

1-1 By: Rodriguez S.B. No. 1691
1-2 (In the Senate - Filed March 8, 2013; March 25, 2013, read
1-3 first time and referred to Committee on Intergovernmental
1-4 Relations; April 22, 2013, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 4, Nays 0;
1-6 April 22, 2013, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	Hinojosa	X		
1-10	Nichols		X	
1-11	Garcia	X		
1-12	Paxton	X		
1-13	Taylor	X		

1-14 COMMITTEE SUBSTITUTE FOR S.B. No. 1691 By: Nichols, Garcia

1-15 A BILL TO BE ENTITLED
1-16 AN ACT

1-17 relating to the administration of oaths and issuance of subpoenas
1-18 in an arbitration proceeding involving firefighters or police
1-19 officers in certain political subdivisions.

1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-21 SECTION 1. Subchapter E, Chapter 174, Local Government
1-22 Code, is amended by adding Section 174.1575 to read as follows:

1-23 Sec. 174.1575. OATHS AND SUBPOENAS IN ARBITRATION FOR
1-24 CERTAIN POLITICAL SUBDIVISIONS. (a) This section applies only to
1-25 a political subdivision that has adopted this chapter under Section
1-26 174.051 and that:

1-27 (1) borders the United Mexican States and has a
1-28 population of more than 800,000; or

1-29 (2) is located within a political subdivision
1-30 described by Subdivision (1).

1-31 (b) An arbitration board in a proceeding involving a public
1-32 employer, on request by a party to the arbitration or a designee of
1-33 a party, shall:

1-34 (1) administer oaths; and

1-35 (2) issue subpoenas and subpoenas duces tecum for the
1-36 attendance of witnesses and the production of books, records,
1-37 documents, papers, accounts, and other evidence relevant and
1-38 material to an issue presented to the board for determination.

1-39 (c) Except for good cause shown, a request under Subsection
1-40 (b) must be made not later than the 15th day before the date the
1-41 arbitration hearing is scheduled to commence.

1-42 (d) The following are not subject to a subpoena under this
1-43 section:

1-44 (1) a person who is actively engaged in providing
1-45 representation to a party to the arbitration; and

1-46 (2) notes and other documents prepared by a person
1-47 described by Subdivision (1) in the scope of the person's
1-48 representation.

1-49 (e) An oath administered under this section has the same
1-50 force and effect as an oath administered by a magistrate in the
1-51 magistrate's judicial capacity.

1-52 (f) A response to a subpoena duces tecum under this section
1-53 is considered to have been made under oath.

1-54 (g) This section supersedes any conflicting provision in a
1-55 collective bargaining agreement negotiated under this chapter only
1-56 to the extent that the agreement is inconsistent with this section.
1-57 Negotiated provisions of a collective bargaining agreement that are
1-58 not inconsistent with this section remain in full force and effect.

1-59 SECTION 2. This Act takes effect immediately if it receives
1-60 a vote of two-thirds of all the members elected to each house, as

2-1 provided by Section 39, Article III, Texas Constitution. If this
2-2 Act does not receive the vote necessary for immediate effect, this
2-3 Act takes effect September 1, 2013.

2-4 * * * * *