

Senate Bill 40

In The Senate

January 5, 1981	Introduced and referred to Committee on Judiciary.
January 6, 1981	Fiscal note requested.
January 9, 1981	Fiscal note returned.
January 15, 1981	Committee recommend bill do not pass.

1 SENATE BILL NO. 40
2 INTRODUCED BY HAFFERMAN

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE PLAINTIFFS
5 WHO RESIDE OUTSIDE OF MONTANA TO BEAR JURORS' COSTS WITHOUT
6 RECOVERY IN ACTIONS WHICH COULD HAVE BEEN PURSUED OUTSIDE
7 MONTANA; AMENDING SECTION 3-15-203, MCA."

8
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 NEW SECTION. Section 1. Fees when choice of forum
11 controlled by nonresident. (1) The clerk of court shall
12 collect, in addition to the usual costs, the following
13 jurors' fees in an action filed by a plaintiff residing
14 outside of Montana if the action arose outside of Montana
15 and the defendant could have been served with process in the
16 state of the plaintiff's residence:

17 (a) the costs of summoning and impaneling jurors,
18 including:

- 19 (i) per diem and mileage of prospective jurors;
- 20 (ii) per diem and mileage of impaneled jurors; and

21 (b) incidental expenses such as state or county paid
22 costs of sequestering and feeding the jurors and the
23 bailiff.

24 (2) The costs enumerated in subsection (1) are not
25 recoverable by such a plaintiff against any opposing party.

1 Section 2. Section 3-15-203, MCA, is amended to read:
2 "3-15-203. Fees in courts not of record and coroner's
3 inquests. (1) Jurors in courts not of record, in both civil
4 and criminal actions, shall receive a fee of \$12 per day. ~~In~~
5 Except as provided in [section 1], civil actions, the
6 jurors' fees must be paid by the party demanding the jury
7 and taxed as costs against the losing party.
8 (2) Jurors in coroner's inquests shall receive a fee of
9 \$7.50 per day."

-End-

STATE OF MONTANA

REQUEST NO. 12-81

FISCAL NOTE

Form BD-15

In compliance with a written request received JANUARY 7, 19 81, there is hereby submitted a Fiscal Note for SENATE BILL 40 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA).

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

House Bill 40 is an act to require plaintiffs who reside outside of Montana to bear jurors' costs without recovery in actions which could have been pursued outside Montana.

ASSUMPTIONS:

The number of civil actions fitting the description above does not change substantially in future years.

LOCAL IMPACT:

Based on a telephone survey of several county clerks of court the savings for counties statewide should be estimated at approximately \$5,000 per year.

LONG RANGE EFFECTS:

The savings could be expected to continue each year.

Lyle Manley, for
BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 1/9/81