Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 1465 of the Regular Session

1	State of Arkansas As Engrossed: H4/6/09	
2	87th General Assembly A B111	
3	Regular Session, 2009	SENATE BILL 631
4		
5	By: Senator Faris	
6		
7		
8	For An Act To Be Enti	tled
9	AN ACT TO AMEND VARIOUS PROVISIONS	REGARDING
10	LEGISLATIVE PROCEEDINGS; TO CLARIF	Y THE SUBPOENA
11	POWER OF THE SENATE AND THE HOUSE	OF
12	REPRESENTATIVES AND THE COMMITTEES	THEREOF; AND
13	FOR OTHER PURPOSES.	
14		
15	Subtitle	
16	AN ACT TO AMEND VARIOUS PROVISI	ONS
17	REGARDING LEGISLATIVE PROCEEDIN	GS.
18		
19		
20	BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STA	TE OF ARKANSAS:
21		
22	SECTION 1. Arkansas Code § 10-2-105 is amo	ended to read as follows:
23	10-2-105. Administration of oaths.	
24	(a) The President of the Senate President	Pro Tempore of the Senate
25	and the Speaker of the House of Representatives	shall have power to <u>may</u>
26	administer all oaths to the members and officers	of their respective houses;
27	and .	
28	(b) the President of the Senate, The President	ident Pro Tempore of the
29	Senate, the Speaker of the House of Representative	ves, the Chairman of the
30	Committee of the Whole, or the chairman chair of	any standing or select \underline{a}
31	committee of the Senate or of the House of Repres	sentatives, or his or her
32	designee, may administer oaths to witnesses in a	ny case under their
33	examination.	
34		
35	SECTION 2. Arkansas Code § 10-2-301 is amo	ended to read as follows:

1	10-2-301. Compelling attendance — Orders — Sentences.
2	(a) Each house or both houses The Senate and the House of
3	Representatives meeting separately or in joint meeting may:
4	(1) cause to be issued Issue the necessary writs subpoenas
5	and process to summon and compel $\frac{1}{2}$ person $\frac{1}{2}$ person $\frac{1}{2}$
6	which they may have jurisdiction to appear before them or any a committee
7	thereof ₇ ;
8	(2) carry Carry into execution their orders and sentences; and
9	(3) summon Summon and compel the attendance of witnesses in as
10	full a manner as $\frac{1}{2}$ and $\frac{1}{2}$ court of law and with like effect.
11	(b) A subpoena for a witness shall be issued at the request of:
12	(1) A member of the Senate or a member of the House of
13	Representatives with the majority support of the member's respective house;
14	(2) The President Pro Tempore of the Senate on behalf of the
15	majority of the members of the Senate;
16	(3) The Speaker of the House of Representatives on behalf of the
17	majority of the members of the House of Representatives; and
18	(4) The party accused.
19	
20	SECTION 3. Arkansas Code § 10-2-302 is repealed.
21	10-2-302. Requests for subpoenas.
22	Subpoenas for witnesses shall be issued at the request of:
23	(1) Any member of either house; or
24	(2) The party accused; or
25	(3) Any member of any committee.
26	
27	SECTION 4. Arkansas Code § 10-2-303 is amended to read as follows:
28	10-2-303. Process — Issuance and execution.
29	(a) All process awarded <u>issued</u> by the House of Representatives and
30	subpoenas and other process for witnesses $\frac{\text{where}}{\text{when}}$ attendance may be
31	required $\frac{1}{2}$ in the House of Representatives or before $\frac{1}{2}$ committee
32	thereof of the House of Representatives shall be under the hand of the
33	Speaker of the House of Representatives and attested by the Chief Clerk of
34	the House of Representatives and shall be executed by the Sergeant at Arms of
35	the House of Representatives or a special messenger.
36	(h) All such process awarded issued by the Senate or a joint meeting

1	of both houses shall be under the hand of the President of the Senate
2	President Pro Tempore of the Senate and attested by the Secretary of the
3	Senate and executed by the Sergeant at Arms of the Senate or a special
4	messenger.
5	(c) All process issued for a joint meeting of the Senate and the House
6	of Representatives shall be under the hand of the:
7	(1) Speaker of the House of Representatives and attested by the
8	Chief Clerk of the House of Representatives if the process was requested by a
9	member of the House of Representatives or the Speaker of the House; or
10	(2) President Pro Tempore of the Senate and attested by the
11	Secretary of the Senate if the process was requested by:
12	(A) A member of the Senate;
13	(B) The President Pro Tempore of the Senate; or
14	(C) The party accused if the party accused is not a member
15	of the House of Representatives, a member of the Senate, the Speaker of the
16	House of Representatives, or the President Pro Tempore of the Senate.
17	
18	SECTION 5. Arkansas Code §§ 10-2-306 and 10-2-307 are amended to read
19	as follows:
20	10-2-306. Administration of oaths by committee — Depositions — Perjury.
21	(a) The chair or \underline{a} member at any time acting as chair of \underline{any} \underline{a}
22	committee of either house of the General Assembly or joint committee of the
23	two (2) houses of the General Assembly, or his or her designee, when the
24	committee is empowered to send issue subpoenas for persons, papers, or
25	records, shall be fully empowered to administer oaths and to take depositions
26	for the purpose for which the committee or joint committee $\frac{1}{1}$
27	empowered to send issue subpoenas for persons, papers, or records.
28	(b)(1) If a person subpoenaed to appear before the Senate, the House
29	of Representatives, or a Senate or House committee or joint interim committee
30	fails to appear or produce subpoenaed material, the fact of the refusal to
31	appear or produce subpoenaed material shall be certified to the circuit court
32	of the county in which the hearing is held.
33	(2) The circuit court shall punish the person for contempt
34	of the General Assembly under subdivision (b)(1) of this section in the same
35	manner as punishment for contempt is imposed for failure to respond to a
36	submoons or directive of the circuit court

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1	(c) Any A person to whom the oath shall have been who is administered	
2	the oath or by whom the deposition shall be is made falsely testifying and	
3	who provides false testimony while under oath or in the deposition shall be	
4	deemed is guilty of perjury and shall be subject to the pains and penalties	
5	thereof as prescribed by law.	
6		
7	10-2-307. Summons Subpoena by committee.	
8	The committee so empowered may issue its summons subpoena signed by its	
9	chair or acting chair for the attendance of witnesses and the production of	
10	papers or records, and the <u>summons</u> <u>subpoena</u> may be served by any officer	
11	authorized to serve process in civil cases.	
12		
13	SECTION 6. Arkansas Code § 10-3-208 is amended to read as follows:	
14	10-3-208. Subpoenas.	
15	Each subject matter interim committee of the Senate or of the House of	
16	Representatives or interim joint committee shall have has the power and	
17	authority upon approval of a majority of the members of the committee to	
18	subpoena persons, documents, and records. However, no action of the	
19	committee regarding the exercise of the subpoena power shall be taken except	
20	upon notice of at least one (1) week to all members of the committee or upon	
21	a two-thirds (2/3) vote of the membership of the committee.	
22		
23	/s/ Faris	
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25	APPROVED: 4/10/2009	
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