

HOUSE BILL NO. 701
INTRODUCED BY NEWMAN

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING PROVISIONS OF THE JUDICIAL BRANCH ~~PAY PERSONNEL PLAN TO EXCLUDE LAW CLERKS, JUDICIAL ASSISTANTS, THE DEPUTY CLERK OF THE SUPREME CLERK, AND EMPLOYEES OF THE OFFICE OF~~ PERSONAL STAFF OF A JUSTICE, JUDGE, AND THE CLERK OF THE SUPREME COURT; PROVIDING THAT A JUSTICE, JUDGE, OR THE CLERK OF THE SUPREME COURT MAY APPOINT UP TO THREE PERSONAL STAFF MEMBERS; AMENDING SECTIONS 3-1-130 AND 3-2-501, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

Section 1. Section 3-1-130, MCA, is amended to read:

"3-1-130. Supreme court -- adoption of judicial branch personnel plan. (1) (A) The supreme court shall adopt a plan of personnel administration for employees of the judicial branch, other than justices, personal staff of a justice, including law clerks and other assistants as designated by the justice; judges, personal staff of a judge, including law clerks and other assistants as designated by the judge; including law clerks and other assistants as designated by the judge, the supreme court administrator, the librarian of the state law library, the clerk of the supreme court, personal staff of the clerk of the supreme court, including the deputy clerk of the supreme court and other assistants as designated by the clerk of the supreme court, county attorneys, deputy county attorneys, salaried public defenders, assistant public defenders, employees of the offices of public defenders, clerks of district court, and employees of the offices of the clerks of district court. The plan must include but not be limited to classification and pay, recruitment and selection, performance appraisal, training, and promotion.

(B) THE PERSONAL STAFF WHO ARE EXEMPTED BY SUBSECTION (1)(A) MAY NOT EXCEED THREE APPOINTED BY EACH JUSTICE OR JUDGE, APPOINTED JOINTLY BY MORE THAN ONE JUSTICE OR JUDGE, OR APPOINTED BY THE CLERK OF THE SUPREME COURT.

(2) The court administrator appointed under 3-1-701 shall, under the direction of the supreme court, administer the judicial branch personnel plan adopted under this section.

(3) PERSONAL STAFF JOINTLY APPOINTED BY JUSTICES OR JUDGES SHALL SERVE AT THE PLEASURE OF THE JUSTICES OR JUDGES WHO APPOINT THEM. IF A JUDGE HAS ONLY ONE PERSONAL STAFF MEMBER AND THAT PERSON

PERFORMS MULTIPLE RESPONSIBILITIES, THE PERSON SHALL SERVE AT THE PLEASURE OF THE JUDGE REGARDLESS OF THE PERSON'S JOB TITLE.

(4) PERSONAL STAFF OF JUSTICES, JUDGES, AND THE CLERK OF THE SUPREME COURT ARE SUBJECT TO THE PAY MATRIX ADOPTED BY THE SUPREME COURT UNDER THIS SECTION."

Section 2. Section 3-2-501, MCA, is amended to read:

"3-2-501. Appointment of marshal and other employees. (1) The supreme court shall appoint a marshal of the supreme court and may appoint other attendants, reporters, and clerks that are necessary, who hold office at the pleasure of the court.

(2) ~~The~~ Except as provided in 3-1-130, the marshal and other persons appointed under subsection (1) are employees of the judicial branch of state government, are subject to classification and compensation as determined by the judicial branch personnel plan adopted by the supreme court under 3-1-130, and must receive state employee benefits and expenses as provided in Title 2, chapter 18."

NEW SECTION. **Section 3. Effective date.** [This act] is effective July 1, 2003.

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