

HOUSE BILL 559

IN THE HOUSE

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| February 3, 1979 | Introduced and referred to Committee on Local Government. |
| February 19, 1979 | Committee recommend bill, do not pass. |
| February 20, 1979 | Report adopted. Objection. |
| February 23, 1979 | Second reading, as amended. Correctly engrossed. Third reading, passed. |

IN THE SENATE

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| February 23, 1979 | Introduced and referred to Committee on Local Government. |
| March 6, 1979 | Committee recommend bill, concurred. |
| March 8, 1979 | On motion taken from second reading and rereferred to Committee on Judiciary. |
| March 14, 1979 | Committee recommend, not concurred. |

IN THE HOUSE

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| March 15, 1979 | Returned from Senate, not concurred. |
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1 *HOUSE* BILL NO. *559*
 2 INTRODUCED BY *Greg Shick* *Richard Manning*
 3 *Dozier* *Scott* *Leun*

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO INCREASE FROM \$2 TO
 5 \$4 THE FEE A SHERIFF MAY CHARGE FOR SERVICE OF SUMMONS AND
 6 COMPLAINT ON EACH DEFENDANT; TO PROVIDE THAT 25% OF SUCH
 7 FEES COLLECTED SHALL BE USED TO PAY THE SHERIFF'S ANNUAL
 8 DUES IN THE SHERIFFS' AND PEACE OFFICERS' ASSOCIATION AND
 9 THE REMAINING 75% OF SUCH FEES SHALL BE CREDITED TO THE
 10 COUNTY'S GENERAL FUND; AMENDING SECTION 7-32-2141, MCA."

11
 12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

13 Section 1. Section 7-32-2141, MCA, is amended to read:
 14 "7-32-2141. Fees of the sheriff. The sheriff shall
 15 receive the following fees:

- 16 (1) for the service of summons and complaint on each
 17 defendant, \$2 ~~15~~;
- 18 (2) for levying and serving each writ of attachment of
 19 execution on real or personal property, \$2;
- 20 (3) for service of attachment on the body or order of
 21 arrest on each defendant, \$2;
- 22 (4) for the service of affidavit, order, and
 23 undertaking in claim and delivery, \$2;
- 24 (5) for serving a subpoena, \$1 for each witness
 25 summoned;

- 1 (6) for serving writ of possession or restitution, \$4;
- 2 (7) for trial of the right of property or damages,
 3 including all services except mileage, \$5;
- 4 (8) for taking bond or undertaking in any case
 5 authorized by law, \$2;
- 6 (9) for serving every notice, rule, or order, \$2 for
 7 each person served;
- 8 (10) for copy of any writ, process, or other paper when
 9 demanded or required by law, 25 cents for each page;
- 10 (11) for advertising any property for sale on execution
 11 or under any judgment or order of sale, exclusive of cost of
 12 publication, \$2."
- 13 NEW SECTION. Section 2. Disposition of fee.
 14 Twenty-five percent of the fees collected for the service of
 15 summons and complaint shall be paid to the county treasurer
 16 to be credited to the sheriff's account and shall be used to
 17 pay the sheriff's annual dues to the sheriffs' and peace
 18 officers' association. Any excess funds shall be credited to
 19 the general fund. Seventy-five percent of the fees collected
 20 shall be paid to the county treasurer to be credited to the
 21 general fund of the county.

-End-

-2- *HB 559*
 INTRODUCED BILL

HOUSE BILL NO. 559

INTRODUCED BY JOHNSTON, PAVLOVICH,

MANNING, DOZIER, BAETH, LIEN

A BILL FOR AN ACT ENTITLED: "AN ACT TO INCREASE FROM \$2 TO \$4 THE FEE A SHERIFF MAY CHARGE FOR SERVICE OF SUMMONS AND COMPLAINT ON EACH DEFENDANT; TO PROVIDE THAT UP TO 25% OF SUCH FEES COLLECTED SHALL BE USED TO PAY THE SHERIFF'S ANNUAL DUES IN THE SHERIFFS' AND PEACE OFFICERS' ASSOCIATION AND THE REMAINING 75% OF SUCH FEES SHALL BE CREDITED TO THE COUNTY'S GENERAL FUND; AMENDING SECTION 7-32-2141, MCA."

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

Section 1. Section 7-32-2141, MCA, is amended to read:

"7-32-2141. Fees of the sheriff. The sheriff shall receive the following fees:

- (1) for the service of summons and complaint on each defendant, \$2.50;
(2) for levying and serving each writ of attachment of execution on real or personal property, \$2;
(3) for service of attachment on the body or order of arrest on each defendant, \$2;
(4) for the service of affidavit, orders, and undertaking in claim and delivery, \$2;
(5) for serving a subpoena, \$1 for each witness

summoned;

(6) for serving writ of possession or restitution, \$4;

(7) for trial of the right of property or damages,

including all services except mileage, \$5;

(8) for taking bond or undertaking in any case authorized by law, \$2;

(9) for serving every notice, rule, or order, \$2 for each person served;

(10) for copy of any writ, process, or other paper when demanded or required by law, 25 cents for each page;

(11) for advertising any property for sale on execution or under any judgment or order of sale, exclusive of cost of publication, \$2."

NEW SECTION. Section 2. Disposition of fee.

Twenty-five percent of the fees collected for the service of summons and complaint shall be paid to the county treasurer,

AND THE BOARD OF COUNTY COMMISSIONERS SHALL APPROPRIATE UP TO AND INCLUDING 25% OF THE FEES

to be credited to the sheriff's account and shall be used to pay the sheriff's annual dues to the sheriffs' and peace officers' association.

Any excess funds shall be credited to the general fund. Seventy-five percent of the fees collected shall be paid to the county treasurer to be credited to the general fund of the county.

shall be paid to the county treasurer to be credited to the general fund of the county.

-End-