Committee Oversight Authority

Utah · https://levin-center.org/slow/committee-oversight-authority-49/



Joint Rules

“A chair may subpoena testimony or documents in accordance with Utah Code Title 36, Chapter 14, Legislative Subpoena Powers” (JR7-1-409).

"**36-14-2. Issuers.**

1. "Any of the following persons is an issuer, who may issue legislative subpoenas by following the procedures set forth in this chapter:
   - "(a) the speaker of the House of Representatives;
   - "(b) the president of the Senate;
   - "(c) a chair of any legislative standing committee;
   - "(d) a chair of any legislative interim committee;
   - "(e) a chair of any special committee established by the Legislative Management Committee, the speaker of the House of Representatives, or the president of the Senate;
   - "(f) a chair of any subcommittee of the Legislative Management Committee;
   - "(g) a chair of a special investigative committee;
   - "(h) a chair of the Senate or House Ethics Committee;
   - "(i) a chair of the Executive Appropriations Committee as created in JR3-2-401;

- "(j) a chair of an appropriations subcommittee as created in JR3-2-302;
- "(k) the director of the Office of Legislative Research and General Counsel;
- "(l) the legislative auditor general;
- "(m) the legislative fiscal analyst; and
- "(n) the legislative general counsel.

2. "A legislative body, a legislative office, an issuer, or a legislative staff member designated by an issuer may:
   - "(a) administer an oath or affirmation; and
   - "(b) take evidence, including testimony" (Utah Code 36-14-2).

"36-14-3. Contents.

"Each legislative subpoena shall include:

1. "the name of the legislative body or office on whose behalf the subpoena is issued;
2. "the signature of the issuer;
3. "a command to the person or entity to whom the subpoena is addressed to:
   - "(a) appear and testify at the time and place set forth in the subpoena;
   - "(b) appear and testify at the time and place designated in the subpoena and produce accounts, books, papers, documents, electronically stored information, or tangible things designated in the subpoena; or
   - "(c) produce accounts, books, papers, documents, electronically stored information, or tangible things designated in the subpoena at the time and place designated in the subpoena" (Utah Code 36-14-3).

"36-14-5. Legislative subpoenas -- Enforcement

1. "If any person disobeys or fails to comply with a legislative subpoena, or if a person appears pursuant to a subpoena and refuses to testify to a matter upon which the person may be lawfully interrogated, that person is in contempt of the Legislature.
2. "(a) When the subject of a legislative subpoena disobeys or fails to comply with the legislative subpoena, or if a person appears pursuant to a subpoena and refuses to testify to a matter upon

which the person may be lawfully interrogated, the issuer may:

- "(i) file a motion for an order to compel obedience to the subpoena with the district court;
- "(ii) file, with the district court, a motion for an order to show cause why the penalties established in Title 78B, Chapter 6, Part 3, Contempt, should not be imposed upon the person named in the subpoena for contempt of the Legislature; or
- "(iii) pursue other remedies against persons in contempt of the Legislature.
- "(b)(i) Upon receipt of a motion under this subsection, the court shall expedite the hearing and decision on the motion.
- "(ii) A court may:
  - "(A) order the person named in the subpoena to comply with the subpoena; and
  - "(B) impose any penalties authorized by Title 78B, Chapter 6, Part 3, Contempt, upon the person named in the subpoena for contempt.

3. "(a) If a legislative subpoena requires the production of accounts, books, papers, documents, electronically stored information, or tangible things, the person or entity to whom the subpoena is directed may petition a district court to quash or modify the subpoena at or before the time specified in the subpoena for compliance.
   - "(b) An issuer may respond to a motion to quash or modify the subpoena by pursuing any remedy authorized by Subsection (2).
   - "(c) If the court finds that a legislative subpoena requiring the production of accounts, books, papers, documents, electronically stored information, or tangible things is unreasonable or oppressive, the court may quash or modify the subpoena.
4. "Nothing in this section prevents an issuer from seeking an extraordinary writ to remedy contempt of the Legislature.
5. "Any party aggrieved by a decision of a court under this section may appeal that action directly to the Utah Supreme Court" (Utah Code 36-14-5).