

HOUSE BILL NO. 125

INTRODUCED BY PECK, SPAETH, MILES, ERNST, LORY

IN THE HOUSE

January 9, 1985	Introduced and referred to Committee on Local Government.
January 18, 1985	Committee recommend bill do pass. Report adopted. Bill printed and placed on members' desks.
January 19, 1985	Second reading, pass consideration.
January 22, 1985	Second reading, do pass. Considered correctly engrossed.
January 23, 1985	Third reading, passed. Transmitted to Senate.

IN THE SENATE

January 24, 1985	Introduced and referred to Committee on Local Government.
March 6, 1985	Committee recommend bill be concurrent in. Report adopted.
March 7, 1985	Second reading, concurred in.
March 9, 1985	Third reading, concurred in. Ayes, 47; Noes, 0 Returned to House.

IN THE HOUSE

March 11, 1985

Received from Senate.

Sent to enrolling.

Reported correctly enrolled.

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2 INTRODUCED BY Rock Sproull, Mike Cook, Jay

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THAT WITNESS
5 AND JUROR FEES BE PAID FROM A COUNTY'S DISTRICT COURT FUND
6 IF THE COUNTY HAS SUCH A FUND; AMENDING SECTIONS 3-5-511,
7 3-15-204, 3-15-205, AND 46-11-319, MCA; AND PROVIDING AN
8 EFFECTIVE DATE."

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

11 Section 1. Section 3-5-511, MCA, is amended to read:
12 "3-5-511. Procedure in reference to witnesses'
13 warrants. (1) The witnesses in criminal actions must report
14 their presence to the clerk the first day they attend under
15 the subpoena.

16 (2) At the time any witness is excused from further
17 attendance, the clerk must give to the witness a warrant
18 taken from a book containing a carbon copy of the same,
19 signed by the clerk, in which must be stated the name of the
20 witness, the number of days in attendance, the number of
21 miles traveled, and the amount due.

22 (3) On presentation of such warrant to the county
23 treasurer, the amount specified in the warrant must be paid
24 out of the general fund unless the county has a district
25 court fund. If the county has a district court fund, the

1 amount must be paid out of such fund."

2 Section 2. Section 3-15-204, MCA, is amended to read:
3 "3-15-204. Duties of clerk as to jurors. (1) The clerk
4 must keep a record of the attendance of jurors and compute
5 the amount due for mileage. The distance from any point to
6 the county seat must be determined by the shortest traveled
7 route.

8 (2) The clerk must give to each juror, at the time he
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17 amount must be paid out of such fund.

18 (4) The clerk must make a detailed statement
19 containing a list of the jurors and the amount of fees and
20 mileage earned by each and file the same with the clerk of
21 the board of county commissioners on the first day of every
22 regular meeting of the board. No quarterly salary must be
23 paid the clerk until such statement is filed. The board must
24 examine such statement and see that it is correct."

25 Section 3. Section 3-15-205, MCA, is amended to read:



1 "3-15-205. Costs of impaneling jury after settlement
 2 reached. In any civil action before a court of record in
 3 which the parties substantially agree to a settlement of the
 4 issues prior to impanelment of the jury and either settle
 5 the action or stipulate to a continuance, and fail or refuse
 6 to inform the court or clerk of court of such settlement or
 7 request a continuance and a jury is impaneled, the court
 8 may, upon hearing, assess the reasonable public expenses of
 9 impaneling the jury, including jury fees and mileage
 10 expenses paid or owing under 3-15-201 and such other costs
 11 as may have been incurred by the court, against any party.
 12 Costs collected under this section shall be deposited in the
 13 county general fund unless the county has a district court
 14 fund. If the county has a district court fund, the costs
 15 must be deposited in such fund."

16 Section 4. Section 46-11-319, MCA, is amended to read:

17 "46-11-319. Expenses of grand jury. (1) All expenses
 18 of the grand jury, including special counsel and
 19 investigators, if any, shall be paid by the treasurer of the
 20 county out of the general fund of the county, except as
 21 provided in subsection (2), upon warrants drawn by the
 22 county auditor or the clerk of the district court upon the
 23 written order of the judge of the district court of the
 24 county.

25 (2) If a county has a district court fund, all

1 expenses of a grand jury must be paid out of such fund."

2 NEW SECTION. Section 5. Effective date. This act is
 3 effective July 1, 1985.

-End-

APPROVED BY COMM.
ON LOCAL GOVERNMENT

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