

By: Marquez

H.B. No. 1329

Substitute the following for H.B. No. 1329:

By: Dutton

C.S.H.B. No. 1329

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the administration of oaths and issuance of subpoenas
3 in an arbitration proceeding involving firefighters or police
4 officers in certain political subdivisions; creating an offense.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Subchapter E, Chapter 174, Local Government
7 Code, is amended by adding Section 174.1575 to read as follows:

8 Sec. 174.1575. OATHS AND SUBPOENAS IN ARBITRATION FOR
9 CERTAIN POLITICAL SUBDIVISIONS. (a) This section applies only to a
10 political subdivision that has adopted this chapter under Section
11 174.051 and that:

12 (1) borders the United Mexican States and has a
13 population of more than 800,000; or

14 (2) is located within a political subdivision
15 described by Subdivision (1).

16 (b) An arbitration board in a proceeding involving a public
17 employer, on request by a party to the arbitration or a designee of
18 a party, shall:

19 (1) administer oaths; and

20 (2) issue subpoenas and subpoenas duces tecum for the
21 attendance of witnesses and the production of books, records,
22 documents, papers, accounts, and other evidence relevant and
23 material to an issue presented to the board for determination.

24 (c) Except for good cause shown, a request under Subsection

1 (b) must be made not later than the 15th day before the date the
2 arbitration hearing is scheduled to commence.

3 (d) The following are not subject to a subpoena under this
4 section:

5 (1) a person who is actively engaged in providing
6 representation to a party to the arbitration; and

7 (2) notes and other documents prepared by a person
8 described by Subdivision (1) in the scope of the person's
9 representation.

10 (e) An oath administered under this section has the same
11 force and effect as an oath administered by a magistrate in the
12 magistrate's judicial capacity.

13 (f) A response to a subpoena duces tecum under this section
14 is considered to have been made under oath.

15 (g) A person who is subpoenaed under this section commits an
16 offense if the person fails to appear as required by the subpoena.
17 An offense under this section is a misdemeanor punishable by a fine
18 up to \$1,000, confinement in the county jail for not more than 30
19 days, or both the fine and confinement.

20 (h) This section supersedes any conflicting provision in a
21 collective bargaining agreement negotiated under this chapter only
22 to the extent that the agreement is inconsistent with this section.
23 Negotiated provisions of a collective bargaining agreement that are
24 not inconsistent with this section remain in full force and effect.

25 SECTION 2. This Act takes effect immediately if it receives
26 a vote of two-thirds of all the members elected to each house, as
27 provided by Section 39, Article III, Texas Constitution. If this

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1 Act does not receive the vote necessary for immediate effect, this

2 Act takes effect September 1, 2013.