

1 State of Arkansas
2 82nd General Assembly
3 Regular Session, 1999

A Bill

SENATE BILL 17

4
5 By: Senator Beebe
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For An Act To Be Entitled

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9 "AN ACT TO AMEND ARKANSAS CODE TITLE 20, CHAPTER 76,
10 SUBCHAPTER 3, TO GRANT AUTHORITY TO THE DIRECTOR OF
11 THE STATE DEPARTMENT FOR SOCIAL SECURITY
12 ADMINISTRATION DISABILITY DETERMINATION, OR COUNSEL
13 FOR THE AGENCY, TO ISSUE SUBPOENAS TO ASSIST
14 INVESTIGATIONS RELATING TO PUBLIC ASSISTANCE BENEFITS;
15 AND FOR OTHER PURPOSES."

Subtitle

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18 "TO AUTHORIZE THE OFFICE OF THE DIRECTOR
19 FOR SOCIAL SECURITY ADMINISTRATION
20 DISABILITY DETERMINATION, OR COUNSEL FOR
21 THE AGENCY, TO ISSUE ADMINISTRATIVE
22 SUBPOENAS ASSISTING INVESTIGATIONS
23 RELATING TO PUBLIC ASSISTANCE BENEFITS."
24

25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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27 SECTION 1. Arkansas Code Title 20, Chapter 76, Subchapter 3 is amended
28 to add the following new section:

29 "20-76-306. Use of subpoenas in hearings on benefit determinations.

30 (a) The Director of the State Department for Social Security
31 Administration Disability Determination, or counsel for the agency, is
32 authorized to require the attendance of witnesses and the production of books,
33 records, or other documents through the issuance of subpoenas when the
34 testimony or information is necessary to adequately present the position of
35 the State Department for Social Security Administration Disability
36 Determination when making fair hearing determinations or conducting

1 investigations relating to public assistance benefits.

2 (b) Subpoenas issued pursuant to the authority of the Director of the
3 State Department for Social Security Administration Disability Determination
4 shall be substantially in the following form:

5 'The State of Arkansas to the Sheriff of.....County: You are
6 commanded to subpoena (name), (address) to appear at.....on (date) at
7 (time), and testify and/or produce the following documents, to
8 wit:..... in a matter of (style of proceeding).

9
10 WITNESS my hand on (date).

11
12 (Signature of Director or agency counsel).'"

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14 SECTION 2. All provisions of this Act of a general and permanent nature
15 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
16 Revision Commission shall incorporate the same in the Code.

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18 SECTION 3. If any provision of this Act or the application thereof to
19 any person or circumstance is held invalid, such invalidity shall not affect
20 other provisions or applications of the Act which can be given effect without
21 the invalid provision or application, and to this end the provisions of this
22 Act are declared to be severable.

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24 SECTION 4. All laws and parts of laws in conflict with this Act are
25 hereby repealed.

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27 SECTION 5. EMERGENCY CLAUSE. It is hereby found and determined by the
28 Eighty-second General Assembly, that existing law hinders the ability of the
29 State Department for Social Security Administration Disability Determination
30 to conduct investigations into benefit determination and benefit fraud; and
31 any delay in the effective date of this act could cause harm to the State of
32 Arkansas. Therefore, an emergency is declared to exist and this act being
33 immediately necessary for the preservation of the public peace, health and
34 safety shall become effective on the date of its approval by the Governor. If
35 the bill is neither approved nor vetoed by the Governor, it shall become
36 effective on the expiration of the period of time during which the Governor

1 may veto the bill. If the bill is vetoed by the Governor and the veto is
2 overridden, it shall become effective on the date the last house overrides the
3 veto.

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