of the Council are and shall be considered rules of the Committee whenever these committee rules are incomplete or silent on a matter of procedure.

(b) Whenever there is conflict between these rules and the Council Rules, the Council Rules shall govern.

Sec. 802. AMENDMENT

These rules may be amended by a majority of the Committee at any Committee meeting. Notice of the proposed amendment shall be in writing, signed by the proposer, and circulated to each member at least five days prior to the meeting at which the proposed amendment is to be considered.

Sec. 803. FILING WITH THE COUNCIL SECRETARY

Upon the adoption of these rules or any future amendments, the Committee staff shall file a copy of the final rules or amendments with the Secretary to the Council.

Sec. 804. EFFECTIVE PERIOD

These Rules shall be effective until superseded by Rules of Organization and Procedure for the Committee on Public Services and Consumer Affairs adopted in a succeeding Council Period, unless modified by a majority of the Committee members during Council Period XIX.