

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.

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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1 HOUSE BILL NO. 16

2 INTRODUCTION BY _____

3 BY REQUEST OF THE DEPARTMENT OF PUBLIC SERVICE REGULATION

4
5 A BILL FOR AN ACT ENTITLED: "AN 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."

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

11 Section 1. Section 69-14-113, MCA, is amended to read:

12 "69-14-113. Attendance and examination of witnesses.

13 (1) The commission in making any examination or
14 investigation provided for in Chapter 37, Laws of 1907,
15 shall have the power to issue subpoenas for the attendance
16 of witnesses by such rules as it may prescribe. ~~Each witness~~
17 ~~shall receive the sum of \$5 per day, together with the sum~~
18 ~~of 5 cents per mile traveled by the nearest practicable~~
19 ~~route in going to and returning from the place of meeting of~~
20 ~~said commission. Witness fees shall be the same as those~~
21 ~~provided for witnesses in civil actions before the district~~
22 ~~court, as provided in 26-2-501. However, no~~ 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

1 testifying or producing any books, papers, documents, or any
2 thing or things, before any court or magistrate or
3 commissioner or board, upon any investigation, proceeding,
4 or trial under the provisions of Chapter 37, Laws 1907, or
5 for any violation of any of them, upon the ground or for the
6 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
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
22 is a subpoena for the attendance of a witness and he shall
23 have failed, neglected, or refused to obey the same, the
24 commission is hereby authorized to file a petition with any
25 district court in the state, setting up the facts and the

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

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Approved by Committee
on Business and Industry

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