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Senate BILL NO. *414*
Edwards

INTRODUCED BY _____

A BILL FOR AN ACT ENTITLED: "AN ACT TO INCREASE THE FEES IN JUSTICE'S COURT IN CIVIL ACTIONS FROM \$3.50 TO \$5; AMENDING SECTION 25-301, R.C.M. 1947."

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

Section 1. Section 25-301, R.C.M. 1947, is amended to read as follows:

"25-301. Justice ~~Justice's~~ court fees in civil actions. The following is the schedule of fees which shall be paid in every civil action in a justice ~~justice's~~ court:

(1) ~~Three--dollars--and--fifty--cents--(\$3.50)~~ \$5 when complaint is filed, to be paid by the plaintiff;

(2) ~~Three--dollars--and--fifty--cents--(\$3.50)~~ \$5 when the defendant appears, to be paid by the defendant;

(3) ~~Three--dollars--and--fifty--cents--(\$3.50)~~ \$5 to be paid by the prevailing party when judgment is rendered. In cases where judgment is entered by default, no charge except the ~~three--dollars--and--fifty--cents--(\$3.50)~~ \$5 for the filing of the complaint shall be made for any services, including issuing and return of execution.

(4) ~~Three--dollars--and--fifty--cents--(\$3.50)~~ \$5 for all services in an action where judgment is rendered by

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confession;
(5) ~~Three--dollars--and--fifty--cents--(\$3.50)~~ \$5 for filing notice of appeal and transcript on appeal, justifying and approving undertaking on appeal, and transmitting papers to the district court with certificate."

-End-

INTRODUCED BILL

SB414

STATE OF MONTANA

REQUEST NO. 412-77

FISCAL NOTE

Form BD-15

In compliance with a written request received February 9, 19 77, there is hereby submitted a Fiscal Note for Senate Bill 414 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly.

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:

Senate Bill 414 increases the fees in Justice's Court in civil actions from \$3.50 to \$5.00.

ASSUMPTIONS:

1. Civil action cases amount to approximately 15% of the total cases handled in Montana Justice's Court.
2. It is assumed that the number of civil action cases in Justice's Court will remain constant over the biennium.

REVENUE IMPACT - LOCAL:

	<u>FY 78</u>	<u>FY 79</u>
Court fees collected under proposed law	\$80,403	\$80,403
Court fees collected under current law	<u>56,226</u>	<u>56,226</u>
Increase in court fee collections*	<u>\$24,177</u>	<u>\$24,177</u>

*This will represent an increase in revenue in the county general fund.

Richard L. Drang
BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 2-16-77

Approved by Committee
on Judiciary

1 Senate BILL NO. 414
2 INTRODUCED BY Rehark

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12 actions. The following is the schedule of fees which shall
13 be paid in every civil action in a justice ~~justice's~~ court:

14 ~~(1) Three-dollars-and-fifty-cents-(\$3.50) \$5~~ when
15 complaint is filed, to be paid by the plaintiff;

16 ~~(2) Three-dollars-and-fifty-cents-(\$3.50) \$5~~ when the
17 defendant appears, to be paid by the defendant;

18 ~~(3) Three-dollars-and-fifty-cents-(\$3.50) \$5 to be~~
19 paid by the prevailing party when judgment is rendered. In
20 cases where judgment is entered by default, no charge except
21 the ~~three-dollars-and-fifty-cents-(\$3.50) \$5~~ for the filing
22 of the complaint shall be made for any services, including
23 issuing and return of execution.

24 ~~(4) Three-dollars-and-fifty-cents-(\$3.50) \$5~~ for all
25 services in an action where judgment is rendered by

1 confession;
2 ~~(5) Three-dollars-and-fifty-cents-(\$3.50) \$5~~ for
3 filing notice of appeal and transcript on appeal, justifying
4 and approving undertaking on appeal, and transmitting papers
5 to the district court with certificate."

-End-

SB414

1 SENATE BILL NO. 414
2 INTRODUCED BY ROBERTS

3
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5 JUSTICE'S COURT IN CIVIL ACTIONS FROM \$3.50 TO \$5; AMENDING
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2 (3) ~~Three dollars and fifty cents (\$3.50)~~ \$5 for
3 filing notice of appeal and transcript on appeal, justifying
4 and approving undertaking on appeal, and transmitting papers
5 to the district court with certificate."

-End-