

SENATE BILL NO. 372

INTRODUCED BY



A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING PAYMENT OF COMPENSATION TO STATE AGENCIES FOR TIME SPENT BY AGENCY EMPLOYEES IN ANSWERING SUBPOENAS; AND PROVIDING AN EFFECTIVE DATE."

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

**NEW SECTION. Section 1. State employees -- compensation for time spent answering subpoena.**

An employee of a state agency must receive all regular pay and benefits for time spent answering a subpoena when called to testify in connection with the employee's official duties. The person requesting issuance of the subpoena shall reimburse the affected state agency for the compensation, including regular pay and benefits, paid to the employee for time spent answering the subpoena.

**NEW SECTION. Section 2. Codification instruction.** [Section 1] is intended to be codified as an integral part of Title 26, chapter 2, part 5, and the provisions of Title 26, chapter 2, part 5, apply to [section 1].

**NEW SECTION. Section 3. Effective date.** [This act] is effective July 1, 1995.

-END-

STATE OF MONTANA - FISCAL NOTE

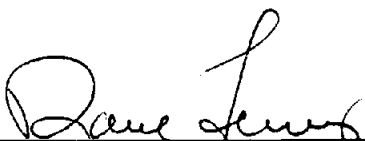
Fiscal Note for SB0372, as introduced

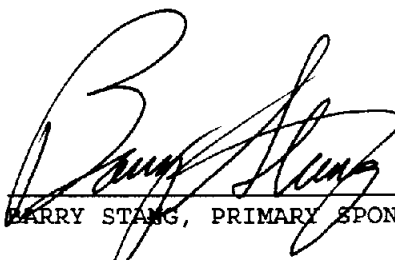
DESCRIPTION OF PROPOSED LEGISLATION:

An act requiring payment of compensation to state agencies for time spent by agency employees in answering subpoenas.

FISCAL IMPACT:

There is no information available regarding the number and type of employees who receive subpoenas, which would vary considerably from year to year. Additional revenues would be received by the accounts from which an affected employee's salary is paid. The statewide fiscal impact is unknown.

 2-16-95  
DAVE LEWIS, BUDGET DIRECTOR      DATE  
Office of Budget and Program Planning

 2-16-95  
BARRY STANG, PRIMARY SPONSOR      DATE  
Fiscal Note for SB0372, as introduced  
**SB 372**

APPROVED BY COM ON  
STATE ADMINISTRATION

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING PAYMENT OF COMPENSATION TO STATE  
5 ~~AGENCIES FOR TIME SPENT BY AGENCY~~ EMPLOYEES FOR TIME SPENT IN ANSWERING SUBPOENAS  
6 IN CIVIL ACTIONS; ALLOWING STATE OFFICES TO REQUIRE REIMBURSEMENT FROM THE PARTY  
7 ISSUING THE SUBPOENA; AND PROVIDING AN EFFECTIVE DATE."

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

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13 subpoena when called to testify IN A CIVIL ACTION in connection with the employee's official duties. The  
14 person requesting issuance of the subpoena shall, IF REQUESTED BY THE AFFECTED STATE AGENCY,  
15 reimburse the ~~affected state~~ agency for the compensation, including regular pay and benefits, paid to the  
16 employee for time spent answering the subpoena. AS USED IN THIS SECTION, "EMPLOYEE" MEANS AN  
17 EMPLOYEE OF THE EXECUTIVE, LEGISLATIVE, OR JUDICIAL BRANCH OF STATE GOVERNMENT.

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## HOUSE STANDING COMMITTEE REPORT

March 15, 1995

Page 1 of 1

Mr. Speaker: We, the committee on Judiciary report that Senate Bill 372 (third reading copy -- blue) be concurred in as amended.

Signed: Bob Clark  
Bob Clark, Chair

Carried by: Rep. Ahner

And, that such amendments read:

1. Page 1, line 13.

Strike: "IN A CIVIL ACTION"

Following: "duties"

Insert: "in a civil action in which the state or one of its agencies is not a party"

-END-

SB 372

Committee Vote:  
Yes 17, No 2.

HOUSE

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