

HOUSE BILL NO. 431

INTRODUCED BY SCHYE
BY REQUEST OF THE BOARD OF PUBLIC EDUCATION

IN THE HOUSE

JANUARY 29, 1991 INTRODUCED AND REFERRED TO COMMITTEE
ON EDUCATION & CULTURAL RESOURCES.

FIRST READING.

FEBRUARY 5, 1991 COMMITTEE RECOMMEND BILL
DO PASS. REPORT ADOPTED.

FEBRUARY 6, 1991 PRINTING REPORT.

FEBRUARY 8, 1991 SECOND READING, DO PASS AS AMENDED.

FEBRUARY 9, 1991 ENGROSSING REPORT.

FEBRUARY 11, 1991 THIRD READING, PASSED.
AYES, 93; NOES, 7.

TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 12, 1991 INTRODUCED AND REFERRED TO COMMITTEE
ON EDUCATION & CULTURAL RESOURCES.

FIRST READING.

MARCH 14, 1991 COMMITTEE RECOMMEND BILL BE
CONCURRED IN AS AMENDED. REPORT
ADOPTED.

MARCH 16, 1991 SECOND READING, CONCURRED IN.

MARCH 18, 1991 THIRD READING, CONCURRED IN.
AYES, 34; NOES, 15.

RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

MARCH 18, 1991 RECEIVED FROM SENATE.

MARCH 21, 1991 ON MOTION, PASS CONSIDERATION.

APRIL 8, 1991 SECOND READING, AMENDMENTS

APRIL 9, 1991

CONCURRED IN.

THIRD READING, AMENDMENTS
CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 House BILL NO. 431
 2 INTRODUCED BY [Signature]
 3 BY REQUEST OF THE BOARD OF PUBLIC EDUCATION

4
 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO INCREASE THE FEES
 6 FOR TEACHER AND SPECIALIST CERTIFICATION AND FOR EMERGENCY
 7 AUTHORIZATION OF EMPLOYMENT WITH A SCHOOL DISTRICT; TO
 8 STATUTORILY APPROPRIATE PART OF THE REVENUE FROM THE FEES
 9 FOR USE BY THE CERTIFICATION STANDARDS AND PRACTICES
 10 ADVISORY COUNCIL FOR RESEARCH IN ACCORDANCE WITH ITS DUTIES;
 11 AMENDING SECTIONS 17-7-502, 20-4-109, AND 20-4-111, MCA; AND
 12 PROVIDING AN EFFECTIVE DATE."

13
 14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

15 **Section 1.** Section 17-7-502, MCA, is amended to read:

16 "17-7-502. Statutory appropriations -- definition --
 17 requisites for validity. (1) A statutory appropriation is an
 18 appropriation made by permanent law that authorizes spending
 19 by a state agency without the need for a biennial
 20 legislative appropriation or budget amendment.

21 (2) Except as provided in subsection (4), to be
 22 effective, a statutory appropriation must comply with both
 23 of the following provisions:

24 (a) The law containing the statutory authority must be
 25 listed in subsection (3).

1 (b) The law or portion of the law making a statutory
 2 appropriation must specifically state that a statutory
 3 appropriation is made as provided in this section.

4 (3) The following laws are the only laws containing
 5 statutory appropriations: 2-9-202; 2-17-105; 2-18-812;
 6 10-3-203; 10-3-312; 10-3-314; 10-4-301; 13-37-304; 15-1-111;
 7 15-25-123; 15-31-702; 15-36-112; 15-37-117; 15-65-121;
 8 15-70-101; 16-1-404; 16-1-410; 16-1-411; 17-3-212; 17-5-404;
 9 17-5-424; 17-5-804; 19-8-504; 19-9-702; 19-9-1007;
 10 19-10-205; 19-10-305; 19-10-506; 19-11-512; 19-11-513;
 11 19-11-606; 19-12-301; 19-13-604; 20-4-109; 20-6-406;
 12 20-8-111; 20-9-361; 23-5-306; 23-5-409; 23-5-610; 23-5-612;
 13 23-5-1016; 23-5-1027; 27-12-206; 37-51-501; 39-71-2504;
 14 53-6-150; 53-24-206; 61-2-406; 61-5-121; 67-3-205;
 15 75-1-1101; 75-5-1108; 75-11-313; 76-12-123; 80-2-103;
 16 82-11-136; 82-11-161; 90-3-301; 90-4-215; 90-4-613;
 17 90-6-331; 90-9-306; and section 13, House Bill No. 861, Laws
 18 of 1985.

19 (4) There is a statutory appropriation to pay the
 20 principal, interest, premiums, and costs of issuing, paying,
 21 and securing all bonds, notes, or other obligations, as due,
 22 that have been authorized and issued pursuant to the laws of
 23 Montana. Agencies that have entered into agreements
 24 authorized by the laws of Montana to pay the state
 25 treasurer, for deposit in accordance with 17-2-101 through

1 17-2-107, as determined by the state treasurer, an amount
 2 sufficient to pay the principal and interest as due on the
 3 bonds or notes have statutory appropriation authority for
 4 such payments. (In subsection (3), pursuant to sec. 10, Ch.
 5 664, L. 1987, the inclusion of 39-71-2504 terminates June
 6 30, 1991.)"

7 **Section 2.** Section 20-4-109, MCA, is amended to read:

8 "20-4-109. Fees for teacher and specialist
 9 certificates. (1) Each A person applying for the issuance or
 10 renewal of a teacher or specialist certificate shall pay a
 11 fee not to exceed \$5 ~~\$6~~ for each school fiscal year that the
 12 certificate ~~will be~~ is valid. In addition to this fee, ~~each~~
 13 a person who has never held any class of Montana teacher or
 14 specialist certificate or for whom an emergency
 15 authorization of employment has never been issued shall pay
 16 a filing fee of \$5 \$6. The fees must be paid to the
 17 superintendent of public instruction, who shall deposit the
 18 fees with the state treasurer to the credit of the state
 19 special revenue fund account, created in subsection (2), to
 20 be used in the following manner:

21 (a) ~~\$3 to the credit of the state special revenue fund~~
 22 ~~created in subsection (2) for expenses of the certification~~
 23 ~~standards and practices advisory council created in~~
 24 ~~2-15-1522;~~

25 (b) ~~\$2 to the general fund~~ \$3 to the board of public

1 education to be used by the certification standards and
 2 practices advisory council for research in accordance with
 3 the duties of the council provided for in 20-4-133.

4 (2) There is an account in the state special revenue
 5 fund. Money from fees for teacher or specialist certificates
 6 required in subsection (1) must be deposited in the account.
 7 The money in the account ~~must be used for expenses of to be~~
 8 used for the purposes of subsection (1)(b) is statutorily
 9 appropriated, as provided in 17-7-502, to the board of
 10 public education for use by the certification standards and
 11 practices advisory council created in 2-15-1522."

12 **Section 3.** Section 20-4-111, MCA, is amended to read:

13 "20-4-111. Emergency authorization of employment. (1)
 14 Any A district may request from the superintendent of public
 15 instruction an emergency authorization of employment for a
 16 person who is not the holder of a valid teacher or
 17 specialist certificate as an instructor of pupils when ~~such~~
 18 the district cannot secure the services of a person holding
 19 a valid certificate. The person ~~shall~~ must have previously
 20 held a valid teacher or specialist certificate or shall meet
 21 the standards of preparation prescribed by the policies of
 22 the board of public education for and during such an
 23 emergency. ~~Such emergency~~ Emergency authorization of
 24 employment ~~shall~~ must indicate:

25 (a) the district to which ~~such the~~ the authorization is

1 issued;

2 (b) the person whom the district is authorized to
3 employ;

4 (c) the endorsement for elementary or secondary
5 instruction and the specific subject fields for which
6 authorization to employ such the person is given; and

7 (d) the school fiscal year for which such the emergency
8 authorization of employment is given.

9 (2) Emergency authorization of employment of a person
10 ~~shall--be~~ is valid for the school fiscal year identified on
11 ~~such the~~ authorization and may be renewed in accordance with
12 the board of public education policies. A fee not to exceed
13 \$5 \$6 and, if no teacher or specialist certificate or
14 emergency authorization of employment has ever been issued
15 for such the person, a filing fee of \$5-~~shall~~ \$6 must be
16 paid for the issuance of an emergency authorization of
17 employment. The superintendent of public instruction shall
18 deposit the fees with the state treasurer to the credit of
19 the general fund.

20 (3) Emergency authorization of employment of a person
21 may be revoked for good cause in accordance with the
22 provisions of 20-4-110."

23 NEW SECTION. Section 4. Effective date. [This act] is
24 effective July 1, 1991.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0431, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An act to increase the fees for teacher and specialist certification and for emergency authorization of employment with a school district; to statutorily appropriate part of the revenue from the fees for use by the Certification Standards and Practices Advisory Council for research in accordance with its duties.

ASSUMPTIONS:

1. Teacher and specialist certification fees will increase from \$5.00 to \$6.00 per year.
2. The proposed \$1.00 fee increase will raise about \$29,440 a year.
3. Currently \$2.00 of the \$5.00 fee goes to the state general fund, \$3.00 goes to the Board of Public Education (BPE) advisory council.
4. Revenue for the operations of the advisory council will increase from about \$72,000 to \$176,640 a year.
5. It is proposed that all teacher and specialist certification fees paid be statutorily appropriated to the advisory council.
6. Approximately 20 percent of the certificates issued are for 3 years and 80 percent are for 5 years.
7. FY90 certificates issued: 5,949.
8. First half of FY91 certificates are up 7.6 percent, $5,949 \times 1.076 = 6,401$.
9. The state general fund revenue will decrease about \$58,880 each year.


FISCAL IMPACT:

Revenues:	FY 92			FY 93		
	Current Law	Proposed Law	Difference	Current Law	Proposed Law	Difference
General Fund	58,880	0	(58,880)	58,880	0	(58,880)
BPE Advisory Council (02)	<u>88,320</u>	<u>176,640</u>	<u>88,320</u>	<u>88,320</u>	<u>176,640</u>	<u>88,320</u>
Total	147,200	176,640	29,440	147,200	176,640	29,440

TECHNICAL NOTES:

20-4-109(2), MCA, deposits all the fee revenue in the state special revenue fund and then statutorily appropriates one-half of that money to the Board of Public Education.


 _____ 2-4-91
 ROD SUNDSTED, BUDGET DIRECTOR DATE
 Office of Budget and Program Planning


 _____ 2-4-91
 TED SCHYE, PRIMARY SPONSOR DATE

Fiscal Note for HB0431, as introduced.

HB 431

APPROVED BY COMM. ON EDUCATION AND CULTURAL RESOURCES

1 Access BILL NO. 431
2 INTRODUCED BY [Signature]
3 BY REQUEST OF THE BOARD OF PUBLIC EDUCATION

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22 effective, a statutory appropriation must comply with both
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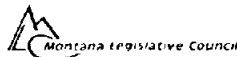
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20 principal, interest, premiums, and costs of issuing, paying,
21 and securing all bonds, notes, or other obligations, as due,
22 that have been authorized and issued pursuant to the laws of
23 Montana. Agencies that have entered into agreements
24 authorized by the laws of Montana to pay the state
25 treasurer, for deposit in accordance with 17-2-101 through

SECOND READING

HB431



1 17-2-107, as determined by the state treasurer, an amount
 2 sufficient to pay the principal and interest as due on the
 3 bonds or notes have statutory appropriation authority for
 4 such payments. (In subsection (3), pursuant to sec. 10, Ch.
 5 664, L. 1987, the inclusion of 39-71-2504 terminates June
 6 30, 1991.)"

7 **Section 2.** Section 20-4-109, MCA, is amended to read:

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 9 certificates. (1) Each A person applying for the issuance or
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25 (b) ~~\$2--to--the--general--fund~~ \$3 to the board of public

1 education to be used by the certification standards and
 2 practices advisory council for research in accordance with
 3 the duties of the council provided for in 20-4-133.

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 10 public education for use by the certification standards and
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12 **Section 3.** Section 20-4-111, MCA, is amended to read:

13 "20-4-111. Emergency authorization of employment. (1)
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5 instruction and the specific subject fields for which
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8 authorization of employment is given.

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17 employment. The superintendent of public instruction shall
18 deposit the fees with the state treasurer to the credit of
19 the general fund.

20 (3) Emergency authorization of employment of a person
21 may be revoked for good cause in accordance with the
22 provisions of 20-4-110."

23 NEW SECTION. **Section 4.** Effective date. [This act] is
24 effective July 1, 1991.

-End-

HOUSE BILL NO. 431

INTRODUCED BY SCHYE

BY REQUEST OF THE BOARD OF PUBLIC EDUCATION

A BILL FOR AN ACT ENTITLED: "AN ACT TO INCREASE THE FEES FOR TEACHER AND SPECIALIST CERTIFICATION AND FOR EMERGENCY AUTHORIZATION OF EMPLOYMENT WITH A SCHOOL DISTRICT; TO STATUTORILY APPROPRIATE PART OF THE REVENUE FROM THE FEES FOR USE BY THE CERTIFICATION STANDARDS AND PRACTICES ADVISORY COUNCIL FOR RESEARCH IN ACCORDANCE WITH ITS DUTIES; AMENDING SECTIONS 17-7-502, 20-4-109, AND 20-4-111, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

Section 17-7-502, MCA, is amended to read:

"17-7-502-Statutory appropriations-----definition--- requisites for validity-(1)-A statutory appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the need for a biennial legislative appropriation or budget amendment.

(2)-Except as provided in subsection (4) to be effective, a statutory appropriation must comply with both of the following provisions:

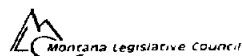
(a)-The law containing the statutory authority must be listed in subsection (3);

(b)-The law or portion of the law making a statutory appropriation must specifically state that a statutory appropriation is made as provided in this section;

(3)-The following laws are the only laws containing statutory appropriations: 2-9-202, 2-17-105, 2-18-012, 10-3-203, 10-3-312, 10-3-314, 10-4-301, 13-37-304, 15-1-111, 15-25-123, 15-31-702, 15-36-112, 15-37-117, 15-65-121, 15-70-101, 16-1-404, 16-1-410, 16-1-411, 17-3-212, 17-5-404, 17-5-424, 17-5-804, 19-8-504, 19-9-702, 19-9-1007, 19-10-205, 19-10-305, 19-10-506, 19-11-512, 19-11-513, 19-11-606, 19-12-301, 19-13-604, 20-4-109, 20-6-406, 20-8-111, 20-9-361, 23-5-306, 23-5-409, 23-5-610, 23-5-612, 23-5-1016, 23-5-1027, 27-12-206, 37-51-501, 39-71-2504, 53-6-150, 53-24-206, 61-2-406, 61-5-121, 67-3-205, 75-1-1101, 75-5-1108, 75-11-313, 76-12-123, 80-2-103, 82-11-136, 82-11-161, 90-3-301, 90-4-215, 90-4-613, 90-6-331, 90-9-306, and section 13, House Bill No. 061, laws of 1985.

(4)-There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing, paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana to pay the state treasurer for deposit in accordance with 17-2-101 through

THIRD READING
HB 431



17-2-107, as determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory appropriation authority for such payments; (in subsection (3) pursuant to sec 107-6h-6647-b-1987, the inclusion of 39-71-2504 terminates June 30, 1991.)

Section 1. Section 20-4-109, MCA, is amended to read:

"20-4-109. Fees for teacher and specialist certificates. (1) Each A person applying for the issuance or renewal of a teacher or specialist certificate shall pay a fee not to exceed \$5 \$6 for each school fiscal year that the certificate will be is valid. In addition to this fee, each a person who has never held any class of Montana teacher or specialist certificate or for whom an emergency authorization of employment has never been issued shall pay a filing fee of \$5 \$6. The fees must be paid to the superintendent of public instruction, who shall deposit the fees with the state treasurer to the credit of the state special revenue fund account, created in subsection (2), to be used in the following manner:

(a) \$3 to the credit of the state special revenue fund created in subsection (2) for expenses of the certification standards and practices advisory council created in 2-15-1522 TO THE CREDIT OF THE STATE SPECIAL REVENUE FUND CREATED IN SUBSECTION (2);

(b) \$2 to the general fund \$3 to the board of public education to be used by the certification standards and practices advisory council for research in accordance with the duties of the council provided for in 20-4-133 TO THE GENERAL FUND.

(2) There is an account in the state special revenue fund. Money from fees for teacher or specialist certificates required in subsection (1) must be deposited in the account. The money in the account must be used for expenses of to be used for the purposes of subsection (1)(b) is statutorily appropriated, as provided in 17-7-502, to the board of public education for use by MUST BE USED FOR EXPENSES OF the certification standards and practices advisory council created in 2-15-1522 CREATED IN 2-15-1522."

Section 2. Section 20-4-111, MCA, is amended to read:

"20-4-111. Emergency authorization of employment. (1) Any A district may request from the superintendent of public instruction an emergency authorization of employment for a person who is not the holder of a valid teacher or specialist certificate as an instructor of pupils when such the district cannot secure the services of a person holding a valid certificate. The person shall must have previously held a valid teacher or specialist certificate or shall meet the standards of preparation prescribed by the policies of the board of public education for and during such an

1 emergency. ~~Such--emergency~~ Emergency authorization of
2 employment ~~shall~~ must indicate:

3 (a) the district to which ~~such~~ the authorization is
4 issued;

5 (b) the person whom the district is authorized to
6 employ;

7 (c) the endorsement for elementary or secondary
8 instruction and the specific subject fields for which
9 authorization to employ ~~such~~ the person is given; and

10 (d) the school fiscal year for which ~~such~~ the emergency
11 authorization of employment is given.

12 (2) Emergency authorization of employment of a person
13 ~~shall--be~~ is valid for the school fiscal year identified on
14 ~~such~~ the authorization and may be renewed in accordance with
15 the board of public education policies. A fee not to exceed
16 \$5 ~~\$6~~ and, if no teacher or specialist certificate or
17 emergency authorization of employment has ever been issued
18 for ~~such~~ the person, a filing fee of \$5-~~shall~~ \$6 must be
19 paid for the issuance of an emergency authorization of
20 employment. The superintendent of public instruction shall
21 deposit the fees with the state treasurer to the credit of
22 the general fund.

23 (3) Emergency authorization of employment of a person
24 may be revoked for good cause in accordance with the
25 provisions of 20-4-110."

1 NEW SECTION. Section 3. Effective date. [This act] is
2 effective July 1, 1991.

-End-

SENATE STANDING COMMITTEE REPORT

Page 2 of 2
March 13, 1991

Page 1 of 2
March 13, 1991

MR. PRESIDENT:

We, your committee on Education and Cultural Resources having had under consideration House Bill No. 431 (third reading copy -- blue), respectfully report that House Bill No. 431 be amended and as so amended be concurred in:

1. Title, line 10.

Following: ~~"DUTIES,"~~

Insert: "TO STATUTORILY APPROPRIATE PART OF THE REVENUE FROM THE FEES FOR USE BY THE CERTIFICATION STANDARDS AND PRACTICES ADVISORY COUNCIL FOR RESEARCH IN ACCORDANCE WITH ITS DUTIES;"

2. Title, line 11.

Following: ~~"17-7-502,"~~

Insert: "17-7-502,"

3. Page 3, line 6.

Following: ~~"1991,"~~

Insert: "Section 1. Section 17-7-502, MCA, is amended to read:
"17-7-502. Statutory appropriations -- definition --
requisites for validity. (1) A statutory appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the need for a biennial legislative appropriation or budget amendment.

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(3) The following laws are the only laws containing statutory appropriations: 2-9-202; 2-17-105; 2-18-812; 10-3-203; 10-3-312; 10-3-314; 10-4-301; 13-37-304; 15-1-111; 15-25-123; 15-31-702; 15-36-112; 15-37-117; 15-65-121; 15-70-101; 16-1-404; 16-1-410; 16-1-411; 17-3-212; 17-5-404; 17-5-424; 17-5-804; 19-8-504; 19-9-702; 19-9-1007; 19-10-205; 19-10-305; 19-10-506; 19-11-512; 19-11-513; 19-11-606; 19-12-301; 19-13-604; ~~20-4-109~~; 20-6-406; 20-8-111; 20-9-361; 23-5-306; 23-5-409; 23-5-610; 23-5-612; 23-5-1016; 23-5-1027; 27-12-206; 37-51-501; 39-71-2504; 53-6-150; 53-24-206; 61-2-406; 61-5-121; 67-3-205; 75-1-1101; 75-5-1108; 75-11-313; 76-12-123; 80-2-103; 82-11-136; 82-11-161; 90-3-301; 90-4-215; 90-4-613; 90-6-331; 90-9-306; and section 13, House Bill No. 861, Laws of 1985.

(4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing, paying, and

securing all bonds, notes, or other obligations, as due, that have been authorized and issued pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory appropriation authority for such payments. (In subsection (3), pursuant to sec. 10, Ch. 664, L. 1987, the inclusion of 39-71-2504 terminates June 30, 1991.)"

Renumber: subsequent sections

4. Page 3, line 20.

Following: ~~"used"~~

Insert: "to the credit of the state special revenue fund account, created in subsection (2), to be used"

5. Page 3, lines 24 and 25.

Strike: "TO" on line 24 through "[2]" on line 25

Insert: "for expenses of the certification standards and practices advisory council created in 2-15-1522"

6. Page 4, lines 4 and 5.

Strike: "TO" on line 4 through "FUND" on line 5

Insert: "to the board of public education to be used by the certification standards and practices advisory council for research in accordance with the duties of the council provided for in 20-4-133"

7. Page 4, line 12.

Following: ~~"by"~~

Strike: ~~"MUST BE USED FOR EXPENSES OF"~~

Insert: "to be used for the purposes of subsection (1)(b) is statutorily appropriated, as provided in 17-7-502, to the board of public education for use by"

8. Page 4, line 14.

Following: ~~"2-15-1522"~~

Strike: ~~"CREATED IN 2-15-1522"~~

Signed: *Chet Blaylock*
Chet Blaylock, Chairman

LB 3/13/91
Amd. Coord.

SB 3/14 8:00
Sec. of Senate

HOUSE BILL NO. 431

INTRODUCED BY SCHYE

BY REQUEST OF THE BOARD OF PUBLIC EDUCATION

A BILL FOR AN ACT ENTITLED: "AN ACT TO INCREASE THE FEES FOR TEACHER AND SPECIALIST CERTIFICATION AND FOR EMERGENCY AUTHORIZATION OF EMPLOYMENT WITH A SCHOOL DISTRICT; ~~TO STATUTORILY APPROPRIATE PART OF THE REVENUE FROM THE FEES FOR USE BY THE CERTIFICATION STANDARDS AND PRACTICES ADVISORY COUNCIL FOR RESEARCH IN ACCORDANCE WITH ITS DUTIES; TO STATUTORILY APPROPRIATE PART OF THE REVENUE FROM THE FEES FOR USE BY THE CERTIFICATION STANDARDS AND PRACTICES ADVISORY COUNCIL FOR RESEARCH IN ACCORDANCE WITH ITS DUTIES;~~ AMENDING SECTIONS ~~17-7-502, 17-7-502,~~ 20-4-109, AND 20-4-111, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

~~Section 17-7-502, MCA, is amended to read:~~

~~"17-7-502. Statutory appropriations - definition - requisites for validity. (1) A statutory appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the need for a biennial legislative appropriation or budget amendment.~~

~~(2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply with both~~

~~of the following provisions:~~

~~(a) The law containing the statutory authority must be listed in subsection (3);~~

~~(b) The law or portion of the law making a statutory appropriation must specifically state that a statutory appropriation is made as provided in this section;~~

~~(3) The following laws are the only laws containing statutory appropriations: 2-9-202, 2-17-105, 2-18-012, 10-3-203, 10-3-312, 10-3-314, 10-4-301, 13-37-304, 15-1-111, 15-25-123, 15-31-702, 15-36-112, 15-37-117, 15-65-121, 15-70-101, 16-1-404, 16-1-410, 16-1-411, 17-3-212, 17-5-404, 17-5-424, 17-5-804, 19-8-504, 19-9-702, 19-9-1007, 19-10-205, 19-10-305, 19-10-506, 19-11-512, 19-11-513, 19-11-606, 19-12-301, 19-13-604, 20-4-109, 20-6-406, 20-8-111, 20-9-361, 23-5-306, 23-5-409, 23-5-610, 23-5-612, 23-5-1016, 23-5-1027, 27-12-206, 37-51-501, 39-71-2504, 53-6-150, 53-24-206, 61-2-406, 61-5-121, 67-3-205, 75-1-101, 75-5-110, 75-11-313, 76-12-123, 80-2-103, 82-11-136, 82-11-161, 90-3-301, 90-4-215, 90-4-613, 90-6-331, 90-9-306, and section 13, House Bill No. 861, Laws of 1985.~~

~~(4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing, paying, and securing all bonds, notes, or other obligations as due that have been authorized and issued pursuant to the laws of~~



1 Montana, Agencies that have entered into agreements
 2 authorized by the laws of Montana to pay the state
 3 treasurer, for deposit in accordance with 17-2-101 through
 4 17-2-107, as determined by the state treasurer, an amount
 5 sufficient to pay the principal and interest as due on the
 6 bonds or notes have statutory appropriation authority for
 7 such payments, (in subsection (3)), pursuant to sec. 10, Ch.
 8 664, 1987, the inclusion of 39-71-2504 terminates June
 9 30, 1991.)"

10 **SECTION 1. SECTION 17-7-502, MCA, IS AMENDED TO READ:**

11 "17-7-502. Statutory appropriations -- definition --
 12 requisites for validity. (1) A statutory appropriation is an
 13 appropriation made by permanent law that authorizes spending
 14 by a state agency without the need for a biennial
 15 legislative appropriation or budget amendment.

16 (2) Except as provided in subsection (4), to be
 17 effective, a statutory appropriation must comply with both
 18 of the following provisions:

19 (a) The law containing the statutory authority must be
 20 listed in subsection (3).

21 (b) The law or portion of the law making a statutory
 22 appropriation must specifically state that a statutory
 23 appropriation is made as provided in this section.

24 (3) The following laws are the only laws containing
 25 statutory appropriations: 2-9-202; 2-17-105; 2-18-812;

1 10-3-203; 10-3-312; 10-3-314; 10-4-301; 13-37-304; 15-1-111;
 2 15-25-123; 15-31-702; 15-36-112; 15-37-117; 15-65-121;
 3 15-70-101; 16-1-404; 16-1-410; 16-1-411; 17-3-212; 17-5-404;
 4 17-5-424; 17-5-804; 19-8-504; 19-9-702; 19-9-1007;
 5 19-10-205; 19-10-305; 19-10-506; 19-11-512; 19-11-513;
 6 19-11-606; 19-12-301; 19-13-604; 20-4-109; 20-6-406;
 7 20-8-111; 20-9-361; 23-5-306; 23-5-409; 23-5-610; 23-5-612;
 8 23-5-1016; 23-5-1027; 27-12-206; 37-51-501; 39-71-2504;
 9 53-6-150; 53-24-206; 61-2-406; 61-5-121; 67-3-205;
 10 75-1-1101; 75-5-1108; 75-11-313; 76-12-123; 80-2-103;
 11 82-11-136; 82-11-161; 90-3-301; 90-4-215; 90-4-613;
 12 90-6-331; 90-9-306; and section 13, House Bill No. 861, Laws
 13 of 1985.

14 (4) There is a statutory appropriation to pay the
 15 principal, interest, premiums, and costs of issuing, paying,
 16 and securing all bonds, notes, or other obligations, as due,
 17 that have been authorized and issued pursuant to the laws of
 18 Montana. Agencies that have entered into agreements
 19 authorized by the laws of Montana to pay the state
 20 treasurer, for deposit in accordance with 17-2-101 through
 21 17-2-107, as determined by the state treasurer, an amount
 22 sufficient to pay the principal and interest as due on the
 23 bonds or notes have statutory appropriation authority for
 24 such payments. (In subsection (3), pursuant to sec. 10, Ch.
 25 664, L. 1987, the inclusion of 39-71-2504 terminates June

1 30, 1991.)"

2 **Section 2.** Section 20-4-109, MCA, is amended to read:

3 "20-4-109. Fees for teacher and specialist
 4 certificates. (1) Each A person applying for the issuance or
 5 renewal of a teacher or specialist certificate shall pay a
 6 fee not to exceed \$5 \$6 for each school fiscal year that the
 7 certificate will-be is valid. In addition to this fee, each
 8 a person who has never held any class of Montana teacher or
 9 specialist certificate or for whom an emergency
 10 authorization of employment has never been issued shall pay
 11 a filing fee of \$5 \$6. The fees must be paid to the
 12 superintendent of public instruction, who shall deposit the
 13 fees with the state treasurer to-the-credit-of-the-state
 14 special-revenue-fund-account, created-in-subsection-(2),--to
 15 be--used TO THE CREDIT OF THE STATE SPECIAL REVENUE FUND
 16 ACCOUNT, CREATED IN SUBSECTION (2), TO BE USED in the
 17 following manner:

18 (a) \$3 to-the-credit-of-the-state-special-revenue-fund
 19 created-in-subsection-(2) for expenses of the--certification
 20 standards--and--practices--advisory--council--created--in
 21 2-15-1522 TO THE CREDIT OF THE STATE--SPECIAL--REVENUE--FUND
 22 CREATED--IN-SUBSECTION-(2) FOR EXPENSES OF THE CERTIFICATION
 23 STANDARDS AND PRACTICES ADVISORY COUNCIL CREATED IN
 24 2-15-1522;

25 (b) \$2--to--the--general--fund \$3 to-the-board-of-public

1 education-to-be-used-by--the--certification--standards--and
 2 practices--advisory--council-for-research-in-accordance-with
 3 the-duties-of-the-council-provided-for-in--20-4-133 TO--THE
 4 GENERAL--FUND TO THE BOARD OF PUBLIC EDUCATION TO BE USED BY
 5 THE CERTIFICATION STANDARDS AND PRACTICES ADVISORY COUNCIL
 6 FOR RESEARCH IN ACCORDANCE WITH THE DUTIES OF THE COUNCIL
 7 PROVIDED FOR IN 20-4-133.

8 (2) There is an account in the state special revenue
 9 fund. Money from fees for teacher or specialist certificates
 10 required in subsection (1) must be deposited in the account.
 11 The money in the account must-be-used-for-expenses-of to-be
 12 used-for-the-purposes-of-subsection--(1)(b)--is--statutorily
 13 appropriated,--as--provided--in--17-7-502,--to--the-board-of
 14 public-education-for-use-by MUST-BE-USED-FOR-EXPENSES-OF TO
 15 BE USED FOR THE PURPOSES OF SUBSECTION (1)(B) IS STATUTORILY
 16 APPROPRIATED, AS PROVIDED IN 17-7-502, TO THE BOARD OF
 17 PUBLIC EDUCATION FOR USE BY the certification standards and
 18 practices advisory council created-in-2-15-1522 CREATED-IN
 19 2-15-1522."

20 **Section 3.** Section 20-4-111, MCA, is amended to read:

21 "20-4-111. Emergency authorization of employment. (1)
 22 Any A district may request from the superintendent of public
 23 instruction an emergency authorization of employment for a
 24 person who is not the holder of a valid teacher or
 25 specialist certificate as an instructor of pupils when such

1 the district cannot secure the services of a person holding
 2 a valid certificate. The person ~~shall~~ must have previously
 3 held a valid teacher or specialist certificate or shall meet
 4 the standards of preparation prescribed by the policies of
 5 the board of public education for and during ~~such~~ an
 6 emergency. ~~Such---emergency~~ Emergency authorization of
 7 employment ~~shall~~ must indicate:

8 (a) the district to which ~~such~~ the authorization is
 9 issued;

10 (b) the person whom the district is authorized to
 11 employ;

12 (c) the endorsement for elementary or secondary
 13 instruction and the specific subject fields for which
 14 authorization to employ ~~such~~ the person is given; and

15 (d) the school fiscal year for which ~~such~~ the emergency
 16 authorization of employment is given.

17 (2) Emergency authorization of employment of a person
 18 ~~shall-be~~ is valid for the school fiscal year identified on
 19 ~~such~~ the authorization and may be renewed in accordance with
 20 the board of public education policies. A fee not to exceed
 21 \$5 ~~\$6~~ and, if no teacher or specialist certificate or
 22 emergency authorization of employment has ever been issued
 23 for ~~such~~ the person, a filing fee of \$5--~~shall~~ \$6 must be
 24 paid for the issuance of an emergency authorization of
 25 employment. The superintendent of public instruction shall

1 deposit the fees with the state treasurer to the credit of
 2 the general fund.

3 (3) Emergency authorization of employment of a person
 4 may be revoked for good cause in accordance with the
 5 provisions of 20-4-110."

6 NEW SECTION. **Section 4.** Effective date. [This act] is
 7 effective July 1, 1991.

-End-