Committee Oversight Authority

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"**2.1002 Definitions.**

- "(a) 'Investigating committee' means a committee created by law or resolution to inquire, research, or explore any matter on which the Legislature may act. All standing committees and their subcommittees are considered an investigating committee.
- "(b) 'Hearing' means any meeting in the course of an investigatory proceeding (other than a preliminary conference or interview at which no testimony is taken under oath) conducted by an investigating committee for the purpose of taking or adducing testimony or receiving other evidence. A hearing may be open to the public or closed to the public.
- "(c) 'Relevant' in reference to any form of information sought by an investigating committee means any information which tends to clarify or settle the establishment of any facts or matters under investigation or which may lead to further information which tends to clarify or settle such facts or matters."

"2.1003 Establishment of investigating committees.

- "(a) An investigating committee may be established by law or by resolution. It may exercise its powers during sessions of the Legislature, and also in the interim between sessions when so provided by law or by the resolution by which the committee was established or from which it derives its investigatory powers.
- "(b) The resolution or statute establishing an investigating committee shall state the committee’s purposes, powers, duties, duration, the subject matter and scope of its investigatory authority, and number of members."

"2.1007 Hearings.

- "(a) An investigating committee may hold hearings as it considers appropriate for the performance of its duties, at such times and places as the committee determines.
- "(b) The committee shall provide by its rules that its members be given at least 2 days written notice of any hearing to be held when the Legislature is in session and at least 4 days' written notice of any hearing to be held when the Legislature is not in session. The notices shall include a statement of the subject matter of the hearing. A hearing, and any action there taken, shall not be considered invalid solely because notice was not given in accordance with this requirement.
- "(c) A hearing may not be conducted by an investigating committee unless a quorum is present."

"2.1008 Issuance of subpoenas and filing of suit.

- "(a) By majority vote of all its members, an investigating committee may issue subpoenas, including subpoenas duces tecum, requiring the appearance of persons, production of relevant records, and the giving of relevant testimony.
- "(b) An investigating committee is authorized to file any action in the High Court, which is directly related to the conduct and purpose of its investigation. Such action must be approved by a majority vote of all its members and be duly recorded in the minutes of a committee meeting."

"2.1010 Conduct of hearings.

- "(a) All hearings of an investigating committee shall be public unless the committee, by majority vote of all its members, determines that a hearing should not be open to the public in a particular instance.
- "(b) The chairman of an investigating committee, if present and able to act, shall preside at all hearings of the committee and shall conduct the examination of witnesses or supervise examination by other members of the committee, committee counsel and members of the committee's staff who have been authorized to examine witnesses. In the chairman's absence or disability, the vice-chairman shall serve as presiding officer. The committee shall provide by its rules for the selection of a presiding officer to act in the absence or disability of both the chairman and the vice-chairman.
- "(c) No hearing, or part thereof, shall be televised, filmed or broadcast except upon approval of the committee by a majority vote of all of its members.

- "(d) Public television shall be made available to the committee when directed by the committee chairman after approval by majority vote of all committee members. Hearings shall then be televised live or taped as directed by the committee for later broadcast."

"2.1012 Testimony.

- "(a) An investigating committee shall cause a record to be made of all proceedings in which testimony or other evidence 15 received or adduced, which record shall include rulings of the chair, questions of the committee and its staff, the testimony or responses of witnesses, sworn written statements which the committee authorizes a witness to submit, and such other matters as the committee or its chairman may direct.
- "(b) All testimony given at a hearing shall be under oath or affirmation unless the requirement is dispensed with in a particular instance by majority vote of the committee members present at the hearing.
- "(c) Any member of an investigating committee may administer an oath or affirmation to a witness.
- "(d) The presiding officer at a hearing of an investigating committee may direct a witness to answer any relevant question or furnish any relevant book, paper, or other document. Unless the direction is overruled by majority vote of the committee members present, disobedience shall constitute grounds of citation for contempt, except that production of any book, paper, or other document may be required only by subpoena.
- "(e) A witness at a hearing, or his counsel, with the consent of a majority of the committee members present at the hearing, may file with the committee for incorporation into the record of the hearing sworn written statements relevant to the purpose, subject matter, and scope of the committee’s investigation or inquiry.
- "(f) A witness at a hearing, upon his advance request and at his own expense, shall be furnished a certified transcript of his testimony.
- "(g) Testimony and other evidence given or adduced at a hearing closed to the public may not be made public unless authorized by majority vote of all of the members of the committee, which authorization shall also specify the form and manner in which the testimony or other evidence may be released. Nothing herein may be construed to prevent a witness or other supplier of evidence from disclosing such of his own testimony or other evidence concerning which only he could claim a privilege against disclosure."

"2.1013 Appearance of interested persons.

- "(a) Any person whose name is mentioned or who is otherwise identified during a hearing of an investigating committee and who, in the opinion of the committee, may be adversely affected thereby, may, upon his request or upon the request of any member of the committee, appear personally before the committee and testify in his own behalf, or, with the committee's consent, file a sworn written statement of facts or other documentary evidence for incorporation into the record of the hearing.
- "(b) Upon the consent of a majority of its members, an investigating committee may permit any other person to appear and testify at a hearing or submit a sworn written statement of facts or other documentary evidence for incorporation into the record thereof. No request to appear, appearance or submission of evidence shall limit in any way the investigating committee's power of subpoena."

"2.1014 Committee reports.

"Every investigating committee shall produce an official report of its investigation. Unless otherwise required by resolution or law, such report shall be approved by a majority of the entire committee and shall be, without further approval of either house of the Legislature, considered the official report of the Legislature" (Annotated Code, Title 2, Chapter 10).