

By: Marquez

H.B. No. 1329

A BILL TO BE ENTITLED

AN ACT

relating to the administration of oaths and issuance of subpoenas in an arbitration proceeding involving county firefighters or police officers; creating an offense.

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

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

Sec. 174.1575. OATHS AND SUBPOENAS IN COUNTY ARBITRATION.

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

(1) administer oaths; and

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

(b) Except for good cause shown, a request under Subsection (a) must be made not later than the 15th day before the date the arbitration hearing is scheduled to commence.

(c) The following are not subject to a subpoena under this section:

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

(2) notes and other documents prepared by a person

1 described by Subdivision (1) in the scope of the person's
2 representation.

3 (d) An oath administered under this section has the same
4 force and effect as an oath administered by a magistrate in the
5 magistrate's judicial capacity.

6 (e) A response to a subpoena duces tecum under this section
7 is considered to have been made under oath.

8 (f) A person who is subpoenaed under this section commits an
9 offense if the person fails to appear as required by the subpoena.
10 An offense under this section is a misdemeanor punishable by a fine
11 up to \$1,000, confinement in the county jail for not more than 30
12 days, or both the fine and confinement.

13 (g) This section supersedes any conflicting provision in a
14 collective bargaining agreement negotiated under this chapter only
15 to the extent that the agreement is inconsistent with this section.
16 Negotiated provisions of a collective bargaining agreement that are
17 not inconsistent with this section remain in full force and effect.

18 SECTION 2. This Act takes effect immediately if it receives
19 a vote of two-thirds of all the members elected to each house, as
20 provided by Section 39, Article III, Texas Constitution. If this
21 Act does not receive the vote necessary for immediate effect, this
22 Act takes effect September 1, 2013.