

SENATE BILL NO. 68
INTRODUCED BY RASMUSSEN

IN THE SENATE

JANUARY 5, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON LOCAL GOVERNMENT.
	FIRST READING.
JANUARY 11, 1989	COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.
JANUARY 12, 1989	PRINTING REPORT.
JANUARY 13, 1989	SECOND READING, DO PASS.
JANUARY 14, 1989	ENGROSSING REPORT.
JANUARY 16, 1989	THIRD READING, PASSED. AYES, 32; NOES, 16.
	TRANSMITTED TO HOUSE.

IN THE HOUSE

JANUARY 16, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
FEBRUARY 20, 1989	FIRST READING.
MARCH 15, 1989	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 17, 1989	SECOND READING, CONCURRED IN.
MARCH 18, 1989	THIRD READING, CONCURRED IN. AYES, 92; NOES, 0.
	RETURNED TO SENATE.

MARCH 20, 1989

IN THE SENATE

RECEIVED FROM HOUSE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 State BILL NO. 68
2 INTRODUCED BY Rasmussen
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO AUTHORIZE COUNTIES
5 TO SET FEES OF THE SHERIFF FOR SERVICES IN CIVIL CASES;
6 AMENDING SECTION 7-32-2141, MCA; AND PROVIDING AN IMMEDIATE
7 EFFECTIVE DATE."

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

10 **Section 1. Fees of sheriff to be fixed by resolution.**

11 (1) The county governing body may annually, by resolution,
12 fix the fees of the sheriff for services provided in
13 7-32-2141.

14 (2) Fees set under subsection (1) must be based upon
15 the prevailing rate charged by private process servers in
16 the county for similar services.

17 (3) Fees collected under this section must be paid and
18 credited as provided in 7-32-2141.

19 **Section 2. Section 7-32-2141, MCA, is amended to read:**

20 "7-32-2141. Fees of the sheriff. (1) The For the
21 services provided in subsections (1)(a) through (1)(n), the
22 sheriff shall receive the following fees, if any, set by the
23 county governing body. If no fees have been set by the
24 county governing body, the sheriff shall receive the
25 following:

1 (a) for the service of summons and complaint on each
2 defendant, \$5;

3 (b) for making a return of a summons for a person not
4 found in the county, in addition to actual mileage traveled,
5 \$5;

6 (c) for levying and serving each writ of attachment of
7 execution on real or personal property, \$5;

8 (d) for service of attachment on the body or order of
9 arrest on each defendant, \$5;

10 (e) for the service of affidavit, order, and
11 undertaking in claim and delivery, \$5;

12 (f) for serving a subpoena, \$2.50 for each witness
13 summoned;

14 (g) for serving writ of possession or restitution, \$5;

15 (h) for trial of the right of property or damages,
16 including all services except mileage, \$7;

17 (i) for taking bond or undertaking in any case
18 authorized by law, \$5;

19 (j) for serving every notice, rule, or order, \$5 for
20 each person served;

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

23 (l) for posting notices and advertising any property
24 for sale on execution or under any judgment or order of
25 sale, exclusive of cost of publication, \$5;

1 (m) for holding any sheriff's sale for personal or
2 real property on execution or under any judgment or order of
3 sale, \$7.50;

4 (n) for cancellation or postponement of sheriff's
5 sale, \$5.

6 (2) All fees collected by the sheriff for the services
7 provided in subsection (1) must be paid to the county
8 treasurer as provided in subsection (1) of 7-4-2511 and the
9 fees must be credited by the county treasurer to the
10 sheriff's budget."

11 **Section 3. Codification instruction.** [Section 1] is
12 intended to be codified as an integral part of Title 7,
13 chapter 4, part 25, and the provisions of Title 7, chapter
14 4, part 25, apply to [section 1].

15 **Section 4. Effective date.** [This act] is effective on
16 passage and approval.

-End-

APPROVED BY COMM.
ON LOCAL GOVERNMENT

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2 defendant, \$5;

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4 found in the county, in addition to actual mileage traveled,
5 \$5;

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7 execution on real or personal property, \$5;

8 (d) for service of attachment on the body or order of
9 arrest on each defendant, \$5;

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13 summoned;

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20 each person served;

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23 (1) for posting notices and advertising any property
24 for sale on execution or under any judgment or order of
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1 (m) for holding any sheriff's sale for personal or
2 real property on execution or under any judgment or order of
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6 (2) All fees collected by the sheriff for the services
7 provided in subsection (1) must be paid to the county
8 treasurer as provided in subsection (1) of 7-4-2511 and the
9 fees must be credited by the county treasurer to the
10 sheriff's budget."

11 **Section 3. Codification instruction.** [Section 1] is
12 intended to be codified as an integral part of Title 7,
13 chapter 4, part 25, and the provisions of Title 7, chapter
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18 credited as provided in 7-32-2141.

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21 **services provided in subsections (1)(a) through (1)(n), the**
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23 **county governing body. If no fees have been set by the**
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(m) for holding any sheriff's sale for personal or real property on execution or under any judgment or order of sale, \$7.50;

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(2) All fees collected by the sheriff for the services provided in subsection (1) must be paid to the county treasurer as provided in subsection (1) of 7-4-2511 and the fees must be credited by the county treasurer to the sheriff's budget."

Section 3. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 7, chapter 4, part 25, and the provisions of Title 7, chapter 4, part 25, apply to [section 1].

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(2) Fees set under subsection (1) must be based upon the prevailing rate charged by private process servers in the county for similar services.

(3) Fees collected under this section must be paid and credited as provided in 7-32-2141.

Section 2. Section 7-32-2141, MCA, is amended to read:

"7-32-2141. Fees of the sheriff. (1) The For the services provided in subsections (1)(a) through (1)(n), the sheriff shall receive the following fees, if any, set by the county governing body. If no fees have been set by the county governing body, the sheriff shall receive the following:

(a) for the service of summons and complaint on each defendant, \$5;

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