

House Resolution 1363

By: Representatives Willard of the 51st, Oliver of the 82nd, Weldon of the 3rd, Bennett of the 80th, Stephenson of the 90th, and others

A RESOLUTION

1 Creating the House Special Study Committee on Judicial Qualifications Commission
2 Reform; and for other purposes.

3 WHEREAS, the Judicial Qualifications Commission serves a vital role in investigating
4 judicial actions and conducting hearings; and

5 WHEREAS, investigatory procedures and other actions by members of the Judicial
6 Qualifications Commission and of that body as a whole in regard to supporting criminal
7 actions against judges that were not pursued upon such judges leaving office have been
8 called into question; and

9 WHEREAS, the investigatory methods, procedures, and decorum by members of the Judicial
10 Qualifications Commission and of that body as a whole in regard to pursuing actions and
11 conducting hearings against judges under review have been called into question; and

12 WHEREAS, the efficacy and intent of members of the Judicial Qualification Commission
13 and of that body as a whole with regard to bringing actions against judges under review has
14 been called into question; and

15 WHEREAS, the measures that the Judicial Qualifications Commission has in place for
16 regulating its members as to statements to the public are in need of reform; and

17 WHEREAS, the General Assembly is authorized by statute, O.C.G.A. Sections 45-15-19 and
18 45-15-17, and also by traditional inherent legislative power, to issue and enforce subpoenas
19 of witnesses and documents in relation to investigation of the affairs of state government; and

20 WHEREAS, the rights to investigate any lawful matter and to issue subpoenas are rights
21 separate and distinct in each house and may be exercised by an authorized committee thereof,
22 provided that the matters under investigation by the committee are within the scope of

23 authority that has been delegated to the committee by means of a resolution or rule adopted
24 by such house; and

25 WHEREAS, in order for a subpoena to be issued on behalf of the House of Representatives,
26 such subpoena must have been signed by the Speaker of the House and attested by the Clerk
27 of the House, in accordance with House Rule 151.

28 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES:

29 (1) **Creation of House study committee.** There is created the House Special Study
30 Committee on Judicial Qualifications Commission Reform.

31 (2) **Members and officers.** The committee shall be composed of seven members of the
32 House of Representatives to be appointed by the Speaker of the House of
33 Representatives. The Speaker shall designate a member of the committee as chairperson
34 of the committee.

35 (3) **Powers and duties.**

36 (A) The committee shall investigate the operations of the Judicial Qualifications
37 Commission and undertake a study of the conditions, needs, issues, and problems
38 mentioned above or related thereto and recommend any action or legislation which the
39 committee deems necessary or appropriate.

40 (B) The committee is authorized to issue subpoenas of witnesses and documents for
41 purposes of such investigation, to place any witnesses so subpoenaed under oath when
42 testifying before the committee, and to enforce such subpoenas according to law. No
43 such subpoena shall be issued unless it is pertinent to the committee's jurisdiction under
44 this resolution, and any questions posed to subpoenaed witnesses must be pertinent to
45 such investigation.

46 (C) The chairperson of the committee may select the names and number of witnesses
47 and types of documents to be subpoenaed.

48 (D) No subpoena shall be issued without first having been prepared by the Office of
49 Legislative Counsel at the direction of the chairperson of the committee, signed by the
50 Speaker of the House, and attested by the Clerk of the House.

51 (E) Any sworn testimony before the committee shall be recorded or transcribed for the
52 information of the House.

53 (4) **Meetings.** The chairperson shall call all meetings of the committee. The committee
54 may conduct such meetings at such places and at such times as it may deem necessary or
55 convenient to enable it to exercise fully and effectively its powers, perform its duties, and
56 accomplish the objectives and purposes of this resolution.

57 (5) **Allowances and funding.** The legislative members of the committee shall receive
58 the allowances provided for in Code Section 28-1-8 of the Official Code of Georgia
59 Annotated. Funds necessary to carry out the provisions of this resolution shall come from
60 funds appropriated to the House of Representatives.

61 (6) **Report.**

62 (A) In the event the committee adopts any specific findings or recommendations that
63 include suggestions for proposed legislation, the chairperson shall file a report of the
64 same prior to the date of abolishment specified in this resolution, subject to
65 subparagraph (C) of this paragraph.

66 (B) In the event the committee adopts a report that does not include suggestions for
67 proposed legislation, the chairperson shall file the report, subject to subparagraph (C)
68 of this paragraph.

69 (C) No report shall be filed unless the same has been approved prior to the date of
70 abolishment specified in this resolution by majority vote of a quorum of the committee.
71 A report so approved shall be signed by the chairperson of the committee and filed with
72 the Clerk of the House of Representatives.

73 (D) In the absence of an approved report, the chairperson may file with the Clerk of the
74 House of Representatives a copy of the minutes of the meetings of the committee in lieu
75 thereof.

76 (7) **Abolishment.** The committee shall stand abolished on December 1, 2016.