

House Bill 846

By: Representatives Skipper of the 116th, Buck of the 112th, Porter of the 119th, Orrock of the 51st, and Westmoreland of the 86th

A BILL TO BE ENTITLED
AN ACT

1 To amend the Official Code of Georgia Annotated so as to change references to certain
2 committees of the Georgia Senate and House of Representatives in the Official Code of
3 Georgia Annotated to conform such references to committee names as adopted by resolution
4 by the Georgia Senate and the House of Representatives, respectively; to provide for editorial
5 revision; to provide an effective date; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 The Official Code of Georgia Annotated is amended by striking from the following Code
9 sections the phrases "Agriculture Committee of the Senate", "Senate Agriculture
10 Committee", and "Committee on Agriculture of the Senate" wherever the same shall occur
11 and inserting in lieu thereof, respectively, the phrase "Senate Agriculture and Consumer
12 Affairs Committee":

- 13 (1) Code Section 2-4-7, relating to an advisory board to the Georgia Seed Development
14 Commission;
- 15 (2) Code Section 2-8-14, relating to the composition, appointments, memberships, and
16 compensation of the agriculture commodity commissions;
- 17 (3) Code Section 4-15-1, relating to the establishment of a dog and cat reproductive
18 sterilization support program; and
- 19 (4) Code Section 27-4-253, relating to the creation, membership, and operation of the
20 Aquaculture Development Commission.

21 **SECTION 2.**

22 Code Section 2-7-113.1 of the Official Code of Georgia Annotated, relating to local
23 regulation of pesticides and variances from regulations of the Commissioner of Agriculture,
24 is amended by striking subsection (b) in its entirety and inserting in lieu thereof the
25 following:

1 wherever the same shall occur and inserting in lieu thereof, respectively, the phrase "Senate
2 Economic Development and Tourism Committee":

3 (1) Code Section 12-3-318, relating to purposes for which income, gifts, grants,
4 appropriations, bonds, or loans may be used by the Lake Lanier Islands Development
5 Authority;

6 (2) Code Section 50-12-75, relating to the designation of overview committees to review
7 and evaluate the Aviation Hall of Fame Board; and

8 (3) Code Section 50-27-34, relating to the legislative oversight committee for the
9 Georgia Lottery Corporation.

10 **SECTION 6.**

11 Chapter 1 of Title 28 of the Official Code of Georgia Annotated, relating to general
12 provisions related to the General Assembly, is amended by striking Code Section 28-1-16,
13 relating to issuance of subpoenas on behalf of the House and Senate committees related to
14 ethics, in its entirety and inserting in lieu thereof the following:

15 "28-1-16.

16 (a) If the Committee on Ethics and Government Reform of the Senate or the Committee
17 on Ethics of the ~~Senate~~ or House of Representatives determines that the effective
18 functioning of the committee requires the issuance of compulsory process to secure the
19 attendance of a witness or the production of documents and materials, or if a person whose
20 conduct is called into question in an investigation or other proceeding requests the issuance
21 of such compulsory process, the chairperson or acting chairperson shall make application
22 in writing to the presiding judge of the Superior Court of Fulton County for the issuance
23 of an appropriate subpoena. Such application shall:

24 (1) Describe in general terms the investigation or other proceeding for which the
25 issuance of subpoena is sought and identify the provisions of the Senate or House rules
26 authorizing the committee to conduct such investigation or proceeding;

27 (2) In the case of process to secure the attendance of a witness, identify the witness; the
28 general nature of the questions to be propounded to the witness; and the reasons for
29 believing that the testimony of the witness is likely to be relevant to the authorized scope
30 of the investigation or proceeding;

31 (3) In the case of process to secure the production of documents and materials, identify
32 the person to whom the subpoena is to be directed; the general nature of the documents
33 and materials in question; and the reasons for believing that such documents and
34 materials are likely to be relevant to the authorized scope of the investigation or
35 proceeding;

1 (4) State whether confidential treatment of the application for and issuance of the
2 subpoena is requested;

3 (5) If the application is submitted on behalf of a person whose conduct is called into
4 question, be accompanied by any materials in support of the application which such
5 person desires to have transmitted to the court with the application; and

6 (6) If the application is submitted on motion of the committee, be sought by the ~~chair~~
7 chairperson or acting ~~chair~~ chairperson only after notification to the person whose
8 conduct is in issue that the subpoena will be sought.

9 (b) The presiding judge shall act on such application within 48 hours after it is presented
10 to the judge. If the judge finds that the committee is acting within the scope of the authority
11 granted to it by the rules of the Senate or House and that the testimony or documents or
12 materials sought to be elicited appear to be likely to be relevant to the authorized scope of
13 the investigation or proceeding, the judge may cause an appropriate subpoena to be issued
14 and transmitted to the chairperson or acting chairperson. If the judge deems it necessary
15 or appropriate, the judge may hold a closed or open hearing with respect to his or her
16 determination of this matter.

17 (c) When authorized by the rules of the Senate and House, the confidential treatment of
18 material and information in the course of investigations and other proceedings of the Senate
19 Ethics and Government Reform Committee or the House Committee Committees on
20 Ethics shall be recognized by law. Such confidential treatment shall be preserved in
21 proceedings under this Code section as provided in this subsection. If the application for
22 a subpoena requests confidential treatment, the court shall in any event take any and all
23 steps necessary or appropriate to preserve the confidentiality of the application. The court
24 may, but shall not be required to, issue the subpoena in such a manner as to preserve its
25 confidentiality. If the court determines that a subpoena may be issued but confidential
26 treatment is not warranted under the rules of the Senate or House, the judge shall so notify
27 the chairperson or acting chairperson; and the chairperson or acting chairperson shall then
28 have the option to:

29 (1) Abandon the request for a subpoena, in which case the application shall remain
30 confidential; or

31 (2) Accept the determination of the court, in which case the subpoena shall issue, but the
32 application and the issuance shall not be treated as confidential.

33 (d) In case of refusal to obey a subpoena issued under this Code section to any person, the
34 Superior Court of Fulton County, upon application by the ~~chairman~~ chairperson or acting
35 ~~chairman~~ chairperson, may issue to the person an order requiring him or her to appear
36 before the court to show cause why he or she should not be held in contempt for refusal to

1 obey the subpoena. Failure to obey a subpoena may be punished by the court as contempt
2 of court.

3 (e) A subpoena issued under this Code section may be served at any place in the state and
4 in any manner authorized in Code Section 24-10-23. Fees and mileage shall be paid and
5 tendered as provided in Code Section 24-10-24, notwithstanding the general exemption of
6 the state from tender of fees and mileage, and shall be in the form of a check issued by the
7 Legislative Fiscal Office upon the written request of the chairperson or acting chairperson.

8 (f) Any decision of the court under this Code section shall be appealable in the same
9 manner as provided by law for the appeal of a final judgment in a civil action."

10 **SECTION 7.**

11 The Official Code of Georgia Annotated is amended by striking from the following Code
12 sections the phrases "Senate Finance and Public Utilities Committee", "Finance and Public
13 Utilities Committee of the Senate", and "Finance and Public Utilities Committee of the
14 Georgia Senate" wherever the same shall occur and inserting in lieu thereof, respectively, the
15 phrase "Senate Finance Committee":

16 (1) Code Section 36-81-8, relating to annual local government finances reports and local
17 independent authority indebtedness reports;

18 (2) Code Section 48-5-349.5, relating to an annual report on examination of county tax
19 digests;

20 (3) Code Section 50-9-111, relating to state entities compiling an inventory of all state
21 owned or leased buildings; and

22 (4) Code Section 50-16-34, relating to the powers and duties of the State Properties
23 Commission.

24 **SECTION 8.**

25 The Official Code of Georgia Annotated is amended by striking from the following Code
26 sections the phrases "Finance and Public Utilities Committee of the Senate" and "Finance
27 and Public Utilities Committee of the Georgia Senate" wherever the same shall occur and
28 inserting in lieu thereof, respectively, the phrase "Senate Regulated Industries and Utilities
29 Committee":

30 (1) Code Section 46-2-23, relating to rate-making power of the Public Service
31 Commission generally; and

32 (2) Code Section 46-10-3, relating to the creation of consumers' utility counsel and the
33 appointment, qualifications, and compensation thereof.

SECTION 11.

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2 The Official Code of Georgia Annotated is amended by striking from the following Code
3 sections the phrases "Health and Ecology Committee of the House of Representatives",
4 "Health and Ecology Committee of the House", "House Committee on Health and Ecology",
5 and "House Health and Ecology Committee" wherever the same shall occur and inserting in
6 lieu thereof, respectively, the phrase "House Health and Human Services Committee":

7 (1) Code Section 31-6-21.1, relating to procedures for rule making by the Department
8 of Community Health;

9 (2) Code Section 31-6-46, relating to an annual report by the Department of Community
10 Health;

11 (3) Code Section 31-43-4, relating to members of the Commission on Men's Health;

12 (4) Code Section 44-5-150, relating to duties of Advisory Board on Anatomical Gift
13 Procurement;

14 (5) Code Section 49-4-149.1, relating to the submission by the Department of
15 Community Health of a plan for family supplementation of Medicaid payments;

16 (6) Code Section 49-5-12, relating to licensing and inspection of child welfare agencies
17 and child care facilities;

18 (7) Code Section 49-5-224, relating to an annual report submitted by the commissioner
19 of the Department of Human Resources;

20 (8) Code Section 49-5-227, relating to comments by the Children and Youth
21 Coordinating Council on a plan for the Coordinated System of Care; and

22 (9) Code Section 49-6-62, relating to the establishment of a community care unit by the
23 Department of Human Resources.

SECTION 12.

24
25 The Official Code of Georgia Annotated is amended by striking from the following Code
26 sections the phrases "Industry Committee of the House of Representatives", "Industry
27 Committee of the Georgia House of Representatives", and "House Committee on Industry"
28 wherever the same shall occur and inserting in lieu thereof, respectively, the phrase "House
29 Public Utilities Committee":

30 (1) Code Section 46-2-23, relating to the rate-making power of the Public Service
31 Commission generally;

32 (2) Code Section 46-10-3, relating to the creation of consumers' utility counsel and the
33 appointment, qualifications, and compensation thereof; and

34 (3) Code Section 50-13-4, relating to the procedural requirements for adoption,
35 amendment, or repeal of rules.

SECTION 13.

The Official Code of Georgia Annotated is amended by striking from the following Code sections the phrases "Industry Committee of the House of Representatives" and "House Committee on Industry" wherever the same shall occur and inserting in lieu thereof, respectively, the phrase "House Economic Development and Tourism Committee":

(1) Code Section 50-5-124, relating to reports required of an advisory council to the Department of Administrative Services;

(2) Code Section 50-12-75, relating to the designation of overview committees to review and evaluate the Aviation Hall of Fame Board; and

(3) Code Section 50-27-34, relating to the legislative oversight committee for the Georgia Lottery Corporation.

SECTION 14.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 15.

All laws and parts of laws in conflict with this Act are repealed.