CHAPTER NO. _87____.

HOUSE BILL NO. 16

INTRODUCED BY QUILICI

BY REQUEST OF THE DEPARTMENT OF PUBLIC SERVICE REGULATION

IN THE HOUSE

January 4, 1979	Introduced and referred to Committee on Business and Industry.
January 6, 1979	On Motion, joint rule 6-6 suspended and sponsor's signature allowed to be added to prefiled bill.
January 11, 1979	Committee recommend bill do pass. Report adopted.
January 12, 1979	Printed and placed on members' desks.
	On motion rules suspended and bill placed on second reading this day.
1	Second reading, do pass.
	On motion rules suspended and bill placed on third reading this day.
	Third reading, passed. Engrossed before transmitted.
	Transmitted to second house.

IN THE SENATE

January 15, 1979				Introduced and referred to Committee on Business and Industry.
March 1, 1979				Committee recommend bill be concurred in and be placed on Consent Calendar. Report adopted.
March 3, 1979				Consent Calendar discussion.
March 5, 1979				Consent Calendar concurred in.
	IN	THE	HOUSE	
March 6, 1979				Returned from second house. Concurred in. Sent to enrolling.
				Reported correctly enrolled.

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ала на поставлите, бърбу состой с сообство рабо в дура собста сул умарием, техно, турс Собс Сул. Долого, в сторо с ул

HOUSE BILL NO. 16 1 INTRODUCED BY 2 BY REQUEST OF THE DEPARTMENT OF PUBLIC SERVICE REGULATION з 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION 5 69-14-113. NCA. TO REVISE THE PROVISIONS RELATED TO WITNESS 6 7 FEES AND BRING THEM INTO AGREEMENT WITH SIMILAR PROVISIONS 8 FOR WITNESSES IN CIVIL ACTIONS BEFORE THE DISTRICT COURT." 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 10 11 Section 1. Section 69-14-113, MCA, is amended to read: *69-14-113. Attendance and examination of witnesses. 12 (1) The commission in making any examination or 13 14 investigation provided for in Chapter 37, Laws of 1907, shall have the power to issue subpoenes for the attendance 15 of witnesses by such rules as it may prescribe. Each-witness 16 shall-receive-the-sum-of-\$3-per-dayy-together-with--the--sum 17 of---5--cents--per--site--traveled-by-the-nearest-procticable 18 route-in-coing-to-ond-returning-from the-place-of-westing-of 19 soid commission witness fees shall be the same as those 20 provided for witnesses in civil actions before the district 21 courts as provided in 26-2-501. Howevers no No witness 22 furnished with free transportation shall receive mileage for 23 24 the distance he may have traveled on such free transportation. No person shall be excused from attending or 25

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1 testifying or producing any books, papers, documents, or any 2 thing or things, before any court or magistrate or 3 commissioner or boardy upon any investigation, proceeding, 4 or trial under the provisions of Chapter 37, Laws 1907, or for any violation of any of them, upon the ground or for the 5 reason that the testimony or evidence, documentary or 7 otherwise, required of him, may tend to convict him of a 8 crime or subject him to a penalty or forfeiture. No person 9 shall be prosecuted or subjected to any penalty or 10 forfeiture for or on account of any transaction. matter, or thing concerning which he may so testify or produce 11 evidence, and no testimony or evidence so given or produced 12 shall be received against him upon any civil or criminal 13 proceeding, action, or investigation. 14

15 (2) (a) The process issued by said commission shall be 16 under seal and extend to all parts of the state. Said 17 commission shall have power to issue process in like manner 18 as courts of record. Such process may be served by any 19 person authorized to serve process of courts of record or by 20 any person appointed by the commission for such purpose.

(b) In the event the process issued by the commission is a subpoena for the attendance of a witness and he shall have failed, neglected, or refused to obey the same, the commission is hereby authorized to file a petition with any district court in the state, setting up the facts and the

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necessity of having such witness appear in such trial. The 1 court shall thereupon summarily direct that a subpoena be 2 issued out of the court requiring the attendance of any 3 person or persons as a witness before the court. The 4 commission shall thereupon have the power and authority to 5 examine such witness before said court, under oath, 6 respecting any inquiry or investigation being made by said 7 commission, under and pursuant to the provisions of Chapter 8 37, Laws of 1907. The court shall likewise, when any 9 petition is filed stating the necessity therefore order the 10 production by any person or corporation, for examination in 11 12 said court, of any books, papers, records, or files 13 necessary or pertinent to any inquiry or investigation then being made by said commission." 14

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Approved by Committee on Business and Industry

1	HOUSE BILL NO. 16
2	INTRODUCED BY QUILICI
3	BY REQUEST OF THE DEPARTMENT OF PUBLIC SERVICE REGULATION
4	
5	A BILL FOR AN ACT ENTITLED: MAN ACT TO AMEND SECTION
6	69-14-113. MCA. TO REVISE THE PROVISIONS RELATED TO WITNESS
7	FEES AND BRING THEM INTO AGREEMENT WITH SIMILAR PROVISIONS
8	FOR WITNESSES IN CIVIL ACTIONS BEFORE THE DISTRICT COURT."
9	
10	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
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14	investigation provided for in Chapter 37, Laws of 1907.
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20	soid-commissions <u>Witness fees shall be the same as those</u>
21	provided_for_witnesses_in_civil_actions_before_the_district
22	<u>courts as provided in 26-2-501. Howevers no</u> No witness
23	furnished with free transportation shall receive mileage for
24	the distance he may have traveled on such free
25	transportation. No person shall be excused from attending or

testifying or producing any books, papers, documents, or any 1 thing or things, before any court or magistrate or 2 commissioner or board, upon any investigation, proceeding, 3 4 or trial under the provisions of Chapter 37. Laws 1907. or for any violation of any of them, upon the ground or for the 5 6 reason that the testimony or evidence, documentary or 7 otherwise, required of him, may tend to convict him of a R crime or subject him to a penalty or forfeiture. No person 9 shall be prosecuted or subjected to any penalty or 10 forfeiture for or on account of any transaction, matter, or 11 thing concerning which he may so testify or produce 12 evidence, and no testimony or evidence so given or produced 13 shall be received against him upon any civil or criminal 14 proceeding, action, or investigation.

15 (2) (a) The process issued by said commission shall be 16 under seal and extend to all parts of the state. Said 17 commission shall have power to issue process in like manner 18 as courts of record. Such process may be served by any 19 person authorized to serve process of courts of record or by 20 any person appointed by the commission for such purpose.

21 (b) In the event the process issued by the commission is a subpoena for the attendance of a witness and he shall 22 23 have failed, neglected, or refused to obey the same, the commission is hereby authorized to file a petition with any 24 25 district court in the state, setting up the facts and the

SECOND READING HB 16 HB 0016/02

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46th Legislature

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HOUSE BILL NO. 16 1 2 INTRODUCED BY QUILICI BY REQUEST OF THE DEPARTMENT OF PUBLIC SERVICE REGULATION 3 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION 5 6 69-14-113. MCA. TU REVISE THE PROVISIONS RELATED TO WITNESS 7 FEES AND BRING THEM INTO AGREEMENT WITH SIMILAR PROVISIONS FOR WITNESSES IN CIVIL ACTIONS BEFORE THE DISTRICT COURT." 8 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 10 Section 1. Section 69-14-113, MCA, is amended to read: 11 #69-14-113. Attendance and examination of witnesses. 12 (1) The commission in making any examination or 13 investigation provided for in Chapter 37, Laws of 1907, 14 shall have the power to issue subpoenes for the attendance 15 of witnesses by such rules as it may prescribe. Eech-witness 16 shell-receive-the-sum-of-\$3-per-doyv-together-with--the--sum 17 of--5--cents--per--mile--travelad-by-the-neerest-practicable 16 route-in-going-to-and-returning-from-the-place-of-meeting-of 19 soid-commissions <u>Witness fees shall be the same as those</u> 20 provided for witnesses in civil actions before the district 21 courts as provided in 26-2-501. Howevers no No witness 22 furnished with free transportation shall receive mileage for 23 24 the distance he may have traveled on such free transportation. No person shall be excused from attending or 25

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THIRD READING

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REFERENCE BILL

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