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Senate BILL NO. *406*
Jarvis

INTRODUCED BY _____

A BILL FOR AN ACT ENTITLED: "AN ACT TO ESTABLISH RULES REGARDING EVIDENCE IN HEARINGS OF CONTESTED CASES BEFORE THE PUBLIC SERVICE COMMISSION."

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

Section 1. Evidence in hearings before public service commission. (1) In hearing a contested case, the public service commission is not bound by common-law or statutory rules of evidence. The commission may admit and give probative effect to evidence which possesses probative value commonly accepted by reasonably prudent men in the conduct of their own affairs. Hearsay evidence may be admitted for the purpose of supplementing or explaining any direct evidence but is not sufficient in itself to support a finding unless it would be admissible over objection for such purposes in civil actions.

(2) The commission may exclude irrelevant, immaterial, and unduly repetitious evidence. Objections to evidentiary offers may be made and shall be noted in the record.

(3) The commission shall give effect to the rules of privilege recognized by law.

(4) When a hearing will be expedited and the interests

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of the parties will not be prejudiced, any part of the evidence may be received in written form.

(5) The commission is bound by the provisions of the Montana Administrative Procedure Act, subsections (2), (3), and (4) of 82-4210, relating to documentary evidence, cross-examination, and administrative notice in contested cases.

-End-