

1-1 By: Madla S.B. No. 1299
1-2 (In the Senate - Filed March 12, 2003; March 19, 2003, read
1-3 first time and referred to Committee on Health and Human Services;
1-4 April 22, 2003, reported favorably by the following vote: Yeas 7,
1-5 Nays 0; April 22, 2003, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the subpoena authority of the Texas State Board of
1-9 Examiners of Psychologists.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Subchapter E, Chapter 501, Occupations Code, is
1-12 amended by adding Section 501.207 to read as follows:

1-13 Sec. 501.207. SUBPOENAS. (a) In an investigation of a
1-14 complaint filed with the board, the executive director or presiding
1-15 officer of the board may issue a subpoena to compel the attendance
1-16 of a relevant witness or the production, for inspection or copying,
1-17 of relevant evidence that is in this state.

1-18 (b) A subpoena may be served personally or by certified
1-19 mail.

1-20 (c) If a person fails to comply with a subpoena, the board,
1-21 acting through the attorney general, may file suit to enforce the
1-22 subpoena in a district court in Travis County or in the county in
1-23 which a hearing conducted by the board may be held.

1-24 (d) On finding that good cause exists for issuing the
1-25 subpoena, the court shall order the person to comply with the
1-26 subpoena. The court may punish a person who fails to obey the court
1-27 order.

1-28 (e) The board shall pay for photocopies subpoenaed under
1-29 this section a reasonable fee in an amount not to exceed the amount
1-30 the board may charge for copies of its records.

1-31 (f) The reimbursement of the expenses of a witness whose
1-32 attendance is compelled under this section is governed by Section
1-33 2001.103, Government Code.

1-34 SECTION 2. Section 501.207, Occupations Code, as added by
1-35 this Act, applies only to a complaint filed on or after the
1-36 effective date of this Act. A complaint filed before the effective
1-37 date of this Act is governed by the law as it existed immediately
1-38 before the effective date of this Act, and that law is continued in
1-39 effect for that purpose.

1-40 SECTION 3. This Act takes effect immediately if it receives
1-41 a vote of two-thirds of all the members elected to each house, as
1-42 provided by Section 39, Article III, Texas Constitution. If this
1-43 Act does not receive the vote necessary for immediate effect, this
1-44 Act takes effect September 1, 2003.

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