

Proposed Amendment to § 213.12, Relating to Witness Fees and Expenses

The proposed amendment to § 213.12 is to allow a witness who has been subpoenaed by the Board or a party to a proceeding of the Board's to receive adequate reimbursement for their expenses and efforts. Unless the Board designates otherwise, under the Government Code (§ 2001.103), a witness is allowed only \$10 dollars a day compensation and \$.10 per mile reimbursement.

§ 213.12. Witness Fees and Expenses.

A witness who is not a party to the proceeding and who is subpoenaed to appear at a deposition or hearing or to produce books, papers, or other objects, shall be entitled to receive reimbursement for expenses incurred in complying with the subpoena as set by the legislature in the APA, Texas Government Code Annotated §2001.103. In addition, a subpoenaed witness is entitled to thirty dollars (\$30) for each day or part of a day that the person is necessarily present, and .485 cents for each mile for going to and returning from the place of the hearing or deposition if the place is more than 25 miles form the person's place of residence and the person uses the person's personally owned or leased motor vehicle for the travel.

Recommended action: Move to propose the amendment to rule 213.12 and publish in the *Texas Register* for the 30-day comment period. If negative comments are not received, then adopt the amendment to section 213.12 as proposed.