

is regularly employed, is a college student, or has a business office. Makes the same execution remedies available to litigants who obtain a judgment in small claims court as are available in county courts. Directs the court administrator to report to the general assembly on or before January 15, 1992, and January 15, 1994, on the consequences of the increases in the jurisdictional amounts in the county courts.

Increases the docket fees for county court from \$24 to \$25 for plaintiffs and cross or counterclaims and from \$20 to \$21 for defendants. Repeals and reenacts the docket fees for small claims court by setting forth different ranges of fees based on the amount of the money judgment sought. Authorizes the small claims clerk to collect a separate fee from the docket fee for the postage costs of service of process.

Creates a speedy trial option in civil cases not scheduled for trial within 90 days for parties who agree to have the matter heard by a master appointed by the court.

Awards actual costs accruing after an offer of settlement, when such offer is rejected, to the plaintiff if his or her recovery exceeds the plaintiff's offer or to the defendant if the plaintiff's recovery does not exceed the defendant's offer. States that actual costs do not include attorney fees. Sets forth procedures related to an offer of settlement and the awarding of costs based on acceptance or rejection thereof.

APPROVED by Governor May 31

EFFECTIVE May 31

Note: Provisions of this act are identical to provisions in H.B. 90-1055.

S.B. 90-178 State commission on judicial performance - method of appropriations. Eliminates a prohibition on general fund appropriations in the annual general appropriations bill to the state commission on judicial performance in the judicial department.

APPROVED by Governor May 23

EFFECTIVE May 23

H.B. 90-1050 Preferential trial dates - civil actions - elderly or terminally ill parties. Requires the court to grant a motion for a preferential trial date in a civil action when such motion is accompanied by clear and convincing medical evidence that a party suffers from a terminal illness or medical condition and the court is satisfied that the interests of justice will be served by granting the motion. Authorizes the court to grant a motion for a preferential trial date in a civil action upon motion of a party who is at least 70 years of age and upon a finding by the court that the claim is meritorious, unless the court finds that the party does not have a substantial interest in the case as a whole. Requires that any such case shall be set for trial within 120 days from the date such motion is filed, if granted. Specifies limits on granting continuances beyond the 120-day period.