

1 STATE OF OKLAHOMA

2 2nd Session of the 54th Legislature (2014)

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL NO. 1648

By: Sparks of the Senate

and

McCullough of the House

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9 COMMITTEE SUBSTITUTE

10 An Act relating to the Administrative Procedures Act;
11 amending 75 O.S. 2011, Section 315, which relates to
12 subpoenas; modifying agency powers to require
subpoenas relating to certain investigations; and
declaring an emergency.

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15 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

16 SECTION 1. AMENDATORY 75 O.S. 2011, Section 315, is
17 amended to read as follows:

18 Section 315. A. 1. The agency conducting any individual
19 ~~proceeding~~ investigation shall have power to require the furnishing
20 of such information, the attendance of such witnesses, and the
21 production of such books, records, papers or other objects as may be
22 necessary and proper for the purposes of the ~~proceeding~~
23 investigation.

1 2. The agency, or any party to a proceeding before it, may take
2 the depositions of witnesses, within or without the state, in the
3 same manner as is provided by law for the taking of depositions in
4 civil actions in courts of record. Depositions so taken shall be
5 admissible in any proceeding affected by this act. Provided,
6 however, all or any part of the deposition may be objected to at
7 time of hearing, and may be received in evidence or excluded from
8 the evidence by the agency or individual conducting the hearing in
9 accordance with the law with reference to evidence in this act or
10 with reference to evidence in courts of record under the law of the
11 State of Oklahoma.

12 B. In furtherance of the powers granted by subsection A of this
13 section, any agency, administrative head, hearing examiner or any
14 other duly authorized member or employee thereof, upon its own
15 motion may, and upon the request of any party appearing in an
16 individual proceeding shall:

17 1. Issue subpoenas for witnesses;

18 2. Issue subpoenas duces tecum to compel the production of
19 books, records, papers or other objects, which may be served by the
20 marshal of the agency or by any person in any manner prescribed for
21 the service of a subpoena in a civil action; or

22 3. Quash a subpoena or subpoenas duces tecum so issued;
23 provided, prior to quashing a subpoena or subpoenas duces tecum the
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1 agency shall give notice to all parties. A subpoena or subpoenas
2 duces tecum may not be quashed if any party objects.

3 C. 1. In case of disobedience to any subpoena issued and
4 served under this section or to any lawful agency requirement for
5 information, or of the refusal of any person to testify to any
6 matter regarding which he or she may be interrogated lawfully in a
7 proceeding before an agency, the agency may apply to the district or
8 superior court of the county of such person's residence or to any
9 judge thereof for an order to compel compliance with the subpoena or
10 the furnishing of information or the giving of testimony. Forthwith
11 the court or the judge shall cite the respondent to appear and shall
12 hear the matter as expeditiously as possible.

13 2. If the disobedience or refusal is found to be unlawful, the
14 court, or the judge, shall enter an order requiring compliance.
15 Disobedience of such an order shall be punished as contempt of court
16 in the same manner and by the same procedure as is provided for like
17 conduct committed in the course of judicial proceedings.

18 SECTION 2. It being immediately necessary for the preservation
19 of the public peace, health and safety, an emergency is hereby
20 declared to exist, by reason whereof this act shall take effect and
21 be in full force from and after its passage and approval.

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