## 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.

1	State of Arkansas	As Engrossed: \$3/16/09 \$3/17/09 \$4/2/09	9	
2	87th General Assembly	A Bill		
3	Regular Session, 2009		HOUSE BILL 1372	
4				
5	By: Representatives J. Roeb	ouck, Harrelson		
6	By: Senator J. Jeffress			
7				
8				
9	For An Act To Be Entitled			
10	AN ACT	TO GRANT SUBPOENA POWER TO THE	STATE BOARD	
11	OF EDUCATION AND THE PROFESSIONAL LICENSURE			
12	STANDAR	RDS BOARD; AND FOR OTHER PURPOSES	S.	
13				
14		Subtitle		
15	TO C	GRANT SUBPOENA POWER TO THE STATI	Е	
16	BOARD OF EDUCATION AND THE PROFESSIONAL			
17	LICE	ENSURE STANDARDS BOARD.		
18				
19				
20	BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:			
21				
22		cansas Code Title 6, Chapter 17,	Subchapter 4 is amended	
23	to add an additional section to read as follows:			
24	<u>6-17-424. Subp</u>	oena Powers.		
25	<u>(a)(1) The fol</u>	llowing boards shall have the pow	ver to issue subpoenas	
26	and bring before the	board as a witness any person in		
27	<u>(A)</u>	Professional Licensure Standar	rds Board, § 6-17-422;	
28	<u>and</u>			
29	<u>(B)</u>	State Board of Education, § 6-	<u>-11-101 et seq.</u>	
30	· · · · · · · · · · · · · · · · · · ·	Professional Licensure Standards		
31	Board of Education shall by rule provide for the issuance of a subpoena upon			
32	the request of a party to a proceeding pending before the Professional			
33	Licensure Standards Board or the State Board of Education or at the request			
34	of the Professional Licensure Standards Board or the State Board of			
35	Education.			
36	<u>(3) The</u>	subpoena shall:		

1	(A) Be in the name of either the Professional Licensure
2	Standards Board or the State Board of Education;
3	(B) State the name of the board hearing the proceeding and
4	the name of the proceeding; and
5	(C)(i) Command each person to whom it is directed to give
6	testimony at the time and place specified in the subpoena in one (1) of the
7	following ways:
8	(a) In person;
9	(b) Before a certified court reporter under
10	oath at the place of the witness' residence or employment;
11	(c) By video-taped deposition at the place of
12	the witness' residence or employment; or
13	(d) By live video communications from the
14	witness' residence, place of employment, or a nearby facility capable of
15	providing video transmission to the board hearing the proceeding that has
16	subpoenaed the witness.
17	(ii) The manner of providing testimony under the
18	subpoena shall be conducted by video conference testimony unless another
19	manner is agreed upon by the board or commission and the person who is the
20	subject of the subpoena.
21	(4) The subpoena may require the witness to bring with him or
22	her any book, writing, or other thing under his or her control that he or she
23	is bound by law to produce in evidence.
24	(5) Service of the subpoena shall be in the manner as provided
25	by law or rule for the service of subpoenas in civil cases.
26	(b)(1) A witness who has been served by subpoena under this section
27	and who appears in person to testify at the trial or case pending before the
28	Professional Licensure Standards Board or the State Board of Education shall
29	be reimbursed for travel and attendance as provided by law.
30	(2) If a witness is served with subpoena under this section and
31	fails to provide testimony in obedience to the subpoena, the Professional
32	Licensure Standards Board or the State Board of Education may apply to the
33	circuit court of the county in which the Professional Licensure Standards
34	Board or the State Board of Education is holding the proceeding for an order
35	causing the arrest of the witness and directing that the witness be brought
36	before the court.

1	(3) The court shall have the power to punish the disobedient		
2	witness for contempt as provided by the Arkansas Rules of Civil Procedure.		
3	(4) A witness who has been served with a subpoena under this		
4	section may challenge the validity of the subpoena in the circuit court of		
5	the county in which the witness resides or is employed.		
6			
7	SECTION 2. EMERGENCY CLAUSE. It is found and determined by the		
8	General Assembly of the State of Arkansas that the law does not provide		
9	subpoena power for the State Board of Education or the Professional Licensure		
10	Standards Board; that the State Board of Education and the Professional		
11	Licensure Standards Board are unable to fully implement their duties due to		
12	lack of subpoena. Therefore, an emergency is declared to exist and this act		
13	being immediately necessary for the preservation of the public peace, health,		
14	and safety shall become effective on:		
15	(1) The date of its approval by the Governor;		
16	(2) If the bill is neither approved nor vetoed by the Governor,		
17	the expiration of the period of time during which the Governor may veto the		
18	bill; or		
19	(3) If the bill is vetoed by the Governor and the veto is		
20	overridden, the date the last house overrides the veto.		
21			
22	/s/ J. Roebuck		
23			
24			
25			
26			
27			
28			
29			
30			
31			
32			
33			
34			
35			
36			