

**Teachers' Retirement Fund—To Whom Applicable.**

The provisions of the Teachers' Retirement Fund apply to all teachers employed during the term which embraced March 8th, 1915, but the act does not apply to any one who taught in the state prior to the passage and approval of the act.

May 19th, 1919

Hon. H. L. Hart,  
State Treasurer,  
Helena, Montana.

Dear Sir:

I am in receipt of your letter of May 17th, which is as follows:

“As there seems to be a confusion as to who can claim exemption from the payment of one dollar per month from their salaries to the Teachers' Retirement Fund, I am requesting that an official opinion be given by you in the matter. Section 16 of the Act establishing this fund pertains to this subject. Personally I can not believe that teachers must have been actually teaching on the eighth day of March, 1915, to claim this exemption. I believe

that this section covers all teachers who had contracts or were regularly employed during the term which embraces that particular date and may even refer to teachers who taught in the State at any time prior to that date. This is the point that I desire established, and would appreciate your early attention to the same."

Section 16, Chapter 95, Laws of the Fourteenth Legislative Assembly, provides:

"Section 16. This Act shall be binding upon all teachers employed in the public, State or county schools of this State at the time of the approval of this Act, as shall on or before January 1st, 1916, sign and deliver to the Superintendent of Public Instruction, or to the County Superintendent, a notification that said teachers agree to be bound by and avail themselves of the benefits of this Act."

I am of the opinion that the provisions of this section apply to all teachers who had contracts or were legally employed during the term which embraced March 8th, 1915, and that for instance, if a teacher were regularly employed during that period, but did not actually teach on the 8th day of March, by reason of said date being a Saturday, Sunday or holiday, that the provisions of said section would apply to her.

I am further of the opinion that this section does not apply and has no reference whatsoever to teachers who taught in the state at a time prior to the date of the passage and approval of said act. In other words, a teacher who taught during the school year of 1913 and 1914, but who was not employed in teaching in the State of Montana on the date of the passage and approval of the Act, would come under the provisions of the Act, if, after its passage and approval, who was again re-employed in the state.