SENATE BILL NO. 164

INTRODUCED BY GAGE

BY REQUEST OF THE DEPARTMENT OF JUSTICE

IN THE SENATE

	IN THE SENATE
JANUARY 21, 1987	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
FEBRUARY 5, 1987	COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.
FEBRUARY 6, 1987	PRINTING REPORT.
FEBRUARY 9, 1987	SECOND READING, DO PASS.
FEBRUARY 10, 1987	ENGROSSING REPORT.
FEBRUARY 11, 1987	THIRD READING, PASSED. AYES, 44; NOES, 4.
	TRANSMITTED TO HOUSE.
	IN THE HOUSE
FEBRUARY 18, 1987	IN THE HOUSE INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
FEBRUARY 18, 1987 MARCH 23, 1987	INTRODUCED AND REFERRED TO COMMITTEE
	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY. COMMITTEE RECOMMEND BILL BE
MARCH 23, 1987	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY. COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 23, 1987 MARCH 27, 1987	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY. COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED. SECOND READING, CONCURRED IN. THIRD READING, CONCURRED IN.
MARCH 23, 1987 MARCH 27, 1987	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY. COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED. SECOND READING, CONCURRED IN. THIRD READING, CONCURRED IN. AYES, 87; NOES, 4.

SENT TO ENROLLING.

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employee's time.

repealed.

LC 1027/01

Serate BILL NO. 164 1 INTRODUCED BY 2 3 BY REQUEST OF THE DEPARTMENT OF JUSTICE A BILL FOR AN ACT ENTITLED: "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." 9 10 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 12 Section 1. Department of justice employees -- payment of compensation for time spent answering subpoena. A 13 14 department of justice employee must receive all regular duty pay and benefits for time spent answering a subpoena in a 15 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

-End-

Section 2. Repealer. Section 44-1-502,



MCA.

INTRODUCED BILL S8-164

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:

- The staff of the Identification Bureau, Fire Marshal Bureau and Forensic Science Division will be affected 1. by this bill.
- Costs associated with billing and accounting can be absorbed in current level funds. 2.
- 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:		FY88			<u>FY89</u>	
	Current Law	Proposed Law	Difference	Current Law	Proposed Law	Difference
Miscellaneous Income	\$ 6,200	\$ 9,200	\$ 3,000	\$ 6,200	\$ 9,200	\$ 3,000

BUDGET DIRECTOR Office of Budget and Program Planning

Fiscal Note for

DATE

APPROVED BY COMMITTEE

Senate BILL NO. 164 1 2 INTRODUCED BY 3 BY REQUEST OF THE DEPARTMENT OF JUSTICE 4 5 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 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 11 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 civil or criminal cause when called to testify in connection 16 with the employee's official duties. The department of 17 justice may bill the person or organization requesting 18 19 issuance of the subpoena for reimbursement for the employee's time. 20 21 Section 2. Repealer. Section 44-1-502, MCA, 22 repealed.

-End-

Montana Legislative Council

SECOND READING

Seaste BILL NO. 164 1 INTRODUCED BY 2 BY REQUEST OF THE DEPARTMENT OF JUSTICE 3 4 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING THE DEPARTMENT OF JUSTICE TO BILL A PARTY THAT SUBPOENAS A DEPARTMENT 6 EMPLOYEE SO THAT THE DEPARTMENT WILL BE REIMBURSED FOR THE EMPLOYEE'S TIME SPENT ON THE SUBPOENA; AND REPEALING SECTION 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 department of justice employee must receive all regular duty 14 15 pay and benefits for time spent answering a subpoena in a civil or criminal cause when called to testify in connection 16 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. Section 2. Repealer. Section 44-1-502, 21 MCA, 22 repealed.

-End-



50th Legislature SB 0164/02

1	SENATE BILL NO. 164
2	INTRODUCED BY GAGE
3	BY REQUEST OF THE DEPARTMENT OF JUSTICE
4	
5	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-



REFERENCE BILL 58-164