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COMMITTEE RULES
OF THE SPECIAL INVESTIGATIVE COMMITTEE OF
THE NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS

Rule 1. Definitions. As used in these Rules, terms have the meaning ascribed to them as follows, unless the context clearly requires a different meaning:

"Chairperson" means that Representative designated by the Speaker to serve as chair of the Committee.

"Clerk" means the elected Clerk of the House.

"Committee" means the Special Investigative Committee of the Illinois House of Representatives for the 95th General Assembly created by House Resolution 1650.

"Counsel to the Committee" means any attorney designated by the Speaker to assist in the conduct of the hearings and to advise the Committee on matters of law or procedure.

"Hearing" means any meeting in the course of an investigatory proceeding conducted by the Committee for the purpose of taking testimony or receiving other evidence in connection with the proceeding.

"House Rules" means the Rules of the Illinois House of Representatives adopted for the 95th General Assembly.

"Minority Spokesperson" means that Representative designated by the Minority Leader to serve as the minority spokesperson of the Committee.

1 "Presiding Officer" means the Chairperson or person
2 designated by the Chairperson.

3 "Rules" means the Rules adopted by the Committee.

4 "Quorum" means at least 11 members of the Committee.

5 **Rule 2. Committee Procedure.** The Chairperson of the
6 Committee has the authority to call meetings of the Committee
7 (subject to the approval of the Speaker), call the Committee to
8 order, designate the order of business, and generally supervise
9 the affairs of the Committee. A member of the Committee may
10 preside over the Committee at the direction of the Chairperson.
11 No action shall be taken by the Committee at any meeting unless
12 a quorum is present. The Committee may act by the affirmative
13 vote of at least 11 members.

14 **Rule 3. Committee Clerk.** The Clerk of the House shall serve
15 as the Clerk of the Special Investigative Committee, provided
16 that the Clerk may designate the Assistant Clerk or another
17 designee to attend Committee hearings and receive materials
18 submitted to the Committee.

19 **Rule 4. Hearings.** Hearings shall be scheduled by the
20 Chairperson, subject to approval of the Speaker, and conducted
21 in accordance with the House Rules. Each member of the
22 Committee and Governor Rod R. Blagojevich shall be given at
23 least 24 hours' written notice of any hearing. A hearing and

1 any action taken at a hearing shall not be deemed invalid
2 solely because notice of the hearing was not given in
3 accordance with this Rule.

4 **Rule 5. Issuance of Subpoenas.** The Chairperson, either on
5 behalf of the Committee or on behalf of Governor Blagojevich or
6 his counsel, may request that the Speaker issue subpoenas in
7 the name of the Committee requiring a person or persons to
8 appear before the Committee and be questioned in reference to
9 any matter within the scope of the proceedings being conducted
10 by the Committee. The Chairperson, either on behalf of the
11 Committee or on behalf of Governor Blagojevich or his counsel,
12 may also request that the Speaker issue subpoenas duces tecum
13 in the name of the Committee requiring any person to appear
14 before the Committee and bring with him or her any materials,
15 including but not limited to, books, records, papers,
16 documents, electronic data, electronic mail, videotapes, video
17 recordings, audio recordings, still photographs, and other
18 materials.

19 **Rule 6. Notice to Witnesses.** Service of a subpoena
20 requiring attendance of a person at a Committee hearing shall
21 be made in the manner provided by law for the service of
22 subpoenas in civil actions at least 2 calendar days before the
23 date of the hearing; however, two-thirds of the members of the
24 Committee may authorize a shorter period of time in a

1 particular instance when, in its opinion, the giving of 2
2 calendar days' notice is not practical provided the person
3 shall be given reasonable notice of hearing.

4 Production of documents or other materials pursuant to a
5 subpoena duces tecum requiring the production of documents or
6 materials shall be made at the time and place indicated on the
7 subpoena. The Committee is entitled to require the immediate
8 production of subpoenaed materials to any authorized
9 representative of the Committee as identified on the subpoena.

10 Any person who is served with a subpoena to attend a
11 hearing of the Committee shall also be served with notice that
12 he or she may be accompanied by counsel as provided in the
13 Legislative Commission Hearing Act, a copy of the Legislative
14 Commission Hearing Act, a copy of House Resolution 1650, and a
15 copy of the Rules.

16 A person subpoenaed to attend a hearing of the Committee
17 shall receive the same fees and allowances as a person
18 subpoenaed to give testimony in a civil action pending in an
19 Illinois Circuit Court.

20 **Rule 7. Conduct of hearings.** All hearings of the Committee
21 shall be public, except that hearings of the Committee may be
22 closed to the public if two-thirds of the members elected to
23 the House determine that the public interest so requires, as
24 provided in Section 5(c) of Article IV of the Illinois
25 Constitution.

1 The Presiding Officer at all hearings of the Committee
2 shall supervise the examination of witnesses by other members
3 of the Committee, by the Counsel to the Committee, and by
4 Governor Blagojevich and his counsel.

5 **Rule 8. Right to counsel and submission of questions.** Each
6 witness may be accompanied by counsel of his or her own
7 choosing who may advise the witness as to his or her rights,
8 subject to reasonable limitations that the Chairperson may
9 prescribe to prevent obstruction of or interference with the
10 orderly conduct of the hearing. Nothing in these rules,
11 however, shall be construed to create a right to counsel at
12 public expense for witnesses testifying before the Committee.

13 Any witness at a hearing, or his or her counsel, may submit
14 to the Counsel to the Committee proposed questions to be asked
15 of the witness or any other witness, or may submit other
16 information, relevant to the matters that the Chairperson deem
17 appropriate to the subject matter of the hearing.

18 **Rule 9. Testimony.** The Committee shall cause a recording to
19 be made of all proceedings in which testimony or other evidence
20 is presented. The record shall include rulings of the Presiding
21 Officer, questions of the Committee, questions of the Counsel
22 to the Committee, questions of Governor Blagojevich or his
23 counsel, the testimony or response of witnesses, sworn written
24 statements submitted to the Committee, copies of subpoenas,

1 notices, and such other matters as the Committee may direct.

2 All testimony given or adduced at the hearing shall be
3 under oath.

4 The Presiding Officer shall administer an oath or
5 affirmation to a witness at a hearing of the Committee.

6 The Presiding Officer may direct a witness to answer any
7 relevant question or to furnish any relevant material, the
8 production of which has been required by subpoena duces tecum.

9 Governor Blagojevich or his counsel may question any
10 witnesses called by the Committee at the conclusion of the
11 witnesses' testimony and after the completion of questions by
12 the Counsel to the Committee, and any members of the Committee.
13 Those questions by Governor Blagojevich or his counsel,
14 however, shall be limited to clarification of the testimony of
15 the witness. In addition, Governor Blagojevich or his counsel
16 may call witnesses and offer other evidence for consideration
17 by the Committee. The Counsel to the Committee and members of
18 the Committee may question any witnesses called by Governor
19 Blagojevich or his counsel at the conclusion of the witnesses'
20 testimony. These questions by the Counsel to the Committee,
21 however, shall be limited to clarification of the testimony of
22 the witness. Any testimony or evidence adduced by or on behalf
23 of Governor Blagojevich shall be made part of the record of
24 proceedings maintained by the Clerk. The Committee members may
25 question any witness at any time during the testimony of that
26 witness. The Chairperson or Minority Spokesperson may

1 designate an attorney to question any witness on behalf of a
2 member or members of the Committee.

3 Any person called as a witness, or his or her counsel, with
4 the consent of the Presiding Officer, may file with the
5 Committee, for incorporation into the record of the hearing,
6 sworn written statements relevant to the purpose, subject
7 matter, or scope of the Committee's proceeding.

8 **Rule 10. Evidentiary questions.** All procedural questions
9 regarding the conduct of hearings, including the relevance and
10 admissibility of evidence, shall be determined by the Presiding
11 Officer with the advice of the Counsel to the Committee. Any
12 member may move to overrule a ruling of the Presiding Officer.
13 The Presiding Officer shall be sustained unless at least 11
14 members of the Committee vote to overrule the Presiding
15 Officer.

16 **Rule 11. Committee record.** Any and all materials created by
17 or submitted to the Committee during the course of the
18 investigation shall be inventoried and stored with the Clerk of
19 the House as the Committee record.

20 The Clerk of the House shall copy all materials included in
21 the Committee record. Copies of the Committee record shall be
22 made available to all Committee members and to Governor
23 Blagojevich or his counsel.

1 **Rule 12. Interested persons.** Any person who desires to
2 appear before the Committee and give testimony, and who is
3 neither invited by the Committee nor compelled to do so by
4 subpoena, must submit a written and sworn Offer of Proof to the
5 Committee, or any person authorized by the Committee to accept
6 such Offers of Proof, at least 24 hours before the scheduled
7 hearing at which the witness desires to testify. The Committee
8 shall review each Offer of Proof submitted and may permit to
9 testify each person the Committee determines has relevant and
10 probative knowledge or information regarding any matter
11 subject to the investigation, and that is not redundant or
12 cumulative. The Committee may waive the requirement of an Offer
13 of Proof, by the affirmative vote of at least 11 members, when
14 the Committee determines it is in the best interests of the
15 investigation to do so. All Offers of Proof are made part of
16 the record.

17 Any person who appears before the Committee pursuant to
18 this Section shall have all the rights, privileges, and
19 responsibilities of a witness as provided by these rules.

20 **Rule 13. Contempt.** A person shall be in contempt of the
21 House if he or she: (1) Fails or refuses to appear in
22 compliance with a subpoena or, having appeared, fails or
23 refuses to state his or her oath or affirmation as to the truth
24 of his or her testimony. (2) Fails or refuses to furnish an
25 answer to any questions determined to be relevant by the

1 Presiding Officer or fails to furnish any material, the
2 production of which has been required by a subpoena duces
3 tecum. (3) Commits any other act or offense against the
4 Committee that, if committed against the General Assembly or
5 either house thereof, would constitute contempt.

6 The Committee may, by the affirmative vote of at least 11
7 members of the Committee, issue a contempt citation for
8 violations of this Rule. All contempt citations shall be
9 referred to the State's Attorney.

10 **Rule 14. Penalties.** A person guilty of contempt of the
11 House under the provisions of these rules shall be guilty of a
12 petty offense or shall be subject to other punishment as the
13 House may, in the exercise of its inherent, statutory, and
14 constitutional powers, impose.

15 **Rule 15. Obtaining evidence or information.** Nothing
16 contained in these Rules shall be construed to limit or
17 prohibit the acquisition of evidence or information by the
18 Committee by any other lawful means.

19 **Rule 16. Ex parte communications.** No member of the
20 Committee shall communicate with Governor Blagojevich or his
21 counsel concerning any matters pending before the Committee or
22 within the scope of the Committee's investigation that are
23 substantive and not merely procedural or ministerial, except

1 during a Committee hearings as defined by these Rules. This
2 prohibition shall apply until those matters are no longer
3 pending before the House. It is the Committee's recommendation
4 to all House members that they also comply with this
5 prohibition.

6 **Rule 17. Committee reports.** The Committee shall submit a
7 written report to the House prior to the expiration of the 95th
8 General Assembly. The report shall include recommendations for
9 further action, if any, by the House. If the Committee cannot
10 reach an agreement regarding recommendations, the Committee
11 shall so report to the House. Any one or more Committee members
12 may file a concurring or dissenting report, as the case may be.

13 **Rule 18. Effective date.** These Rules take effect upon the
14 adoption by the affirmative vote of at least 11 members of the
15 Committee.

16 **Rule 19. Amendment.** Proposed amendments to these Rules
17 shall be submitted in writing by one or more members of the
18 Committee to the Chairperson and shall take effect upon
19 adoption by the affirmative vote of at least 11 members of the
20 Committee.

21 **Rule 20. Applicability.** The hearings of the Committee shall
22 be conducted in accordance with these Rules and all other

1 applicable House Rules, statutes, and provisions of the
2 Illinois Constitution.