HOUSE BILL 401

IN THE HOUSE

January 24, 1979	Introduced and referred to Committee on Judiciary.
February 19, 1979	Committee recommend bill, do pass.
February 20, 1979	Second reading, do pass.
February 21, 1979	Considered correctly engrossed.
February 22, 1979	Third reading, passed.
IN THE SE	NATE
February 22, 1979	Introduced and referred to Committee on Judiciary.
March 6, 1979	Committee recommend bill, not concurred.
IN THE HOU	JSE
March 7, 1979	Returned from Senate, not concurred.

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2	INTRODUCED BY HARPER+ KEEDY+ KEMMIS+ YARDLEY
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4	A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND THE LAWS
5	RELATING TO WITNESS FEES TO INCLUDE PROVISIONS FOR LODGING
6	AND HEAL EXPENSES; AMENDING SECTIONS 26-3-501. 26-2-502. AND
7	26-2-503, MCA."
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9	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
10	Section 1. Section 26-2-501, MCA, is amended to read:
11	#26-2-501. Witnesses in courts of record and before
12	cartain court officers. (1) Witness fees are as follows:
13	(a) for attending in any civil or criminal action or
14	proceeding before any court of record, referee, or officer
15	authorized to take depositions or commissioners to assess
16	damages or otherwise, for each day, \$10;
17	(b) for mileage in traveling to the place of trial or
18	hearing, each way, for each mile, a mileage allowance as
19	provided in 2-18-503 =:
20	(c) for lodging and meal expenses as a result of
21	attending any civil or criminal action or proceeding before
22	any court of records referees or officer authorized to take
23	depositions or commissioners to assess damages or otherwise.
24	those expenses authorized by 2-18-501(1)(5) and (3) as
25	qualified by 2-18-502.

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1	(2) However, no officer of the United States, the
2	state of Montana, or any county, incorporated city, or town
3	within the limits of the state of Montana shall receive any
4	per diem when testifying in a criminal proceeding, and no
5	witness shall receive fees in any more than one criminal
6	case on the same day•*
7	Section 2. Section 25~2-502, MCA, is amended to read:
8	#26-2-502. Witnesses in courts not of record civil
9	actions. Witnesses in courts not of record in civil actions
10	and proceedings shall receive:
11	(a) \$3 for each day's actual attendance and mileage as
12	provided in 2-18-503 for each mile actually traveled in
13	going from their residences by the usual traveled route to
14	the court and return <u>er and</u>
15	(b) for lodging and meals, those expenses authorized

by 2-18-501(1)(b) and (3) as qualified by 2-18-502.*

17 Section 3. Section 26-2-503, MCA, is amended to read: 13 *26-2-503. Witnesses in courts not of record -criminal actions and on coroner's inquests. Witnesses in courts not of record in criminal actions and on coroner's inquests shall receive:

22 [a] \$3 per day for actual attendance and mileage as 23 provided in 2-18-503 for each mile actually and necessarily 24 traveled from their places of residence to the court and 25 returne: and

1	(b) for lodging and meals, those expenses authorized
2	by 2-18-501(1)(b) and (3) as qualified by 2-18-502."
3	Section 4. Saving clause. This act does not affect
4	rights and duties that watured, penalties that were
5	incurred, or proceedings that were begun before the
6	effective date of this act.
7	Section 5. Severability. If a part of this act is
8	invalid, all valid parts that are severable from the invalid
9	part remain in effect. If a part of this act is invalid in
10	one or more of its applications, the part remains in effect
11	in all valid applications that are severable from the

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invalid applications.

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1	HOUSE BILL NO. 401
2	INTRODUCED BY HARPER, KEEDY, KEMMIS, YARDLEY
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4	A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND THE LAWS
5	RELATING TO WITNESS FEES TO INCLUDE PROVISIONS FOR LODGING
6	AND HEAL EXPENSES; AMENDING SECTIONS 26-3-501, 26-2-502, AND
7	26-2-503+ MCA+*
8	
9	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
10	Section 1. Section 26-2-501, MCA; is amended to read:
11	#26-2-501. Witnesses in courts of record and before
12	certain court officers. (1) Witness fees are as follows:
13	(a) for attending in any civil or criminal action or
14	proceeding before any court of record, referee, or officer
15	authorized to take depositions or commissioners to assess
16	damages or otherwise, for each day, \$10;
17	(b) for mileage in traveling to the place of trial or
16	hearing, each way, for each mile, a mileage allowance as
19	provided in 2-18-503 -:
20	(c) for looging and meal expenses as a result of
21	attending any civil or criminal action or proceeding before
22	any court of records referees or officer authorized to take
23	depositions or commissioners to assess damages or otherwise:
24	those expenses authorized by 2-18-501(11(b) and (3) as
26	qualified by 2-18-502.

1	(2) However, no officer of the United States, th
2	state of Montana, or any county, incorporated city, or tou
3	within the limits of the state of Montana shall receive an
4	per diem when testifying in a criminal proceeding, and n
5	witness shall receive fees in any more than one crimina
6	case on the same day."
7	Section 2. Section 26-2-502, MCA, is amended to read
8	#26-2-502. Witnesses in courts not of record civi
9	actions. Witnesses in courts not of record in civil action
10	and proceedings shall receive:
11	(a) \$3 for each day's actual attendance and mileage a
12	provided in 2-18-503 for each mile actually traveled in
13	going from their residences by the usual traveled route t
14	the court and returne <u>: and</u>
15	(b) for lodging and meals, those expenses authorize
16	by 2-18-50)(1)(b) and (3) as qualified by 2-18-502.*
17	Section 3. Section 26-2-503. MCA: is amended to read
13	■26-2-503• Witnesses in courts not of record
19	criminal actions and on coroner's inquests. Witnesses in
20	courts not of record in criminal actions and on coroner
21	inquests shall receive:
22	(a) \$3 per day for actual attendance and mileage as
23	provided in 2-18-503 for each mile actually and necessarily
24	traveled from their places of residence to the court and

1 161 for ledging and seals, those expenses authorized 2 by 2-18-501(1)(b) and (3) as qualified by 2-18-502. 3 Section 4. Saving clause. This act does not affect rights and duties that matured, penalties that were Incurred, or proceedings that were begun before the 5 effective date of this act. 6 Section 5. Severability. If a part of this act is 7 8 invalid, all valid parts that are severable from the invalid 9 part remain in effect. If a part of this act is invalid in 10 one or more of its applications, the part remains in effect in all walld applications that are severable from the 11 12 invalid applications.

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