

**ARKANSAS SENATE**  
87th General Assembly - Regular Session, 2009  
**Amendment Form**

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**Subtitle of House Bill No. 1372**

"TO GRANT SUBPOENA POWER TO THE STATE BOARD OF EDUCATION AND THE  
PROFESSIONAL LICENSURE STANDARDS BOARD."

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**Amendment No. 1 to House Bill No. 1372.**

Amend House Bill No. 1372 as originally introduced:

Add Representative Harrelson as a cosponsor of the bill

AND

Page 1, delete Section 1 and substitute the following:

"SECTION 1. Arkansas Code Title 6, Chapter 17, Subchapter 4 is amended to add an additional section to read as follows:

6-17-424. Subpoena Powers.

(a)(1) The following boards shall have the power to issue subpoenas and bring before the board as a witness any person in this state:

(A) Professional Licensure Standards Board, § 6-17-422;

and

(B) State Board of Education, § 6-11-101 et seq.

(2) The Professional Licensure Standards Board or the State Board of Education shall by rule provide for the issuance of a subpoena upon the request of a party to a proceeding pending before the Professional Licensure Standards Board or the State Board of Education or at the request of the Professional Licensure Standards Board or the State Board of Education.

(3) The subpoena shall:

(A) Be in the name of either the Professional Licensure Standards Board or the State Board of Education;

(B) State the name of the board hearing the proceeding and the name of the proceeding; and

(C)(i) Command each person to whom it is directed to give testimony at the time and place specified in the subpoena in one (1) of the following ways:

(a) In person;

(b) Before a certified court reporter under oath at the place of the witness' residence or employment;



(c) By video-taped deposition at the place of the witness' residence or employment; or

(d) By live video communications from the witness' residence, place of employment, or a nearby facility capable of providing video transmission to the board hearing the proceeding that has subpoenaed the witness.

(ii) The manner of providing testimony under the subpoena shall be agreed upon by the board and the person who is the subject of the subpoena.

(4) The subpoena may require the witness to bring with him or her any book, writing, or other thing under his or her control that he or she is bound by law to produce in evidence.

(5) Service of the subpoena shall be in the manner as provided by law or rule for the service of subpoenas in civil cases.

(b)(1) A witness who has been served by subpoena under this section and who appears in person to testify at the trial or case pending before the Professional Licensure Standards Board or the State Board of Education shall be reimbursed the for travel and attendance as provided by law.

(2) If a witness is served with subpoena under this section and fails to provide testimony in obedience to the subpoena, the State Board of Education may apply to the circuit court of the county in which the Professional Licensure Standards Board or the State Board of Education is holding the preceding for an order causing the arrest of the witness and directing that the witness be brought before the court.

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

(4) A witness who has been served with a subpoena under this section may challenge the validity of the subpoena in the circuit court of the county in which the witness resides or is employed."

The Amendment was read the first time, rules suspended and read the second time and \_\_\_\_\_

By: Senator J. Jeffress

SAG/LNS - 03-11-2009 14:45

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Secretary