

HOUSE BILL NO. 30

INTRODUCED BY LORY

IN THE HOUSE

January 3, 1983	Introduced and referred to Committee on Education and Cultural Resources.
January 15, 1983	Committee recommend bill do pass as amended. Report adopted.
January 17, 1983	Bill printed and placed on members' desks.
January 18, 1983	Second reading, do pass.
January 19, 1983	Considered correctly engrossed.
January 20, 1983	Third reading, passed. Transmitted to Senate.

IN THE SENATE

January 21, 1983	Introduced and referred to Committee on Education and Cultural Resources.
March 10, 1983	Committee recommend bill be concurred in as amended. Report adopted.
March 12, 1983	Second reading, concurred in.
March 15, 1983	Third reading, concurred in. Ayes, 43; Noes, 5.

IN THE HOUSE

March 15, 1983

Returned to House with
amendments.

March 30, 1983

Second reading, amendments
concurred in.

March 31, 1983

Third reading, amendments
concurred in.

Sent to enrolling.

Reported correctly enrolled.

1 HOUSE BILL NO. 30
2 INTRODUCED BY LORY
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO DELETE THE
5 REQUIREMENT THAT A SCHOOL TEACHER OR SPECIALIST MUST
6 SUBSCRIBE TO AN OATH AS A QUALIFICATION FOR CERTIFICATION;
7 AMENDING SECTIONS 20-4-104 AND 20-4-201, MCA."
8
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
10 Section 1. Section 20-4-104, MCA, is amended to read:
11 "20-4-104. Qualifications. (1) Any person may be
12 certified as a teacher when he satisfies the following
13 qualifications:
14 (a) He is 18 years of age or older but is not more
15 than 70 years of age.
16 (b) He has a certificate of a licensed physician
17 attesting to his satisfactory health.
18 (c) He is of good moral and professional character.
19 (d) He has completed the teacher education program of
20 a unit of the Montana university system or an essentially
21 equivalent program at an accredited institution of equal
22 rank and standing as that of any unit of the Montana
23 university system, and such training shall be evidenced by
24 at least a bachelor's degree and a certification of the
25 completion of the teacher education program, except as

1 provided for in 20-4-106(1)(d).
2 ~~(e) He has subscribed to the following oath or~~
3 ~~affirmation before an officer authorized by law to~~
4 ~~administer oaths:~~
5 ~~"I solemnly swear (or affirm) that I will support the~~
6 ~~Constitution of the United States of America, the~~
7 ~~Constitution of the State of Montana and the laws of the~~
8 ~~United States and the state of Montana and will, by precept~~
9 ~~and example, promote respect for the flag and the~~
10 ~~institutions of the United States and the state of Montana,~~
11 ~~reverence for law and order, and undivided allegiance to the~~
12 ~~government of the United States of America."~~
13 (2) Any person may be certified as a specialist when
14 he satisfies the requirements of subsections (1)(a) through
15 (1)(c) and the requirement for a specialist certificate
16 provided in subsection (2) of 20-4-106."
17 Section 2. Section 20-4-201, MCA, is amended to read:
18 "20-4-201. Employment of teachers and specialists by
19 contract. (1) The trustees of any district shall have the
20 authority to employ any person as a teacher or specialist,
21 but only a person who holds a valid Montana teacher or
22 specialist certificate or for whom an emergency
23 authorization of employment has been issued that qualifies
24 such person to perform the duties prescribed by the trustees
25 for the position of employment. Each teacher or specialist

INTRODUCED BILL

1 shall be employed under written contract, and each contract
2 of employment shall be authorized by a proper resolution of
3 the trustees and shall be executed in duplicate by the
4 chairman of the trustees and the clerk of the district in
5 the name of the district and by the teacher or specialist.

6 (2) No contract of employment with a teacher or
7 specialist shall require such teacher or specialist to teach
8 more than 5 days a week or on any holiday recognized by
9 20-1-305. No deduction shall be made from a teacher's or
10 specialist's salary by reason of the fact that a holiday
11 falls on a school day. Any teacher's or specialist's
12 contract made in conflict with the 5-days-per-week provision
13 of this section shall not be enforceable against the teacher
14 or specialist.

15 (3) Whenever the trustees of a county high school and
16 the trustees of the elementary district where the county
17 high school is located form a joint board of trustees under
18 the provisions of 20-3-361, such joint board of trustees may
19 execute a contract of employment with a teacher or
20 specialist who shall serve both districts. When such a
21 contract is executed, the two districts shall prorate the
22 compensation provided by such contract on the basis of the
23 total number of instructional hours expended by such teacher
24 or specialist within each district.

25 ~~(4) Any contract executed under the provisions of this~~

1 ~~section may contain the oath or affirmation prescribed in~~
2 ~~20-4-104, and the teacher or specialist shall subscribe to~~
3 ~~such oath or affirmation before an officer authorized by law~~
4 ~~to administer oaths."~~

-End-

App. by comm. on education
and cultural resources

HOUSE BILL NO. 30

INTRODUCED BY LORY

A BILL FOR AN ACT ENTITLED: "AN ACT TO DELETE THE REQUIREMENT THAT A SCHOOL TEACHER OR SPECIALIST MUST SUBSCRIBE TO AN OATH AS A QUALIFICATION FOR CERTIFICATION; TO REPEAL THE REQUIREMENT THAT EVERY PROFESSOR, INSTRUCTOR, OR TEACHER EMPLOYED BY ANY UNIT OF THE UNIVERSITY SYSTEM SHALL SUBSCRIBE TO AN OATH BEFORE ENTERING EMPLOYMENT; AMENDING SECTIONS 20-4-104 AND 20-4-201, MCA; AND REPEALING SECTION 20-25-106, MCA."

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

Section 1. Section 20-4-104, MCA, is amended to read:

"20-4-104. Qualifications. (1) Any person may be certified as a teacher when he satisfies the following qualifications:

(a) He is 18 years of age or older but is not more than 70 years of age.

(b) He has a certificate of a licensed physician attesting to his satisfactory health.

(c) He is of good moral and professional character.

(d) He has completed the teacher education program of a unit of the Montana university system or an essentially equivalent program at an accredited institution of equal

rank and standing as that of any unit of the Montana university system, and such training shall be evidenced by at least a bachelor's degree and a certification of the completion of the teacher education program, except as provided for in 20-4-106(1)(d).

~~(e) He has subscribed to the following oath or affirmation before an officer authorized by law to administer oaths:~~

~~"I solemnly swear (or affirm) that I will support the Constitution of the United States of America; the Constitution of the State of Montana; and the laws of the United States and the state of Montana and will by precept and example, promote respect for the flag and the institutions of the United States and the state of Montana; reverence for law and order, and undivided allegiance to the government of the United States of America."~~

(2) Any person may be certified as a specialist when he satisfies the requirements of subsections (1)(a) through (1)(c) and the requirement for a specialist certificate provided in subsection (2) of 20-4-106."

Section 2. Section 20-4-201, MCA, is amended to read:

"20-4-201. Employment of teachers and specialists by contract. (1) The trustees of any district shall have the authority to employ any person as a teacher or specialist, but only a person who holds a valid Montana teacher or

SECOND READING

1 specialist certificate or for whom an emergency
2 authorization of employment has been issued that qualifies
3 such person to perform the duties prescribed by the trustees
4 for the position of employment. Each teacher or specialist
5 shall be employed under written contract, and each contract
6 of employment shall be authorized by a proper resolution of
7 the trustees and shall be executed in duplicate by the
8 chairman of the trustees and the clerk of the district in
9 the name of the district and by the teacher or specialist.

10 (2) No contract of employment with a teacher or
11 specialist shall require such teacher or specialist to teach
12 more than 5 days a week or on any holiday recognized by
13 20-1-305. No deduction shall be made from a teacher's or
14 specialist's salary by reason of the fact that a holiday
15 falls on a school day. Any teacher's or specialist's
16 contract made in conflict with the 5-days-per-week provision
17 of this section shall not be enforceable against the teacher
18 or specialist.

19 (3) Whenever the trustees of a county high school and
20 the trustees of the elementary district where the county
21 high school is located form a joint board of trustees under
22 the provisions of 20-3-361, such joint board of trustees may
23 execute a contract of employment with a teacher or
24 specialist who shall serve both districts. When such a
25 contract is executed, the two districts shall prorate the

1 compensation provided by such contract on the basis of the
2 total number of instructional hours expended by such teacher
3 or specialist within each district.

4 ~~{4}--Any contract executed under the provisions of this~~
5 ~~section may contain the oath or affirmation prescribed in~~
6 ~~20-4-104, and the teacher or specialist shall subscribe to~~
7 ~~such oath or affirmation before an officer authorized by law~~
8 ~~to administer oaths."~~

9 NEW SECTION. SECTION 3. REPEALER. SECTION 20-25-106,
10 MCA, IS REPEALED.

-End-

HOUSE BILL NO. 30

INTRODUCED BY LORY

A BILL FOR AN ACT ENTITLED: "AN ACT TO DELETE THE REQUIREMENT THAT A SCHOOL TEACHER OR SPECIALIST MUST SUBSCRIBE TO AN OATH AS A QUALIFICATION FOR CERTIFICATION; TO REPEAL THE REQUIREMENT THAT EVERY PROFESSOR, INSTRUCTOR, OR TEACHER EMPLOYED BY ANY UNIT OF THE UNIVERSITY SYSTEM SHALL SUBSCRIBE TO AN OATH BEFORE ENTERING EMPLOYMENT; AMENDING SECTIONS 20-4-104 AND 20-4-201, MCA; AND REPEALING SECTION 20-23-106, MCA."

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

Section 1. Section 20-4-104, MCA, is amended to read:

"20-4-104. Qualifications. (1) Any person may be certified as a teacher when he satisfies the following qualifications:

(a) He is 18 years of age or older but is not more than 70 years of age.

(b) He has a certificate of a licensed physician attesting to his satisfactory health.

(c) He is of good moral and professional character.

(d) He has completed the teacher education program of a unit of the Montana university system or an essentially equivalent program at an accredited institution of equal

rank and standing as that of any unit of the Montana university system, and such training shall be evidenced by at least a bachelor's degree and a certification of the completion of the teacher education program, except as provided for in 20-4-106(1)(d).

~~(e) He has subscribed to the following oath or affirmation before an officer authorized by law to administer oaths:~~

~~"I solemnly swear (or affirm) that I will support the Constitution of the United States of America, the Constitution of the State of Montana, and the laws of the United States and the state of Montana and will by precept and example promote respect for the flag and the institutions of the United States and the state of Montana, reverence for law and order, and undivided allegiance to the government of the United States of America."~~

(2) Any person may be certified as a specialist when he satisfies the requirements of subsections (1)(a) through (1)(c) and the requirement for a specialist certificate provided in subsection (2) of 20-4-106."

Section 2. Section 20-4-201, MCA, is amended to read:

"20-4-201. Employment of teachers and specialists by contract. (1) The trustees of any district shall have the authority to employ any person as a teacher or specialist, but only a person who holds a valid Montana teacher or

1 specialist certificate or for whom an emergency
 2 authorization of employment has been issued that qualifies
 3 such person to perform the duties prescribed by the trustees
 4 for the position of employment. Each teacher or specialist
 5 shall be employed under written contract, and each contract
 6 of employment shall be authorized by a proper resolution of
 7 the trustees and shall be executed in duplicate by the
 8 chairman of the trustees and the clerk of the district in
 9 the name of the district and by the teacher or specialist.

10 (2) No contract of employment with a teacher or
 11 specialist shall require such teacher or specialist to teach
 12 more than 5 days a week or on any holiday recognized by
 13 20-1-305. No deduction shall be made from a teacher's or
 14 specialist's salary by reason of the fact that a holiday
 15 falls on a school day. Any teacher's or specialist's
 16 contract made in conflict with the 5-days-per-week provision
 17 of this section shall not be enforceable against the teacher
 18 or specialist.

19 (3) Whenever the trustees of a county high school and
 20 the trustees of the elementary district where the county
 21 high school is located form a joint board of trustees under
 22 the provisions of 20-3-361, such joint board of trustees may
 23 execute a contract of employment with a teacher or
 24 specialist who shall serve both districts. When such a
 25 contract is executed, the two districts shall prorate the

1 compensation provided by such contract on the basis of the
 2 total number of instructional hours expended by such teacher
 3 or specialist within each district.

4 ~~(4) Any contract executed under the provisions of this~~
 5 ~~section may contain the oath or affirmation prescribed in~~
 6 ~~20-4-104, and the teacher or specialist shall subscribe to~~
 7 ~~such oath or affirmation before an officer authorized by law~~
 8 ~~to administer oaths."~~

9 NEW SECTION. SECTION 3. REPEALER. SECTION 20-25-106.
 10 NCA. IS REPEALED.

-End-

March 10, 1983

SENATE STANDING COMMITTEE REPORT
(Education & Cultural Resources)

That House Bill No. 30 be amended as follows:

1. Page 4.

Following: line 8

Insert: "NEW SECTION. Section 3. Coordination. If Senate Bill 358 is passed by the 48th Legislature and approved then sections 1 and 2 of this bill are void."

Renumber: subsequent section

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6 SUBSCRIBE TO AN OATH AS A QUALIFICATION FOR CERTIFICATION;
7 TO REPEAL THE REQUIREMENT THAT EVERY PROFESSOR, INSTRUCTOR,
8 OR TEACHER EMPLOYED BY ANY UNIT OF THE UNIVERSITY SYSTEM
9 SHALL SUBSCRIBE TO AN OATH BEFORE ENTERING EMPLOYMENT;
10 AMENDING SECTIONS 20-4-104 AND 20-4-201, MCA; AND REPEALING
11 SECTION 20-25-106, MCA."

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

14 Section 1. Section 20-4-104, MCA, is amended to read:

15 "20-4-104. Qualifications. (1) Any person may be
16 certified as a teacher when he satisfies the following
17 qualifications:

18 (a) He is 18 years of age or older but is not more
19 than 70 years of age.

20 (b) He has a certificate of a licensed physician
21 attesting to his satisfactory health.

22 (c) He is of good moral and professional character.

23 (d) He has completed the teacher education program of
24 a unit of the Montana university system or an essentially
25 equivalent program at an accredited institution of equal

1 rank and standing as that of any unit of the Montana
2 university system, and such training shall be evidenced by
3 at least a bachelor's degree and a certification of the
4 completion of the teacher education program, except as
5 provided for in 20-4-106(1)(d).

6 ~~(e) He has subscribed to the following oath or~~
7 ~~affirmation before an officer authorized by law to~~
8 ~~administer oaths:~~

9 ~~"I solemnly swear (or affirm) that I will support the~~
10 ~~Constitution of the United States of America; the~~
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13 ~~and example promote respect for the flag and the~~
14 ~~institutions of the United States and the state of Montana;~~
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16 ~~government of the United States of America."~~

17 (2) Any person may be certified as a specialist when
18 he satisfies the requirements of subsections (1)(a) through
19 (1)(c) and the requirement for a specialist certificate
20 provided in subsection (2) of 20-4-106."

21 Section 2. Section 20-4-201, MCA, is amended to read:

22 "20-4-201. Employment of teachers and specialists by
23 contract. (1) The trustees of any district shall have the
24 authority to employ any person as a teacher or specialist,
25 but only a person who holds a valid Montana teacher or

1 specialist certificate or for whom an emergency
 2 authorization of employment has been issued that qualifies
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 9 the name of the district and by the teacher or specialist.

10 (2) No contract of employment with a teacher or
 11 specialist shall require such teacher or specialist to teach
 12 more than 5 days a week or on any holiday recognized by
 13 20-1-305. No deduction shall be made from a teacher's or
 14 specialist's salary by reason of the fact that a holiday
 15 falls on a school day. Any teacher's or specialist's
 16 contract made in conflict with the 5-days-per-week provision
 17 of this section shall not be enforceable against the teacher
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19 (3) Whenever the trustees of a county high school and
 20 the trustees of the elementary district where the county
 21 high school is located form a joint board of trustees under
 22 the provisions of 20-3-361, such joint board of trustees may
 23 execute a contract of employment with a teacher or
 24 specialist who shall serve both districts. When such a
 25 contract is executed, the two districts shall prorate the

1 compensation provided by such contract on the basis of the
 2 total number of instructional hours expended by such teacher
 3 or specialist within each district.

4 ~~14) Any contract executed under the provisions of this~~
 5 ~~section may contain the oath or affirmation prescribed in~~
 6 ~~20-4-184 and the teacher or specialist shall subscribe to~~
 7 ~~such oath or affirmation before an officer authorized by law~~
 8 ~~to administer oaths.~~

9 SECTION 3. COORDINATION INSTRUCTION. IF SENATE BILL
 10 358 IS PASSED BY THE 48TH LEGISLATURE AND APPROVED, SECTIONS
 11 1 AND 2 OF THIS BILL ARE VOID.

12 NEW SECTION. SECTION 4. REPEALER. SECTION 20-25-106.
 13 MCA. IS REPEALED.

-End-