

1 SENATE BILL NO. 322

2 INTRODUCED BY F. THOMAS

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING PROVISIONS RELATED TO SUPPORT FURNISHED
5 BY COUNTIES TO JUSTICES' COURTS; CLARIFYING THAT THE AUTHORITY OF A JUSTICE'S COURT TO
6 CONTROL THE CONDUCT OF COURT STAFF MEMBERS DOES NOT MAKE THE STAFF MEMBERS
7 EMPLOYEES OF THE COURT; PROVIDING GUIDANCE ON WHAT IS NECESSARY WITH RESPECT TO
8 CONDUCTING THE BUSINESS OF THE JUSTICE'S COURT; AND AMENDING SECTION 3-10-103, MCA."

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

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12 **Section 1.** Section 3-10-103, MCA, is amended to read:13 **"3-10-103. County to provide facilities.** The board of county commissioners of the county in which the
14 justice of the peace has been elected or appointed:

15 (1) shall provide for the justice's court:

16 (a) ~~the office space, a dignified courtroom setting,~~ and clerical assistance necessary to enable the justice
17 of the peace and the clerk of justice's court, if any, to conduct business ~~in dignified surroundings;~~18 (b) the books, records, forms, papers, stationery, postage, office equipment, and supplies necessary in
19 the proper keeping of the records and files of the court and the transaction of the business; and20 (c) the latest edition of the Montana Code Annotated and all official supplements; ~~and,~~21 (2) The board of county commissioners may also provide a clerk of justice's court.22 (3) The authority of a justice court to control the conduct of its staff members does not mean the staff
23 members are considered employees of the justice of the peace and does not limit the employer of the staff
24 members from determining wages, hours, benefits, or job descriptions or from enforcing personnel policies
25 regarding the staff members.26 (4) The board of county commissioners shall determine on an objective basis what is necessary to
27 conduct the business of the justice's court. When determining whether a request by a justice's court is necessary
28 to conduct the business of the justice's court, the board of county commissioners shall consider the following
29 nonexclusive factors:30 (a) the number of cases handled by similarly situated courts in Montana based upon statistical data

1 compiled by the state of Montana in a uniform manner;

2 (b) the number of staff members providing support services to similarly situated courts in Montana;

3 (c) changes in available technology;

4 (d) the effect of proposed organizational or structural changes; and

5 (e) the current caseload and projected caseload for the next budgetary cycle.

6 (5) As used in this section, "necessary" means that which is minimally required, but not more."

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