

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for SB164, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An act allowing the Department of Justice to bill a party that subpoenas a Department employee so that the Department will be reimbursed for the employee's time spent on the subpoena; and repealing Section 44-1-502, MCA.

ASSUMPTIONS:

1. The staff of the Identification Bureau, Fire Marshal Bureau and Forensic Science Division will be affected by this bill.
2. Costs associated with billing and accounting can be absorbed in current level funds.
3. Collections for some legislation affecting Highway Patrol Officers in FY86 was \$6,200. It is estimated that no more than a 50% increase in activity will occur.

FISCAL IMPACT:Revenue:

| | <u>FY88</u> | | | <u>FY89</u> | | |
|----------------------|--------------------|---------------------|-------------------|--------------------|---------------------|-------------------|
| | <u>Current Law</u> | <u>Proposed Law</u> | <u>Difference</u> | <u>Current Law</u> | <u>Proposed Law</u> | <u>Difference</u> |
| Miscellaneous Income | \$ 6,200 | \$ 9,200 | \$ 3,000 | \$ 6,200 | \$ 9,200 | \$ 3,000 |

David L. Hunter DATE 1/22/87
 DAVID L. HUNTER, BUDGET DIRECTOR
 Office of Budget and Program Planning

Delwyn Gage DATE 1-23-87
 DELWYN GAGE, PRIMARY SPONSOR
 Fiscal Note for SB164, as introduced

SB 164

1

Senate BILL NO. 164

2

INTRODUCED BY *Deje*

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BY REQUEST OF THE DEPARTMENT OF JUSTICE

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A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING THE DEPARTMENT
6 OF JUSTICE TO BILL A PARTY THAT SUBPOENAS A DEPARTMENT
7 EMPLOYEE SO THAT THE DEPARTMENT WILL BE REIMBURSED FOR THE
8 EMPLOYEE'S TIME SPENT ON THE SUBPOENA; AND REPEALING SECTION
9 44-1-502, MCA."

10

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

12

Section 1. Department of justice employees -- payment
13 of compensation for time spent answering subpoena. A
14 department of justice employee must receive all regular duty
15 pay and benefits for time spent answering a subpoena in a
16 civil or criminal cause when called to testify in connection
17 with the employee's official duties. The department of
18 justice may bill the person or organization requesting
19 issuance of the subpoena for reimbursement for the
20 employee's time.

21

Section 2. Repealer. Section 44-1-502, MCA, is
22 repealed.

-End-

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2 INTRODUCED BY GAGE
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REFERENCE BILL
SB-164

