

SENATE BILL NO. 222

INTRODUCED BY

Cole

Nestle Moll

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE COUNTY TREASURER TO DEPOSIT CERTAIN FEES COLLECTED BY THE SHERIFF IN THE COUNTY GENERAL FUND UNLESS THE COUNTY HAS INSTITUTED A PUBLIC SAFETY LEVY IN WHICH CASE THE FEES MUST BE DEPOSITED IN THE ACCOUNT ESTABLISHED TO FUND PUBLIC SAFETY SERVICES; AMENDING SECTIONS 7-6-2513 AND 7-32-2141, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

**Section 1.** Section 7-6-2513, MCA, is amended to read:

**"7-6-2513. County public safety levy -- purpose.** The board of county commissioners may, annually at the time of levying county taxes, fix and levy a tax on all property within the county for the purpose of providing for the public safety of citizens. The tax must be used to support county law enforcement services and to maintain county detention centers. Money received from the tax must be placed in a special account to be used for the purposes of this section."

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

**"7-32-2141. Fees of the sheriff.** (1) For the services provided in subsections (1)(a) through (1)(n), the sheriff shall receive the fees, if any, set by the county governing body. If ~~no~~ fees have not 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;

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

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

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

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

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

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

- 1 (h) for trial of the right of property or damages, including all services except mileage, \$7;
- 2 (i) for taking bond or undertaking in any case authorized by law, \$5;
- 3 (j) for serving every notice, rule, or order, \$5 for each person served;
- 4 (k) for a copy of any writ, process, or other paper when demanded or required by law, 25 cents
- 5 for each page;
- 6 (l) for posting notices and advertising any property for sale on execution or under any judgment
- 7 or order of sale, exclusive of cost of publication, \$5;
- 8 (m) for holding any sheriff's sale for personal or real property on execution or under any judgment
- 9 or order of sale, \$7.50;
- 10 (n) for cancellation or postponement of sheriff's sale, \$5.
- 11 (2) All fees collected by the sheriff for the services provided in subsection (1) must be paid to the
- 12 county treasurer as provided in ~~subsection (1) of 7-4-2511(1)~~, and the fees must be ~~credited~~ deposited by
- 13 the county treasurer ~~to the sheriff's budget~~ in the general fund of the county unless the county has
- 14 instituted a public service levy in which case the fees must be deposited in the account established
- 15 pursuant to 7-6-2513."

16

17 **NEW SECTION. Section 3. Effective date.** [This act] is effective on passage and approval.

18

-END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for SB0222, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

An act requiring the county treasurer to deposit certain fees collected by the sheriff in the county general fund unless the county has instituted a public safety levy in which case the fees must be deposited in the account established to fund public safety services; and providing an immediate effective date.

FISCAL IMPACT:

There would be no fiscal impact to the state.

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

There would be no net fiscal impact to counties.

Dave Lewis 1-28-95  
DAVE LEWIS, BUDGET DIRECTOR      DATE  
Office of Budget and Program Planning

Mack Cole  
MACK COLE, PRIMARY SPONSOR      DATE

Fiscal Note for SB0222, as introduced

**SB 222**

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