Committee Oversight Authority

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"'**Investigating committee' defined.** As used in this act, unless the context otherwise requires, 'investigating committee' means any of the following:

- "(a) A standing, special or select committee of either the house of representatives or the senate, a joint committee of both houses of the legislature, or an authorized subcommittee of any such committee; or
- "(b) The legislative coordinating council, the legislative budget committee, the joint committee on special claims against the state, the joint committee on administrative rules and regulations, the legislative post audit committee, any special or select committee appointed by the legislative coordinating council, or any authorized subcommittee of any such committee or said council; or
- "(c) Any committee, commission or board created by the legislature by concurrent resolution or enactment when, as one or all of its duties, it is to perform an inquiry, study or investigation for the legislature, except that an advisory committee is not an investigating committee; or
- "(d) Any committee heretofore or hereafter created by law or resolution of either house of the legislature or by concurrent resolution, when all of the members of such committee, who are authorized to vote on actions of the committee, are legislators" (Kansas Statute 46-1001).

"**Same; when powers exercised; rules; minimum size of subcommittee; open or closed meetings; secrecy or publication of testimony.** An investigating committee may exercise its powers during sessions of the legislature, and also at or in connection with authorized meetings in the

interim between sessions. Each investigating committee may adopt rules, not inconsistent with law or applicable rules of the legislature, governing its procedures, including the conduct of hearings. Whenever a subcommittee is exercising the powers of an investigating committee, such subcommittee shall be comprised of at least three (3) persons. An investigating committee may meet publicly or in executive session, and exercise powers of compulsory process in either. All or any part of testimony received by an investigating committee may be published or retained secret in accordance with the determination of such committee" (Kansas Statute 46-1002).

"**'Compulsory process' defined.** 'Compulsory process' in regard to any investigating committee means any one or any combination of the following:

- "(a) Exercise of the power of subpoena or subpoena duces tecum;
- "(b) Administration of oath or affirmation;
- "(c) Taking of testimony under oath;
- "(d) Referral of any contempt of legislature for prosecution;
- "(e) Referral of any perjury for prosecution;
- "(f) Any other act related to any of the foregoing" (Kansas Statute 46-1003).

"**Investigating committees authorized to exercise compulsory process, when.**

- "(a) The following investigating committees are authorized to exercise the powers of compulsory process in connection with any authorized subject of inquiry, study or investigation at any time without further authorization:

  "The legislative coordinating council, the legislative budget committee, the standing committee on ways and means of the senate, the standing committee on appropriations of the house, the legislative post audit committee or any committee which is specifically granted powers of compulsory process by legislative enactment or by concurrent resolution of the legislature or any authorized subcommittee of any such committee or the council.
- "(b) When the legislature is in session, or adjourned for not more than 30 days, the following investigating committees are authorized to exercise the powers of compulsory process in connection with any authorized subject of inquiry, study or investigation:

- "(1) Any standing, special or select committee of the house of representatives, when authorized by the speaker; or
- "(2) Any standing, special or select committee of the senate, when authorized by the president.

- "(c) The following investigating committees are authorized to exercise the powers of compulsory process in connection with any authorized subject of inquiry, study or investigation only when specifically authorized to do so by the legislative coordinating council:
  - "(1) Any special or select committee appointed by the legislative coordinating council, except the legislative budget committee; or
  - "(2) The joint committee on special claims against the state or the joint committee on administrative rules and regulations; or
  - "(3) Any investigating committee as described in subsection (c) or subsection (d) of K.S.A. 46-1001 and amendments thereto when no specific statute or resolution of the legislature authorizes the exercise by such committee of compulsory process.

- "(d) The limitations of subsections (b) and (c) do not apply to subsection (a). The limitations of subsection (b) do not apply to subsection (c) and the limitations of subsection (c) do not apply to subsection (b)" (Kansas Statute 46-1004).

"**Subject of inquiry or investigation; when authorized.** A subject of inquiry, study or investigation of an investigating committee is authorized when:

- "(a) The same concerns any bill or resolution or other matter referred to and under consideration by an investigating committee during any legislative session, or during an adjournment of not more than thirty (30) days, in accordance with either rules of the house of representatives or the senate or the joint rules of the senate and house of representatives; or
- "(b) The subject of inquiry, study or investigation has been specifically authorized by a resolution of the house of representatives or the senate, or by a concurrent resolution or enactment; or
- "(c) The subject of inquiry, study or investigation is within the statutorily prescribed purview of the investigating committee and by majority vote of all of the members of such investigating committee it designates by its resolution the specific inquiry, study or investigation; or
- "(d) The subject of inquiry, study or investigation has been specified by proposal adopted by the legislative coordinating council and referred to the investigating committee with authorization to

exercise compulsory process, except that such authorization shall not be necessary for the committees or council specified in subsection (a) of K.S.A. 46-1004.

- "(e) In the case of a subcommittee of an investigating committee, the subject of inquiry, study or investigation has been delegated to such subcommittee by a resolution adopted by a majority vote of all the members of the investigating committee for which such subject of inquiry, study or investigation is authorized, except that no investigating committee that is a subcommittee shall have authority to exercise compulsory process when its parent committee could not" (Kansas Statute 46-1005).

"**Subpoenas; payment of witness fees and other expenses of compulsory process.**

- "(a) Every investigating committee which is authorized to exercise compulsory process may, by majority vote of all of the members of such committee, issue subpoenas and subpoenas duces tecum with reference to any matter pertinent to any subject under inquiry, study or investigation by such committee.
- "(b) A person subpoenaed to attend a hearing of an investigating committee shall receive the same fees and allowances as a person subpoenaed to give testimony in an action pending in a district court. Such fees and allowances shall be paid from funds appropriated for the use of the investigating committee issuing the subpoena or from funds appropriated for legislative expense. Appropriations to the division of post audit may be used for payment of such fees and allowances or other expenses of compulsory process" (Kansas Statute 46-1006).

"Administration of oaths and affirmations. The chairperson or vice-chairperson of any investigating committee (or any member thereof so authorized by such committee) may administer oaths or affirmations for the purpose of receiving testimony" (Kansas Statute 46-1007).