

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 SENATE

February 22, 1979	Introduced and referred to Committee on Judiciary.
March 6, 1979	Committee recommend bill, not concurred.

IN THE HOUSE

March 7, 1979	Returned from Senate, not concurred.
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HOUSE BILL NO. 401

INTRODUCED BY HARPER, KEEDY, KEMMIS, YARDLEY

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND THE LAWS RELATING TO WITNESS FEES TO INCLUDE PROVISIONS FOR LODGING AND MEAL EXPENSES; AMENDING SECTIONS 26-3-501, 26-2-502, AND 26-2-503, MCA."

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

Section 1. Section 26-2-501, MCA, is amended to read:

"26-2-501. Witnesses in courts of record and before certain court officers. (1) Witness fees are as follows:

(a) for attending in any civil or criminal action or proceeding before any court of record, referee, or officer authorized to take depositions or commissioners to assess damages or otherwise, for each day, \$10;

(b) for mileage in traveling to the place of trial or hearing, each way, for each mile, a mileage allowance as provided in 2-18-503;

~~(c) for lodging and meal expenses as a result of attending any civil or criminal action or proceeding before any court of record, referee, or officer authorized to take depositions or commissioners to assess damages or otherwise, those expenses authorized by 2-18-501(1)(b) and (3) as qualified by 2-18-502.~~

(2) However, no officer of the United States, the state of Montana, or any county, incorporated city, or town within the limits of the state of Montana shall receive any per diem when testifying in a criminal proceeding, and no witness shall receive fees in any more than one criminal case on the same day."

Section 2. Section 26-2-502, MCA, is amended to read:

"26-2-502. Witnesses in courts not of record -- civil actions. Witnesses in courts not of record in civil actions and proceedings shall receive:

~~(a) \$3 for each day's actual attendance and mileage as provided in 2-18-503 for each mile actually traveled in going from their residences by the usual traveled route to the court and return; and~~

~~(b) for lodging and meals, those expenses authorized by 2-18-501(1)(b) and (3) as qualified by 2-18-502."~~

Section 3. Section 26-2-503, MCA, is amended to read:

"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:

~~(a) \$3 per day for actual attendance and mileage as provided in 2-18-503 for each mile actually and necessarily traveled from their places of residence to the court and return; 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 matured, 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
12 invalid applications.

-End-

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