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 concurred 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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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

treasurer, the amount specified in the warrant must be paid

out of the general fund unless the county has a district

court fund. If the county has a district court fund, the

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

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

LC 0687/01

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

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

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

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NEW SECTION. Section 5. Effective date. This act is

3 effective July 1, 1985.

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APPROVED BY COMM. ON LOCAL GOVERNMENT

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Section 2. Section 3-15-204, MCA, is amended to read:
"3-15-204. Duties of clerk as to jurors. (1) The clerk
must keep a record of the attendance of jurors and compute
the amount due for mileage. The distance from any point to
the county seat must be determined by the shortest traveled
route.
(2) The clerk must give to each juror, at the time he
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(4) The clerk must make a detailed statement
containing a list of the jurors and the amount of fees and
mileage earned by each and file the same with the clerk of
the board of county commissioners on the first day of every
regular meeting of the board. No quarterly salary must be
paid the clerk until such statement is filed. The board must

examine such statement and see that it is correct."

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

SECOND READING

HB125

amount must be paid out of such fund."

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

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Section 4. Section 46-11-319, MCA, is amended to read: "46-11-319. Expenses of grand jury. (1) All expenses of the grand jury, including special counsel and investigators, if any, shall be paid by the treasurer of the county out of the general fund of the county, except as provided in subsection (2), upon warrants drawn by the county auditor or the clerk of the district court upon the written order of the judge of the district court of the county.

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

- 1 expenses of a grand jury must be paid out of such fund."
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- (4) The clerk must make a detailed statement containing a list of the jurors and the amount of fees and mileage earned by each and file the same with the clerk of 21 the board of county commissioners on the first day of every regular meeting of the board. No quarterly salary must be paid the clerk until such statement is filed. The board must examine such statement and see that it is correct."
- Section 3. Section 3-15-205, MCA, is amended to read: 25



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

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

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- 2 NEW SECTION. Section 5. Effective date. This act is
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(2) If a county has a district court fund, all

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