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SENATE BILL NO. 230

INTRODUCED BY J. FULLER, T. MCGILLVRAY, K. REGIER, B. KEENAN, B. MOLNAR, D. ZOLNIKOV, D. LENZ, B. BROWN, F. MANDEVILLE, M. NOLAND, S. HINEBAUCH, J. TREBAS, D. BARTEL, B. BEARD, D.

EMRICH

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT THE OFFICE OF COURT ADMINISTRATOR SERVES AT THE PLEASURE OF THE CLERK OF THE SUPREME COURT INSTEAD OF AT THE PLEASURE OF THE SUPREME COURT; REVISING THE DUTIES OF THE CLERK OF THE SUPREME COURT; AMENDING SECTIONS 3-1-130, 3-1-701, 3-1-702, 3-2-402, AND 41-3-1004, MCA; AND PROVIDING AN IMMEDIATE 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) The supreme court shall adopt a plan of personnel administration for employees of the judicial branch, other than justices, judges, the supreme court administrator, the librarian of the state law library, and the clerk of the supreme court. The plan must include but not be limited to classification and pay, recruitment and selection, performance appraisal, training, and promotion.

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

**Section 2.** Section 3-1-701, MCA, is amended to read:

**"3-1-701. Office of court administrator -- appointment and term of office.** There is established the office of court administrator. The clerk of the supreme court shall appoint a court administrator. The court administrator holds the position at the pleasure of the clerk of the supreme court."

**Section 3.** Section 3-1-702, MCA, is amended to read:



1           **"3-1-702. Duties.** The court administrator is the administrative officer of the court. Under the direction  
2 of the clerk of the supreme court, the court administrator shall:

3           (1)     prepare and present judicial budget requests to the legislature, including the costs of the state-  
4 funded district court program;

5           (2)     collect, compile, and report statistical and other data relating to the business transacted by the  
6 courts and provide the information to the legislature on request and, if requested, in accordance with 5-11-210;

7           (3)     to the extent possible, provide that current and future information technology applications are  
8 coordinated and compatible with the standards and goals of the executive branch as expressed in the state  
9 strategic information technology plan provided for in 2-17-521;

10          (4)     recommend to the supreme court improvements in the judiciary;

11          (5)     administer legal assistance for indigent victims of domestic violence, as provided in 3-2-714;

12          (6)     administer state funding for district courts, as provided in chapter 5, part 9;

13          (7)     administer the pretrial program provided for in 3-1-708;

14          (8)     administer the treatment court support account provided for in 46-1-1115;

15          (9)     administer the judicial branch personnel plan; and

16          (10)    perform other duties that the clerk of the supreme court may assign."  
17

18           **Section 4.** Section 3-2-402, MCA, is amended to read:

19           **"3-2-402. Duties -- electronic filing and storage of court records.** (1) It is the duty of the clerk to:

20           (a)     keep the seal of the supreme court, its records and files, and the roll of attorneys and  
21 counselors at law;

22           (b)     adjourn the court from day to day at the beginning of any term in the absence of any justice  
23 and until the arrival of a majority of the justices;

24           (c)     file all papers or transcripts required by law to be filed;

25           (d)     issue writs and certificates and approve bonds or undertakings when required;

26           (e)     make out all transcripts to the supreme court of the United States;

27           (f)     make copies of papers or records when demanded by law or the rules of the court; ~~and~~

28           (g)     perform other duties as may be required by law and the rules and practice of the supreme

1 court; and

2 (h) oversee and direct the office of court administrator as provided for in 3-1-702.

3 (2) The clerk may elect to keep court documents by means of electronic filing or storage, or both,  
4 as provided in 3-1-114 and 3-1-115, in lieu of or in addition to keeping paper records."

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6 **Section 5.** Section 41-3-1004, MCA, is amended to read:

7 **"41-3-1004. Administration -- training -- oversight -- procedures.** (1) The office of the court  
8 administrator, as provided for in 3-1-701, shall, in accordance with the direction of the supreme court and the  
9 clerk of the supreme court, oversee the program established in this part and shall, at the time prescribed by 5-  
10 11-210, prepare a report to the governor, the legislature, and the public regarding:

11 (a) state laws, policies, and practices affecting permanence and appropriate care for children in  
12 the custody of the department and other agencies; and

13 (b) the effectiveness of the boards in bringing about permanence and appropriate care for children  
14 in the custody of the department and other agencies.

15 (2) The office of the court administrator shall:

16 (a) establish policies and procedures for adoption by the Montana supreme court for the operation  
17 of a board, including procedures for removing members;

18 (b) provide training programs for board members consisting of orientation training of at least 16  
19 hours and a minimum of 8 hours of continuing education training annually;

20 (c) provide consultation services on request to a board; and

21 (d) employ staff and provide for support services for boards."

22

23 NEW SECTION. **Section 6. Severability.** If a part of [this act] is invalid, all valid parts that are  
24 severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications,  
25 the part remains in effect in all valid applications that are severable from the invalid applications.

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27 NEW SECTION. **Section 7. Effective date.** [This act] is effective on passage and approval.

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