

NORTH CAROLINA GENERAL ASSEMBLY
1977 SESSION

CHAPTER 344
HOUSE BILL 409

AN ACT TO AUTHORIZE THE JOINT LEGISLATIVE COMMISSION ON GOVERNMENTAL OPERATIONS TO ISSUE SUBPOENAS AND ADMINISTER OATHS TO INDIVIDUALS OTHER THAN STATE OFFICIALS, AND TO AMEND THE PROCEDURES FOR PUNISHMENT FOR CONTEMPT BEFORE A LEGISLATIVE COMMITTEE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 120-77 as the same appears in the 1975 Cumulative Supplement to Volume 3B of the General Statutes is hereby amended by adding at the end thereof a new sentence to read as follows:

"In addition, the provisions of G.S. 120-19.1 through G.S. 120-19.4 shall apply to the proceedings of the commission as if it were a joint committee of the General Assembly."

Sec. 2. G.S. 120-19.4 as the same appears in the 1974 Replacement Volume 3B of the General Statutes is hereby rewritten to read as follows:

"§ 120-19.4. Failure to respond to subpoena or refusal to testify punishable as contempt.

— (a) Any person who without good cause fails to obey a subpoena which was served upon him, or, fails or refuses to testify shall be deemed to be in contempt of the committee and shall be punished as in the case of a civil contempt under the procedures set out in subsection (b). Any person whose action in the immediate presence of the committee directly tends to disrupt its proceedings may also be punished as in the case of a civil contempt under the procedures set out in subsection (b).

(b) If by a majority vote the committee deems that any person is in contempt under the provisions of subsection (a) the committee shall file a complaint signed by the chairman in the General Court of Justice, Superior Court Division, requesting that the court issue an order directing that the person appear within a reasonable time and show good cause why he should not be held in contempt of the committee or its processes. If the person does not establish good cause the court shall punish the person in accordance with the provisions of G.S. 5-4."

Sec. 2. G.S. 11-7.1(a) as the same appears in the 1975 Cumulative Supplement to Volume 1B of the General Statutes is hereby amended by adding a new subdivision (6) thereto to read as follows:

"(6) The chairman of a committee of the House or Senate of the General Assembly, or either of the co-chairmen of a joint committee."

Sec. 3. G.S. 11-11, as the same appears in the 1975 Cumulative Supplement to Volume 1B of the General Statutes is hereby amended by adding a new paragraph thereto to read as follows:

"Witness before a Legislative Committee or Commission

You swear (or affirm) that the testimony you shall give to the committee (or commission) shall be the truth, the whole truth, and nothing but the truth; so help you, God."

Sec. 4. G.S. 14-211 as the same appears in the 1969 Replacement Volume 1B of the General Statutes is hereby amended on line 3 after the word "committee" by adding the words "or commission".

Sec. 5. Article 7 of Chapter 120 of the General Statutes is hereby amended by adding a new section to be numbered G.S. 120-32.4 and to read as follows:

"§ 120-32.4. Subpoena and contempt powers. — The provisions of G.S. 120-19.1 through G.S. 120-19.4 shall apply to the proceedings of the Legislative Services Commission as if it were a joint committee of the General Assembly."

Sec. 6. This act shall become effective August 1, 1977.

In the General Assembly read three times and ratified, this the 10th day of May, 1977.