

ASSEMBLY BILL NO. 323—ASSEMBLYMEN WOMACK, SEGERBLOM, MANENDO, ANDERSON, OCEGUERA, BEERS, BOBZIEN, CLABORN, CONKLIN, DENIS, GANSERT, GOICOECHEA, HARDY, HORNE, KIHUEN, KIRKPATRICK, MCCLAIN, MORTENSON, MUNFORD, OHRENSCHALL, PARKS, PARNELL, PIERCE, SETTELMAYER, SMITH AND STEWART

MARCH 15, 2007

JOINT SPONSORS: SENATORS WOODHOUSE, CARE, AMODEI, COFFIN, HECK, HORSFORD, LEE, MCGINNESS, NOLAN, WASHINGTON AND WIENER

Referred to Committee on Judiciary

SUMMARY—Revises the amount paid to witnesses for mileage in traveling to and from a proceeding. (BDR 4-1176)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

CONTAINS UNFUNDED MANDATE (§ 1)
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to witnesses; revising the amount paid to witnesses for mileage in traveling to and from a proceeding; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 This bill revises the amount paid to a witness who attends a proceeding before a
- 2 court or grand jury from 19 cents for each mile necessarily and actually traveled to
- 3 and from his place of residence to the standard mileage reimbursement rate for
- 4 which a deduction is allowed for the purposes of federal income tax for each mile
- 5 so traveled. (NRS 50.225)



* A B 3 2 3 R 1 *

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 50.225 is hereby amended to read as follows:

50.225 1. For attending the courts of this State in any criminal case, or civil suit or proceeding before a court of record, master, commissioner, justice of the peace, or before the grand jury, in obedience to a subpoena, each witness is entitled:

(a) To be paid a fee of \$25 for each day's attendance, including Sundays and holidays.

(b) Except as otherwise provided in this paragraph, to be paid for attending a court of the county in which he resides at the *standard mileage reimbursement* rate ~~of 19 cents a mile~~ *for which a deduction is allowed for the purposes of federal income tax* for each mile necessarily and actually traveled from and returning to the place of residence by the shortest and most practical route. A board of county commissioners may provide that, for each mile so traveled to attend a court of the county in which he resides, each witness is entitled to be paid an amount equal to the allowance for travel by private conveyance provided for state officers and employees generally pursuant to subsection 3 of NRS 281.160. If the board so provides, each witness at any other hearing or proceeding held in that county who is entitled to receive the payment for mileage specified in this paragraph must be paid mileage in an amount equal to the allowance for travel by private conveyance provided for state officers and employees generally pursuant to subsection 3 of NRS 281.160.

2. In addition to the fee and payment for mileage specified in subsection 1, a board of county commissioners may provide that, for each day of attendance in a court of the county in which he resides, each witness is entitled to be paid a per diem allowance in an amount equal to the per diem allowance provided for state officers and employees generally while away from the office and within this State pursuant to subsection 1 of NRS 281.160. If the board so provides, each witness at any other hearing or proceeding held in that county who is a resident of that county and who is entitled to receive the fee specified in paragraph (a) of subsection 1 ~~§~~ must be paid, in addition to that fee, a per diem allowance in an amount equal to the per diem allowance provided in this subsection.

3. If a witness is from without the county ~~§~~ or, being a resident of another state, voluntarily appears as a witness at the request of the Attorney General or the district attorney and the board of county commissioners of the county in which the court is held, he is entitled to reimbursement for the actual and necessary expenses for going to and returning from the place where the court is held. He



1 is also entitled to receive the same allowances for subsistence and
2 lodging as are provided for state officers and employees generally.

3 4. Any person in attendance at a trial who is sworn as a witness
4 is entitled to the fees, the per diem allowance, if any, travel expenses
5 and any other reimbursement set forth in this section, irrespective of
6 the service of a subpoena.

7 5. Witness fees, per diem allowances, travel expenses and other
8 reimbursement in civil cases must be taxed as disbursement costs
9 against the defeated party upon proof by affidavit that they have
10 been actually incurred. Costs must not be allowed for more than two
11 witnesses to the same fact or series of facts, and a party plaintiff or
12 defendant must not be allowed any fees, per diem allowance, travel
13 expenses or other reimbursement for attendance as a witness in his
14 own behalf.

15 6. A person is not obligated to appear in a civil action or
16 proceeding unless he has been paid an amount equal to 1 day's fees,
17 the per diem allowance provided by the board pursuant to
18 subsection 2, if any, and the travel expenses reimbursable pursuant
19 to this section.

20 **Sec. 2.** The provisions of NRS 354.599 do not apply to any
21 additional expenses of a local government that are related to the
22 provisions of this act.

