

HOUSE BILL NO. 107
INTRODUCED BY SPAETH

IN THE HOUSE

JANUARY 9, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
JANUARY 10, 1989	FIRST READING.
JANUARY 19, 1989	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
JANUARY 20, 1989	PRINTING REPORT.
JANUARY 21, 1989	SECOND READING, DO PASS.
JANUARY 23, 1989	ENGROSSING REPORT.
JANUARY 24, 1989	THIRD READING, PASSED. AYES, 84; NOES, 14.
	TRANSMITTED TO SENATE.

IN THE SENATE

JANUARY 25, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
FEBRUARY 6, 1989	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
FEBRUARY 10, 1989	SECOND READING, CONCURRED IN.
FEBRUARY 13, 1989	THIRD READING, CONCURRED IN. AYES, 45; NOES, 5.
	RETURNED TO HOUSE.

FEBRUARY 14, 1989

IN THE HOUSE

RECEIVED FROM SENATE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 HOUSE BILL NO. 107
2 INTRODUCED BY Spaulth
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO RAISE JUSTICE'S
5 COURT FILING FEES; AND AMENDING SECTIONS 25-31-112 AND
6 25-35-608, MCA."

7
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9 **Section 1.** Section 25-31-112, MCA, is amended to read:
10 "25-31-112. Fees. The following is the schedule of
11 fees which, except as provided in 25-35-605, shall be paid
12 in every civil action in a justice's court:

13 (1) ~~\$10~~ \$25 when complaint is filed, to be paid by the
14 plaintiff;

15 (2) \$10 when the defendant appears, to be paid by the
16 defendant;

17 (3) \$10 to be paid by the prevailing party when
18 judgment is rendered. In cases where judgment is entered by
19 default, no charge except the ~~\$10~~ \$25 for the filing of the
20 complaint shall be made for any services, including issuing
21 and return of execution.

22 (4) \$10 for all services in an action where judgment
23 is rendered by confession;

24 (5) \$10 for filing notice of appeal and transcript on
25 appeal, justifying and approving undertaking on appeal, and

1 transmitting papers to the district court with certificate."

2 **Section 2.** Section 25-35-608, MCA, is amended to read:

3 "25-35-608. Fees. (1) The clerk of the justice's court
4 shall collect a fee of \$5:

5 (a) \$15 from the plaintiff upon the filing of the
6 sworn complaint; and

7 (b) \$5 from the defendant upon his appearance and
8 contesting of the complaint or execution of a counterclaim.

9 (2) The laws relating to paupers' affidavits apply to
10 actions before the small claims court."

-End-

APPROVED BY COMMITTEE
ON JUDICIARY

HOUSE BILL NO. 107

INTRODUCED BY SPAETH

A BILL FOR AN ACT ENTITLED: "AN ACT TO RAISE JUSTICE'S
COURT FILING FEES; AND AMENDING SECTIONS 25-31-112 AND
25-35-608, MCA."

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

Section 1. Section 25-31-112, MCA, is amended to read:

"25-31-112. **Fees.** The following is the schedule of
fees which, except as provided in 25-35-605, shall be paid
in every civil action in a justice's court:

(1) ~~\$10~~ \$25 when complaint is filed, to be paid by the
plaintiff;

(2) \$10 when the defendant appears, to be paid by the
defendant;

(3) \$10 to be paid by the prevailing party when
judgment is rendered. In cases where judgment is entered by
default, no charge except the ~~\$10~~ \$25 for the filing of the
complaint shall be made for any services, including issuing
and return of execution.

(4) \$10 for all services in an action where judgment
is rendered by confession;

(5) \$10 for filing notice of appeal and transcript on
appeal, justifying and approving undertaking on appeal, and

transmitting papers to the district court with certificate."

Section 2. Section 25-35-608, MCA, is amended to read:

"25-35-608. **Fees.** (1) The clerk of the justice's court
shall collect a fee of \$5:

(a) ~~\$15~~ \$10 from the plaintiff upon the filing of the
sworn complaint; and

(b) \$5 from the defendant upon his appearance and
contesting of the complaint or execution of a counterclaim.

(2) The laws relating to paupers' affidavits apply to
actions before the small claims court."

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB107, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An act to raise Justice Court filing fees; and amending Sections 25-31-112 and 25-35-608, MCA.

ASSUMPTIONS:

The filing fee increase is for civil cases only.

FISCAL IMPACT:

Records are unavailable to determine whether a civil case is filed by the plaintiff, the defendant or what party is considered the prevailing party. The defining of civil cases as to criminal cases is also available.

Ray Shackleford

11/16/89

RAY SHACKLEFORD, BUDGET DIRECTOR
OFFICE OF BUDGET AND PROGRAM PLANNING

DATE

GARY L. SPAETH, PRIMARY SPONSOR

DATE

Fiscal Note for HB107, as introduced

HB 107

HOUSE BILL NO. 107

INTRODUCED BY SPAETH

A BILL FOR AN ACT ENTITLED: "AN ACT TO RAISE JUSTICE'S COURT FILING FEES; AND AMENDING SECTIONS 25-31-112 AND 25-35-608, MCA."

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

Section 1. Section 25-31-112, MCA, is amended to read:

"25-31-112. **Fees.** The following is the schedule of fees which, except as provided in 25-35-605, shall be paid in every civil action in a justice's court:

(1) ~~\$10~~ \$25 when complaint is filed, to be paid by the plaintiff;

(2) \$10 when the defendant appears, to be paid by the defendant;

(3) \$10 to be paid by the prevailing party when judgment is rendered. In cases where judgment is entered by default, no charge except the ~~\$10~~ \$25 for the filing of the complaint shall be made for any services, including issuing and return of execution.

(4) \$10 for all services in an action where judgment is rendered by confession;

(5) \$10 for filing notice of appeal and transcript on appeal, justifying and approving undertaking on appeal, and

transmitting papers to the district court with certificate."

Section 2. Section 25-35-608, MCA, is amended to read:

"25-35-608. **Fees.** (1) The clerk of the justice's court shall collect a fee of \$5:

(a) ~~\$15~~ \$10 from the plaintiff upon the filing of the sworn complaint; and

(b) \$5 from the defendant upon his appearance and contesting of the complaint or execution of a counterclaim.

(2) The laws relating to paupers' affidavits apply to actions before the small claims court."

-End-

HOUSE BILL NO. 107

INTRODUCED BY SPAETH

A BILL FOR AN ACT ENTITLED: "AN ACT TO RAISE JUSTICE'S COURT FILING FEES; AND AMENDING SECTIONS 25-31-112 AND 25-35-608, MCA."

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

Section 1. Section 25-31-112, MCA, is amended to read:

"25-31-112. Fees. The following is the schedule of fees which, except as provided in 25-35-605, shall be paid in every civil action in a justice's court:

(1) ~~\$10~~ \$25 when complaint is filed, to be paid by the plaintiff;

(2) \$10 when the defendant appears, to be paid by the defendant;

(3) \$10 to be paid by the prevailing party when judgment is rendered. In cases where judgment is entered by default, no charge except the ~~\$10~~ \$25 for the filing of the complaint shall be made for any services, including issuing and return of execution.

(4) \$10 for all services in an action where judgment is rendered by confession;

(5) \$10 for filing notice of appeal and transcript on appeal, justifying and approving undertaking on appeal, and

transmitting papers to the district court with certificate."

Section 2. Section 25-35-608, MCA, is amended to read:

"25-35-608. Fees. (1) The clerk of the justice's court shall collect a fee of \$5:

(a) ~~\$15~~ \$10 from the plaintiff upon the filing of the sworn complaint; and

(b) \$5 from the defendant upon his appearance and contesting of the complaint or execution of a counterclaim.

(2) The laws relating to paupers' affidavits apply to actions before the small claims court."

-End-