

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

A Bill

HOUSE BILL 2091

For An Act To Be Entitled

8 "AN ACT CONCERNING SUBPOENA POWERS OF BOARDS AND
9 COMMISSIONS; AND FOR OTHER PURPOSES."

Subtitle

12 "CONCERNING SUBPOENA POWERS OF BOARDS AND COMMISSIONS."

14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

16 SECTION 1. (a) (1) The following boards and commissions shall have the
17 power to issue subpoenas and bring before the board or commission as a witness
18 any person in this state:

- 19 (A) Auctioneers Licensing Board, A.C.A. 17-15-201 et seq.;
- 20 (B) State Athletic Commission, A.C.A. 17-19-101 et seq.;
- 21 (C) State Board of Cosmetology, A.C.A. 17-23-101 et seq.;
- 22 (D) Board of Examiners in Counseling, A.C.A. 17-24-101 et
23 seq.;
- 24 (E) State Board of Embalmers and Funeral Directors, A.C.A.
25 17-26-101, et seq.;
- 26 (F) Advisory Committee for Registration of Landscape
27 Architects, A.C.A. 17-29-101 et seq.;
- 28 (G) State Board of Health, Committee of Plumbing
29 Examiners, A.C.A. 17-31-101 et seq.;
- 30 (H) Social Work Licensing Board, A.C.A. 17-39-101 et seq.;
- 31 (I) Arkansas Heating, Ventilation, Air Conditioning, and
32 Refrigeration Board, A.C.A. 17-50-101 et seq.;
- 33 (J) Liquefied Petroleum Gas Board, A.C.A. 15-75-201 et
34 seq.;
- 35 (K) Arkansas Judicial Discipline and Disability

1 Commission, A.C.A. 16-10-401 et seq.;

2 (L) Veterinary Medical Examining Board, A.C.A. 17-99-101
3 et seq.; and

4 (M) Arkansas Board of Dispensing Opticians, A.C.A. 17-88-
5 101 et seq.

6 (2) These boards shall by regulation provide for the issuance of
7 a subpoena upon the request of any party to a proceeding pending before the
8 board or at the request of the board.

9 (3) The writ shall be in the name of the board, shall state the
10 name of the board and the name of the proceeding and shall command each person
11 to whom it is directed to appear and give testimony at the time and place
12 therein specified.

13 (4) The writ may require the witness to bring with him any book,
14 writing, or other thing under his control which he is bound by law to produce
15 in evidence.

16 (5) Service of the writ shall be in the manner as now provided
17 by statute or rule for the service of subpoenas in civil cases.

18 (b) (1) A witness who has been served by subpoena in the manner
19 provided by law and who shall have been paid or tendered the legal fees for
20 travel and attendance as provided by law shall be obligated to attend for
21 examination of the trial or cause pending before the board.

22 (2) In the event a witness shall have been served with subpoenas
23 as herein provided and fails to attend the hearing in obedience to the
24 subpoena, the board may apply to the circuit court of the county wherein the
25 board is having its meeting for an order causing the arrest of the witness and
26 directing that the witness be brought before the court.

27 (3) The court shall have the power to punish the disobedient
28 witness for contempt as provided by the Arkansas Rules of Civil Procedure.

29 (c) This act is intended to be supplemental and add the power to issue
30 subpoenas to the various chapters of the code which do not now provide the
31 power to do so; this act shall not repeal any law or part of laws now in
32 existence.

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34 SECTION 2. All provisions of this act of a general and permanent nature
35 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code

1 Revision Commission shall incorporate the same in the Code.

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

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

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/s/Pat Flanagan

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As Engrossed: 3/26/93

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