Committee Oversight Authority

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"Oaths administered by committee members

"Section 27. Senators and representatives, acting as members of a committee of the general court, may administer oaths to persons examined before such committee" (Massachusetts General Laws, Chapter 3, Section 27).

"**Self-incriminating testimony or evidence before general court or committee; prosecution**

"Section 28. A person shall not be excused from attending and testifying before either branch of the general court or before a committee thereof upon a subject referred to such committee on the ground that his testimony or evidence, documentary or otherwise, may tend to criminate him or subject him to a penalty or forfeiture; but he shall not be prosecuted or subjected to a penalty or forfeiture for or on account of any action, matter or thing concerning which he may be required to so testify or produce evidence, except for perjury committed in such testimony" (Massachusetts General Laws, Chapter 3, Section 28).

"**Refusal of summoned witness to appear or testify; penalty**

"Section 28A. Any person who, having been summoned as a witness to give testimony or produce papers, by the authority of either branch of the general court, or both jointly, or under any provision of law, upon any matter under inquiry before either branch, or before any committee of either branch, or before any joint or special committee or special commission consisting in whole or in part of members of the general court, wilfully makes default or who, having appeared, refuses without constitutional right, to answer under oath or affirmation any question pertinent to the question under

inquiry shall be deemed guilty of a misdemeanor punishable by a fine of not less than one hundred dollars nor more than one thousand dollars, or imprisonment for not less than thirty days nor more than one year, or both. If such refusal is before the general court or either branch thereof, no prosecution shall be started until an order therefor setting forth the facts constituting such failure or refusal is adopted and certified to the attorney general or to the appropriate district attorney. If such refusal is before a committee or commission, no prosecution shall be started until such committee or commission makes a report thereof to the general court or either branch and an order therefor setting forth the facts constituting such failure or refusal is adopted and certified to the attorney general or to the appropriate district attorney. When such order is adopted by the general court, such certification shall be made by the clerk of the senate and when adopted by either branch thereof such certification shall be made by the clerk of such branch. Upon receipt of such certification the attorney general or the said district attorney shall present the matter to the grand jury for its action. The provisions of this section shall be in addition to any constitutional power of the general court or either branch thereof to punish for contempt" (Massachusetts General Laws, Chapter 3, Section 28a).

Joint Rules

“In order to assist the House and the Senate in their: (1) consideration and enactment of new legislation and modifications of existing laws, when either are deemed to be appropriate; (2) evaluation of the effectiveness and administration of laws and programs previously enacted; and (3) appraisal of the conditions and circumstances which may indicate the desirability of enacting new legislation, the various joint committees shall have the following oversight responsibilities:

“(i) each joint committee shall review and study, on a continuing basis, the implementation, administration, execution and effectiveness of those laws, or parts of law, the subject matter of which is within the jurisdiction of that committee, the administrative regulations adopted to implement those laws, and those state agencies or entities having responsibilities for the administration and execution of such laws;

“(ii) in carrying out these review and study activities, each committee shall determine whether such laws, administrative regulations and programs under those laws are being implemented in accordance with the intent of the General Court and whether such laws, administrative regulations and programs should be continued, curtailed or eliminated;

“(iii) each committee shall also review and study any conditions and circumstances which may indicate the necessity or desirability of enacting new legislation within the jurisdiction of that committee, regardless of whether any matter has been introduced on that subject, and shall, on a continuing basis, undertake research on matters within the jurisdiction of that committee.

“Committees shall coordinate oversight activities, under the direction of the presiding officers of both branches, to achieve the maximum objectives of clauses (i), (ii) and (iii).

“Each committee may, upon completion of its oversight hearings, report to the General Court the results of its findings and recommendations together with accompanying corrective legislation, if any, by filing the same with the Clerk of the House of Representatives or the Clerk of the Senate. Copies of such reports shall be, whenever practicable, made available to all members electronically and to the public via the Internet. The disposition of said reports shall be determined by the Clerks with the approval of the Speaker and the President.

“The Senate and House chairs of a joint committee may appoint subcommittees to investigate and study any matter referred to said subcommittee. Any subcommittee so established shall be co-chaired by a majority member of the Senate and a majority member of the House who are members of the joint standing committee appointing the subcommittee. The composition of the subcommittee shall be proportional to the composition of the appointing joint committee; provided, however, that not less than 10 per cent of the subcommittee's members shall be from the minority party. Chairs of subcommittees shall not be considered chairs under section 9B of chapter 3 of the General Laws. A subcommittee may, upon completion of an investigation and study, report the results of the investigation and study together with legislation, if any, by filing the same with the Senate and House chairs of the appointing joint committee.” (Joint Rule 1).

“In order to assist the Senate and House in its analysis and appraisal of laws enacted by the General Court, each joint standing committee, upon conclusion of the formal business of the annual sessions, shall, as authorized by Joint Rule 1, initiate oversight hearings to evaluate the effectiveness, application and administration of the subject matter of laws within the jurisdiction of that committee” (Joint Rule 12A).