

Amendment No. 79

Assembly Amendment to Assembly Bill No. 323

(BDR 4-1176)

Proposed by: Assembly Committee on Judiciary**Amends:** Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: No

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	☐	Lost	☐	_____	Adopted	☐	Lost	☐	_____
Concurred In	☐	Not	☐	_____	Concurred In	☐	Not	☐	_____
Receded	☐	Not	☐	_____	Receded	☐	Not	☐	_____

EXPLANATION: Matter in (1) ***blue bold italics*** is new language in the original bill; (2) ***green bold italic underlining*** is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) ***green bold*** is newly added transitory language.

MSN/RBL



Date: 4/4/2007

A.B. No. 323—Revises the amount paid to witnesses for mileage in traveling to and from a proceeding. (BDR 4-1176)



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.

~

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 court or
2 grand jury from 19 cents for each mile necessarily and actually traveled to and from his place
3 of residence to the standard mileage reimbursement rate for which a deduction is allowed for
4 the purposes of federal income tax for each mile so traveled. (NRS 50.225)

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

1 **Section 1.** NRS 50.225 is hereby amended to read as follows:
2 50.225 1. For attending the courts of this State in any criminal case, or civil
3 suit or proceeding before a court of record, master, commissioner, justice of the
4 peace, or before the grand jury, in obedience to a subpoena, each witness is entitled:
5 (a) To be paid a fee of \$25 for each day's attendance, including Sundays and
6 holidays.
7 (b) Except as otherwise provided in this paragraph, to be paid for attending a
8 court of the county in which he resides at the **standard mileage reimbursement** rate
9 ~~of 19 cents a mile~~ **for which a deduction is allowed for the purposes of federal**

1 **income tax** for each mile necessarily and actually traveled from and returning to the
2 place of residence by the shortest and most practical route. A board of county
3 commissioners may provide that, for each mile so traveled to attend a court of the
4 county in which he resides, each witness is entitled to be paid an amount equal to
5 the allowance for travel by private conveyance provided for state officers and
6 employees generally pursuant to subsection 3 of NRS 281.160. If the board so
7 provides, each witness at any other hearing or proceeding held in that county who is
8 entitled to receive the payment for mileage specified in this paragraph must be paid
9 mileage in an amount equal to the allowance for travel by private conveyance
10 provided for state officers and employees generally pursuant to subsection 3 of
11 NRS 281.160.

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

22 3. If a witness is from without the county **H** or, being a resident of another
23 state, voluntarily appears as a witness at the request of the Attorney General or the
24 district attorney and the board of county commissioners of the county in which the
25 court is held, he is entitled to reimbursement for the actual and necessary expenses
26 for going to and returning from the place where the court is held. He is also entitled
27 to receive the same allowances for subsistence and lodging as are provided for state
28 officers and employees generally.

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

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

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

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