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.

Second reading, do pass.

Considered correctly engrossed.

January 20, 1983 Third reading, passed. Transmitted to Senate.

IN THE SENATE

January 21, 1983

January 18, 1983

January 19, 1983

March 10, 1983

March 12, 1983

March 15, 1983

Introduced and referred to Committee on Education and Cultural Resources.

Committee recommend bill be concurred in as amended. Report adopted.

Second reading, concurred in.

Third reading, concurred in. Ayes, 43; Noes, 5.

IN THE HOUSE

March 15, 1983

Returned to House with amendments.

March 30, 1983

March 31, 1983

Second reading, amendments concurred in.

Third reading, amendments concurred in.

Sent to enrolling.

Reported correctly enrolled.

LC 0333/01

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

H8 30

1 provided for in 20-4-106(1)(d). 2 tes---He---has---subscribed---to----the---following---outh---or 3 affirmation--before--an--officer--authorizad---by----law----to 4 eduinister-eaths: 5 *i--solemnty--sweer-tor-efftral-thet-I-witt-support-The constitution--of--the--Vnited---States---of---America----The 6 Eonstitution--of--the--State-of-Montanay-and-the-laws-of-the 7 8 United-States-and-the-state-of-Kontana-and-willy-by--precept 9 10 institutions-of-the-United-States-and-the-state-of--Hontanay 11 reverence-for-taw-and-ordery-and-undivided-allegiance-to-the 12 covernment-of-the-United-States-of-Americas# 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 contract. (1) The trustees of any district shall have the 19 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

-2-

E

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 chairman of the trustees and the clerk of the district in 4 5 the name of the district and by the teacher or specialist. (2) No contract of employment with a teacher or 6 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 or specialist. 14

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 execute a contract of employment with a teacher or 19 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 or specialist within each district. 24

e de la compañía de

- 1 section-may--contain-the-oath-or-affirmation-prescribed-in
- 2 20-4-104y-and-the-teacher-or-specialist-shall--subscribe---ta
- 3 such-oath-or-affirestion-before-an-officer-authorized-by-law
- 4 to-adainister-osther*

-End-

-- 3--

-4-

Æ

HB 0030/02

App.	bу	comm.	on	education
and	cult	tural	resc	ources
				•

1	HOUSE BILL NO. 30
Z	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 DATH AS A QUALIFICATION FOR CERTIFICATION;
7	ID_REPEAL_THE_REQUIREMENT_THAT_EVERY_PROFESSORINSTRUCTOR.
8	DR TEACHER ENPLOYED BY ANY UNIT OF THE UNIVERSITY SYSTEM
9	SHALL SUBSCRIBE TO AN DATH BEFORE ENTERING EMPLOYMENT:
10	AMENDING SECTIONS 20-4-104 AND 20-4-201. MCA: AND REPEALING
11	SECTION 20-25-106. MCA. "
12	
13	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HONTANA:
14	Section 1. Section 20-4-104; MCA; is amended to read:
19	#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 assentially
25	equivalent program at an accredited institution of equal

1 rank and standing as that of any unit of the Hontana 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 the subscribed to the sub

8 edminister-outhor

9 =I~-soleanly--swear-(ar-affirs)-that-I-will-support-The Constitution--of--the--United---States---of---Americay---The 10 11 Constitution-of--the--State-of-Montanay-and-the-laws-of-the 12 United-States-and-the-state-of-Montana-and-willy-by--precept 13 and---exampley---promote---respect--for--the--flag---and--the 14 institutions-of-the-United-States-and-the-state-of--Montanav 15 reverence-for-law-and-orders-and-undivided-allegiance-to-the 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."

 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 S E C O N D R E A D I N G

-2-

HB 30

HB 30

1

2

1 specialist certificate or for whom an emergency 2 authorization of employment has been issued that qualifies such person to perform the duties prescribed by the trustees 3 4 for the position of employment. Each teacher or specialist shall be employed under written contract, and each contract 5 of employment shall be authorized by a proper resolution of 6 the trustees and shall be executed in duplicate by the 7 chairman of the trustees and the clerk of the district in я the name of the district and by the teacher or specialist. 9 10 (2) No contract of employment with a teacher or 11 specialist shall require such teacher or specialist to teach more than 5 days a week or on any holiday recognized by 12 13 20-1-305. No deduction shall be made from a teacher's or specialist's salary by reason of the fact that a holiday 14 15 falls on a school day. Any teacherts or specialists 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

-3-

compensation provided by such contract on the basis of the total number of instructional hours expended by such teacher

HB 0030/02

- 3 or specialist within each district. 4 section--may--contain--the-oath-or-affirmation-prescribed-in 5 20-4-104y-and-the-teacher-or-specialist-shall--subscribe--to 6 such-oath-or-affirmation-before-an-officer-authorized-by-law 7 to-administer-ooths." ß NEW SECTION. SECTION 3. REPEALER. SECTION 20-25-106. 9 10
- MCA. IS REPEALED.

-End-

HB 30

1 HOUSE BILL NO. 30 2 INTRODUCED BY LORY 3 A BILL FOR AN ACT ENTITLED: "AN ACT TO DELETE THE 4 THAT A SCHOOL TEACHER OR SPECIALIST MUST 5 REQUIREMENT SUBSCRIBE TO AN DATH AS A QUALIFICATION FOR CERTIFICATION; 6 7 TO REPEAL THE REQUIREMENT THAT EVERY PROFESSOR THSTRUCTORS OR TEACHER ENPLOYED BY ANY UNIT. OF THE UNIVERSITY SYSTEM 8 9 SHALL SUBSCRIBE TO AN OATH BEFORE ENTERING ENPLOYMENTS 10 AMENDING SECTIONS 20-4-104 AND 20-4-201. HCA: AND REPEALING 11 SECTION 20-25-1064 MEA-* 12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: · 13 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: (a) He is 18 years of age or older but is not more 18 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 at least a bachelor's degree and a certification of the 3 completion of the teacher education program, except as 4 provided for in 20-4-106(1)(d). 5 6 tet--He---has---subscribed--to--the--following--oath--or 7 8 administer-oothst 9 #i--soleanly--swear-for-affirst-that-i-will-support-The 10 Constitution-of--the--United---States---of---Americay---The 11 Constitution--of---the--State-of-Hontanay-and-the-lavs-of-the 12 United-States-and-the-state-of-Hontana-and-willy-by--precept 13 and--exampley---promote----respect--for--the--flag--ond--the institutions-of-the-United-States-and-the-state-of--Hontanay 14 15 reverence-for-law-ond-order-and-undivided-ollegionce-to-the 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 provided in subsection (2) of 20-4-106.* 20 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

> -2- HB 30 THIRD READING

HB 30

an

emergency 1 authorization of employment has been issued that qualifies 2 such person to perform the duties prescribed by the trustees 3 4

for the position of employment. Each teacher or specialist shall be employed under written contract, and each contract of employment shall be authorized by a proper resolution of the trustees and shall be executed in duplicate by the chairsan of the trustees and the clerk of the district in the name of the district and by the teacher or specialist. (2) No contract of employment with a teacher or specialist shall require such teacher or specialist to teach more than 5 days a week or on any holiday recognized by 20-1-305. No deduction shall be made from a teacher's or specialist's salary by reason of the fact that a holiday falls on a school day. Any teacher's or specialist's contract made in conflict with the 5-days-per-week provision of this section shall not be enforceable against the teacher or specialist.

certificate or for whom

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

specialist

[3] Whenever the trustees of a county high school and 19 the trustees of the elementary district where the county 20 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 provate the

-3-

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

section--may--contain--the-outh-or-affirmation-prescribed-in 5 20-4-104-pad-the-teacher-or-specialist-shall-subscribe--to 6 7 such-oath-or-affirmation-before-on-officer-outhorized-by-tew to-adai nister-aathau" 8 9 NEW SECTION. SECTION 3. REPEALER. SECTION 20-25-106.

10 MCA. IS REPEALED.

-End-

HB 30

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

1	HOUSE BILL NO. 30	1	rank and standing as that of any unit of the Montana
2	INTRODUCED BY LORY	2	university system, and such training shall be evidenced by
3		3	at least a bachelor's degree and a certification of the
4	A BILL FOR AN ACT ENTITLED: MAN ACT TO DELETE THE	4	completion of the teacher education program, except as
5	REQUIREMENT THAT A SCHOOL TEACHER OR SPECIALIST MUST	5	provided for in 20-4-106(1)(d).
6	SUBSCRIBE TO AN DATH AS A QUALIFICATION FOR CERTIFICATION;	6	fe}Heh ossubscri bedtothefo}towingoathor
7	IQBEVEAL_THE_BEQUIREMENT_THAT_EXERY_PROFESSOR*_INSTRUCTOR*	7	affirmationbeforeanofficerauthorizedbylawto
8	OR_TEACHEB_EMPLOYED_BY_ANY_UNIT_OFTHEUNIVERSITYSYSTEM	8	administer-oaths+
9	SHALL_SUBSCRIBE_IO_AN_QAIH_BEFORE_ENTERING_EMPLOYMENT:	9	"Isotemntyswear-for-affirmt-that-I-witt-support-The
10	AMENDING SECTIONS 20-4-104 AND 20-4-201, MCA <u>1_ANDREPEALING</u>	10	EonstitutionoftheUnitedStatesofAmerica+The
11	<u>SECIION_20-25-106. MCA."</u>	11	Constitution-oftheState-of-Montanay-and-the-lawa-of-the
12		12	United-States-and-the-state-of-Hontana-and-willy-byprecept
13	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	13	andexampleypromoterespectfortheflagandthe
14	Section 1. Section 20-4-104, MCA, is amended to read:	14	institutions-of-the-United-States-and-the-state-ofHontana+
15	"20-4-104. Qualifications. (1) Any person may be	15	reverence-for-taw-and-ordery-and-und+vided-attegionce-to-the
16	certified as a teacher when he satisfies the following	16	government-of-the-United-States-of-America.=
17	qualifications:	17	(2) Any person may be certified as a specialist when
19	(a) He is 18 years of age or older but is not more	18	he satisfies the requirements of subsections (1)(a) through
19	than 70 years of age.	19	(l)(c) and the requirement for a specialist certificate
20	(b) He has a certificate of a licensed physician	20	provided in subsection (2) of 20-4-106."
21	attesting to his satisfactory health.	21	Section 2. Section 20-4-201, MCA, is amended to read:
22	(c) He is of good moral and professional character.	22	"20-4-201. Employment of teachers and specialists by
23	(d) He has completed the teacher education program of	23	contract. (1) The trustees of any district shall have the
24	a unit of the Montana university system or an essentially	24	authority to employ any person as a teacher or specialist,
25	equivalent program at an accredited institution of equal	25	but only a person who holds a valid Montana teacher or

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	
-	
5	provided for in 20-4-106(1)(d).
6	fe] He hossubscri bedtothefo llowingoathor
7	affirmationbeforeanofficerauthorizedbylawto
8	administer-oaths*
9	#fsotemtyswear-for-afffrmt-that-f-witt-support-the
10	EonstitutionoftheUnitedStatesofAmericayThe
11	Constitution-oftheState-of-Montanay-and-the-laws-of-the
12	United-States-and-the-state-of-Hontana-and-willy-byprecept
13	andexampleypromoterespectfortheflagandthe
14	institutions-of-the-United-States-and-the-state-ofHontanay
15	reverence-for-taw-and-ordery-and-undivided-attegiance-to-the
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	(l)(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

.

+2-

HB 30

1 specialist certificate or for whom an energency 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 contract made in conflict with the 5-days-per-week provision 16 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

-3-

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	t 4jkny-contract-executed-under-the-provisions-of-this
5	sectionmaycontainthe-eath-or-affirmstion-prescripsd-in
6	20-4-184y-and-the-teacher-or-specialist-shallsubscribeto
7	such-path-or-offirmation-before-an-officer-authorized-by-taw
8	to-administer-oaths="
9	SECTION_3COORDINATION_INSTRUCTIONIE_SENATE_BILL
10	358_IS_PASSED_BY_INE_48IH_LEGISLATURE_AND_APPROVED:_SECTIONS
11	1_AND_2_DE_THIS_BILL_ARE_VOID
12	NEW_SECTIONSECTION_4REPEALERSECTION_20-25-106.
13	MCA. IS_REPEALED.

-end-

-4-