

1 **State of Arkansas**  
2 **79th General Assembly**  
3 **Regular Session, 1993**  
4 **By: Senator Bell**

# A Bill

**ACT 273 OF 1993**  
**SENATE BILL 306**

## For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE ANNOTATED § 20-76-103 TO  
9 GRANT AUTHORITY TO THE CHIEF COUNSEL OF THE ARKANSAS  
10 DEPARTMENT OF HUMAN SERVICES TO ISSUE SUBPOENAS IN THE  
11 INVESTIGATION OF FRAUD IN OBTAINING PUBLIC BENEFITS; AND  
12 FOR OTHER PURPOSES."

## Subtitle

14 "TO AUTHORIZE THE OFFICE OF CHIEF COUNSEL OF DHS TO ISSUE  
15 SUBPOENAS IN INVESTIGATING FRAUD IN OBTAINING PUBLIC  
16 BENEFITS."  
17

18  
19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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21 SECTION 1. Arkansas Code § 20-76-103 is hereby amended to read as  
22 follows:

23 "20-76-103. Use of subpoenas in hearings on benefit determinations.

24 (a) The Chief Counsel of the Department of Human Services is authorized  
25 to require the attendance of witnesses and the production of books, records,  
26 or other documents through the issuance of subpoenas when the testimony or  
27 information is necessary to adequately present the position of the Department  
28 of Human Services when making fair hearing determinations or conducting  
29 investigations relating to public assistance benefits.

30 (b) Subpoenas issued pursuant to the authority of the Chief Counsel of  
31 the Department of Human Services shall be substantially in the following form:

32  
33 \_The State of Arkansas to the Sheriff of ..... County:

34 You are commanded to subpoena .....,

35 (name)

36

1 ..... , to attend a proceeding before the Arkansas Department  
2 (address)

3

4 of Human Services to be held at .....  
5 on the . . . . . day of . . . . . , 19. . ,

6 and testify and/or produce the following books, records, or other documents,  
7 to wit:

8

9 ..... , in the matter of .....

10 (style of proceeding)

11

12 being conducted under the authority of .....

13 WITNESS my hand this . . . . . day of . . . . . 19. .

14

15 .....

16 Chief Counsel, Department of Human Services\_

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18 (c) Subpoenas provided for in this section shall be served in the  
19 manner as now provided by law and returned and a record made and kept by the  
20 Department of Human Services. The fees and mileage of officers serving the  
21 subpoenas and witnesses in answer to subpoenas shall be the same as now  
22 provided by law.

23 (d) Applicants and recipients of public assistance benefits who request  
24 fair hearings on determinations made by the Department of Human Services and  
25 other parties to administrative adjudications of the Department of Human  
26 Services may request issuance of subpoenas by the Chief Counsel of the  
27 Department of Human Services. These requests for subpoenas shall be granted by  
28 the Chief Counsel of the Department of Human Services if the testimony or  
29 documents desired are considered necessary and material without being unduly  
30 repetitious of other available evidence.

31 (e) Persons duly served with subpoenas issued pursuant to the authority  
32 provided in this section who shall refuse to testify or produce books,  
33 records, or documents may be cited on affidavit through application of the  
34 Chief Counsel of the Department of Human Services to the Circuit Court of  
35 Pulaski County or any circuit court of the state where the subpoena was

1 served. Failure to obey the subpoena may be deemed a contempt with punishment  
2 accordingly."

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4 SECTION 2. All provisions of this act of a general and permanent nature  
5 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
6 Revision Commission shall incorporate the same in the Code.

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8 SECTION 3. If any provision of this act or the application thereof to  
9 any person or circumstance is held invalid, such invalidity shall not affect  
10 other provisions or applications of the act which can be given effect without  
11 the invalid provision or application, and to this end the provisions of this  
12 act are declared to be severable.

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14 SECTION 4. All laws and parts of laws in conflict with this act are  
15 hereby repealed.

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APPROVED: 02/26/93

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