

House Bill 760

By: Representatives Welch of the 110th, Atwood of the 179th, Weldon of the 3rd, and Spencer of the 180th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 1 of Title 28 of the Official Code of Georgia Annotated, relating to
2 general provisions regarding the General Assembly, so as to provide that committees of the
3 General Assembly shall have the ability to subpoena department and division heads to testify
4 before such committees and to produce documents for examination by the committees; to
5 provide for procedures for the issuance of such subpoenas; to provide for the enforcement
6 of such subpoenas; to provide that committees may administer an oath to such witnesses who
7 appear before such committees; to provide for related matters; to repeal conflicting laws; and
8 for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 style="text-align:center">**SECTION 1.**

11 Chapter 1 of Title 28 of the Official Code of Georgia Annotated, relating to general
12 provisions regarding the General Assembly, is amended by adding a new Code section to
13 read as follows:

14 "28-1-18.

15 (a) The chairperson or acting chairperson of each standing committee of the Senate and
16 House of Representatives shall be authorized to administer an oath to persons testifying
17 before such committee for such person to swear or affirm that such person shall testify
18 truthfully.

19 (b) If any committee of the Senate or House of Representatives, upon a vote by the
20 majority of the quorum of the final membership of such committee, determines that the
21 effective functioning of the committee requires the issuance of compulsory process to
22 secure the attendance of a department head, as defined in Code Section 50-4-1, or
23 department division director or deputy as a witness or to secure the production of
24 documents and materials to the extent such documents and materials are subject to
25 disclosure under Article 4 of Chapter 18 of Title 50, the chairperson or acting chairperson

26 shall make application in writing to the presiding judge of the Superior Court of Fulton
 27 County for the issuance of an appropriate subpoena. Such application shall:

28 (1) Describe in general terms the proceeding for which the issuance of a subpoena is
 29 sought;

30 (2) In the case of process to secure the attendance of such witness, identify the witness
 31 and the general nature of the subject matter to be discussed with the witness; and

32 (3) In the case of process to secure the production of documents and materials, identify
 33 the person to whom the subpoena is to be directed and the general nature of the
 34 documents and materials in question.

35 (c) The presiding judge shall act on such application within 48 hours after it is presented
 36 to the judge. If the judge finds that the committee is acting within the scope of the
 37 authority granted to it, the judge may cause an appropriate subpoena to be issued and
 38 transmitted to the chairperson or acting chairperson. If the judge deems it necessary or
 39 appropriate, the judge may hold a closed or open hearing with respect to his or her
 40 determination of such matter.

41 (d) In the case of refusal to obey a subpoena issued under this Code section to any person,
 42 the Superior Court of Fulton County, upon application by the chairperson or acting
 43 chairperson, may issue to the person an order requiring him or her to appear before the
 44 court to show cause why he or she should not be held in contempt for refusal to obey the
 45 subpoena. Failure to obey a subpoena may be punished by the court as contempt of court.

46 (e) A subpoena issued under this Code section may be served at any place in this state and
 47 in any manner authorized in Code Section 24-13-24. Fees and mileage shall be paid and
 48 tendered as provided in Code Section 24-13-25, notwithstanding the general exemption of
 49 the state from tender of fees and mileage, and shall be in the form of a check issued by the
 50 Legislative Fiscal Office upon the written request of the chairperson or acting chairperson.

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

53 (g) Nothing in this Code section shall affect or otherwise limit the issuance of subpoenas
 54 on behalf of the House Committee on Ethics or the Senate Ethics Committee."

55 **SECTION 2.**

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