

1 SENATE BILL NO. 261

2 INTRODUCED BY S. FITZPATRICK

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4 A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING THE MONETARY THRESHOLD FOR
5 JURISDICTION IN JUSTICE COURT; AND AMENDING SECTIONS 3-10-301 AND 75-7-123, MCA."

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

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9 **Section 1.** Section 3-10-301, MCA, is amended to read:10 **"3-10-301. Civil jurisdiction.** (1) Except as provided in 3-11-103 and in subsection (2) of this section,
11 the justices' courts have jurisdiction:12 (a) in actions arising on contract for the recovery of money only if the sum claimed does not exceed
13 ~~\$12,000~~ \$15,000, exclusive of court costs and attorney fees;14 (b) in actions for damages not exceeding ~~\$12,000~~ \$15,000, exclusive of court costs and attorney fees,
15 for taking, detaining, or injuring personal property or for injury to real property when no issue is raised by the
16 verified answer of the defendant involving the title to or possession of the real property;17 (c) in actions for damages not exceeding ~~\$12,000~~ \$15,000, exclusive of court costs and attorney fees,
18 for injury to the person, except that, in actions for false imprisonment, libel, slander, criminal conversation,
19 seduction, malicious prosecution, determination of paternity, and abduction, the justice of the peace does not
20 have jurisdiction;21 (d) in actions to recover the possession of personal property if the value of the property does not
22 exceed ~~\$12,000~~ \$15,000;23 (e) in actions for a fine, penalty, or forfeiture not exceeding ~~\$12,000~~ \$15,000 imposed by a statute or
24 an ordinance of an incorporated city or town when no issue is raised by the answer involving the legality of any
25 tax, impost, assessment, toll, or municipal fine;26 (f) in actions for a fine, penalty, or forfeiture not exceeding ~~\$12,000~~ \$15,000 imposed by a statute or
27 assessed by an order of a conservation district for violation of Title 75, chapter 7, part 1;

28 (g) in actions upon bonds or undertakings conditioned for the payment of money when the sum

1 claimed does not exceed ~~\$12,000~~ \$15,000, though the penalty may exceed that sum;

2 (h) to take and enter judgment for the recovery of money on the confession of a defendant when the
3 amount confessed does not exceed ~~\$12,000~~ \$15,000, exclusive of court costs and attorney fees;

4 (i) to issue temporary restraining orders, as provided in 40-4-121, and orders of protection, as
5 provided in Title 40, chapter 15;

6 (j) to issue orders to restore streams under Title 75, chapter 7, part 1, or to require payment of the
7 actual cost for restoration of a stream if the restoration does not exceed ~~\$12,000~~ \$15,000.

8 (2) Justices' courts do not have jurisdiction in civil actions that might result in a judgment against the
9 state for the payment of money."

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11 **Section 2.** Section 75-7-123, MCA, is amended to read:

12 **"75-7-123. Penalties -- restoration.** (1) A person who initiates a project without written consent of the
13 supervisors, performs activities outside the scope of written consent of the supervisors, violates emergency
14 procedures provided for in 75-7-113, or violates 75-7-106 is:

15 (a) guilty of a misdemeanor and upon conviction shall be punished by a fine not to exceed \$500; or

16 (b) subject to a civil penalty not to exceed \$500 for each day that person continues to be in violation.

17 (2) Each day of a continuing violation constitutes a separate violation. The maximum civil penalty is
18 the jurisdictional amount for purposes of 3-10-301. A conservation district may work with a person who is
19 subject to a civil penalty to resolve the amount of the penalty prior to initiating an enforcement action in justice's
20 court to collect a civil penalty.

21 (3) In addition to a fine or a civil penalty under subsection (1), the person:

22 (a) shall restore, at the discretion of the court, the damaged stream, as recommended by the
23 supervisors, to as near its prior condition as possible; or

24 (b) is civilly liable for the amount necessary to restore the stream. The amount of the liability may be
25 collected in an action instituted pursuant to 3-10-301 if the amount of liability does not exceed ~~\$12,000~~ \$15,000.

26 If the amount of liability for restoration exceeds ~~\$12,000~~ \$15,000, then the action must be brought in district
27 court.

28 (4) Money recovered by a conservation district or a county attorney, whether as a fine or a civil

1 penalty, must be deposited in the depository of district funds provided for in 76-15-523, unless upon order of a
2 justice's court the money is directed to be deposited pursuant to 3-10-601."

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