HOUSE BILL NO. 215

INTRODUCED BY CORNE', EUDAILY, NELSON, VINCENT

IN THE HOUSE

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JANUARY 14, 1987	INTRODUCED AND REFERRED TO COMMITTEE ON STATE ADMINISTRATION.
JANUARY 21, 1987	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
JANUARY 22, 1987	PRINTING REPORT.
JANUARY 23, 1987	SECOND READING, DO PASS.
JANUARY 24, 1987	ENGROSSING REPORT.
	THIRD READING, PASSED.
	TRANSMITTED TO SENATE.
	IN THE SENATE
JANUARY 26, 1987	INTRODUCED AND REFERRED TO COMMITTEE ON STATE ADMINISTRATION.
JANUARY 31, 1987	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
FEBRUARY 4, 1987	SECOND READING, CONCURRED IN.
FEBRUARY 6, 1987	THIRD READING, CONCURRED IN. AYES, 48; NOES, 0.
	RETURNED TO HOUSE.
	IN THE HOUSE
FEBRUARY 9, 1987	RECEIVED FROM SENATE.
	SENT TO ENROLLING.

1		#B BILL NO. 215	
2	INTRODUCED	BY Chan' Cudaily Netron	Vaycent
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A BILL FOR AN ACT ENTITLED: "AN ACT DEFINING MEMBERSHIP ELIGIBILITY UNDER THE TEACHERS' RETIREMENT SYSTEM FOR SUBSTITUTE TEACHERS; AMENDING SECTION 19-4-302, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

Section 1. Section 19-4-302, MCA, is amended to read:
"19-4-302. Active membership. (1) Unless otherwise
provided by this chapter, the following persons must be
active members of the retirement system, with the exception
that those persons who became eligible for membership on
September 1, 1937, or on September 1, 1939, and who elected
not to become members under the provisions of the law at
that time are not required to be members:

- (a) any person who is a teacher, principal, or district superintendent as defined in 20-1-101;
- (b) any person who is an administrative officer or a member of the instructional or scientific staff of a unit of the Montana university system;
- 23 (c) any person employed in an instructional services 24 capacity by the office of the superintendent of public 25 instruction, the office of a county superintendent, a

special education cooperative, a public institution of the state of Montana, the Montana state school for the deaf and blind, or a school district:

- (d) any person who has elected not to become a member of the retirement system and is reentering service in a capacity prescribed by (a), (b), or (c) of this subsection (1);
- 8 (e) any person who has elected not to become a member
 9 of the retirement system, who has been continuously employed
 10 in a capacity prescribed by (a), (b), or (c) of this
 11 subsection (1) since the time of such election, and who may
 12 thereafter elect to become a member of the retirement
 13 system.
- 14 (2) In order to be eligible for active membership, any 15 person described in subsection (1) must:
- 16 (a) be employed in the capacity prescribed for his 17 eligibility for at least 30 days in any fiscal year; and
- 18 (b) have the compensation for his creditable service 19 totally paid by an employer as defined herein.
 - (3) A substitute teacher:

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- 21 (a) may elect to become an active member of the
 22 retirement system on the first day of employment in any
 23 fiscal year; or
- 24 (b) shall become an active member of the retirement
- system on the 31st day of employment in any fiscal year if



he has not elected membership under subsection (3)(a).

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(3)(4) At any time a person's eligibility to become a member of the retirement system is in doubt, the retirement board shall determine his eligibility for membership. All persons in similar circumstances shall be treated alike."

NEW SECTION. Section 2. Extension of authority. Any existing authority of the teachers' retirement board to make rules on the subject of the provisions of this act is extended to the provisions of this act.

NEW SECTION. Section 3. Effective date. This act is effective July 1, 1987.

-End-

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APPROVED BY COMMITTEE ON STATE ADMINISTRATION

1	HOUSE BILL NO. 215
2	INTRODUCED BY CORNE', EUDAILY, NELSON, VINCENT
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4	A BILL FOR AN ACT ENTITLED: "AN ACT DEFINING MEMBERSHIP
5	ELIGIBILITY UNDER THE TEACHERS' RETIREMENT SYSTEM FOR
6	SUBSTITUTE TEACHERS; AMENDING SECTION 19-4-302, MCA; AND
7	PROVIDING AN EFFECTIVE DATE."
8	
9	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
10	Section 1. Section 19-4-302, MCA, is amended to read:
11	"19-4-302. Active membership. (1) Unless otherwise
12	provided by this chapter, the following persons must be
13	active members of the retirement system, with the exception
14	that those persons who became eligible for membership on
15	September 1, 1937, or on September 1, 1939, and who elected
16	not to become members under the provisions of the law at
17	that time are not required to be members:
18	(a) any person who is a teacher, principal, or
19	district superintendent as defined in 20-1-101;
20	(b) any person who is an administrative officer or a
21	member of the instructional or scientific staff of a unit of
22	the Montana university system;
23	(c) any person employed in an instructional services
24	capacity by the office of the superintendent of public

instruction, the office of a county superintendent, a

special education cooperative, a public institution of th
state of Montana, the Montana state school for the deaf an
blind, or a school district;
(d) any person who has elected not to become a membe
of the retirement system and is reentering service in
capacity prescribed by (a), (b), or (c) of this subsectio
(1);
(e) any person who has elected not to become a membe
of the retirement system, who has been continuously employed
in a capacity prescribed by (a), (b), or (c) of this
subsection (1) since the time of such election, and who man
thereafter elect to become a member of the retirement
system.
(2) In order to be eligible for active membership, any

eligibility for at least 30 days in any fiscal year; and

(b) have the compensation for his stadius in any

(a) be employed in the capacity prescribed for his

- (b) have the compensation for his creditable service
 totally paid by an employer as defined herein.
 - (3) (A) A substitute teacher:

person described in subsection (1) must:

- 21 <u>fay(I)</u> may elect to become an active member of the 22 retirement system on the first day of employment in any 23 fiscal year; or
- 24 <u>fb}(II)</u> shall become an active member of the retirement
- 25 system on the 31st day of employment in any fiscal year if

he has	not	elected	membership	under	subsection	(3)(a)(3)	ſ).

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- (B) THE EMPLOYER SHALL GIVE WRITTEN NOTIFICATION TO A
 SUBSTITUTE TEACHER ON HIS FIRST DAY OF EMPLOYMENT IN ANY
 FISCAL YEAR OF HIS OPTION TO ELECT MEMBERSHIP UNDER
 SUBSECTION (3)(A)(I).
- (3)(4) At any time a person's eligibility to become a member of the retirement system is in doubt, the retirement board shall determine his eligibility for membership. All persons in similar circumstances shall be treated alike."
- NEW SECTION. Section 2. Extension of authority. Any existing authority of the teachers' retirement board to make rules on the subject of the provisions of this act is extended to the provisions of this act.
- NEW SECTION. Section 3. Effective date. This act is effective July 1, 1987.

-End-

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2	INTRODUCED BY CORNE', EUDAILY, NELSON, VINCENT	2	state of M
3		3	blind, or
4	A BILL FOR AN ACT ENTITLED: "AN ACT DEFINING MEMBERSHIP	4	(d)
5	ELIGIBILITY UNDER THE TEACHERS' RETIREMENT SYSTEM FOR	5	of the ret
6	SUBSTITUTE TEACHERS; AMENDING SECTION 19-4-302, MCA; AND	6	capacity
7	PROVIDING AN EFFECTIVE DATE."	7	(1);
8		8	(e)
9	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	9	of the ret
10	Section 1. Section 19-4-302, MCA, is amended to read:	10	in a cap
11	"19-4-302. Active membership. (1) Unless otherwise	11	su bse ction
12	provided by this chapter, the following persons must be	12	thereafter
13	active members of the retirement system, with the exception	13	system.
14	that those persons who became eligible for membership on	14	(2)
15	September 1, 1937, or on September 1, 1939, and who elected	15	person des
16	not to become members under the provisions of the law at	16	(a)
17	that time are not required to be members:	17	eligibilit
18	(a) any person who is a teacher, principal, or	18	(b) i
19	district superintendent as defined in 20-1-101;	19	totally pa
20	(b) any person who is an administrative officer or a	20	(3)
21	member of the instructional or scientific staff of a unit of	21	tat(I
22	the Montana university system;	22	retirement

(c) any person employed in an instructional services

capacity by the office of the superintendent of public

instruction, the office of a county superintendent, a

HOUSE BILL NO. 215

special education cooperative, a public institution of the state of Montana, the Montana state school for the deaf and blind, or a school district;

- 4 (d) any person who has elected not to become a member 5 of the retirement system and is reentering service in a 6 capacity prescribed by (a), (b), or (c) of this subsection 7 (1);
- 8 (e) any person who has elected not to become a member 9 of the retirement system, who has been continuously employed 10 in a capacity prescribed by (a), (b), or (c) of this 11 subsection (1) since the time of such election, and who may 12 thereafter elect to become a member of the retirement 13 system.
- (2) In order to be eligible for active membership, any person described in subsection (1) must:
- (a) be employed in the capacity prescribed for his eligibility for at least 30 days in any fiscal year; and
- (b) have the compensation for his creditable service
 19 totally paid by an employer as defined herein.
 - (3) (A) A substitute teacher:
- 22 retirement system on the first day of employment in any
- 23 fiscal year; or

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tb)(II) shall become an active member of the retirement system on the 31st day of employment in any fiscal year if

1	he	has	not	elected	membership	under	subsection	(3)	(a)	(I)	١.

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- (B) THE EMPLOYER SHALL GIVE WRITTEN NOTIFICATION TO A
 SUBSTITUTE TEACHER ON HIS FIRST DAY OF EMPLOYMENT IN ANY
 FISCAL YEAR OF HIS OPTION TO ELECT MEMBERSHIP UNDER
 SUBSECTION (3)(A)(I).
- (3)(4) At any time a person's eligibility to become a member of the retirement system is in doubt, the retirement board shall determine his eligibility for membership. All persons in similar circumstances shall be treated alike."
- NEW SECTION. Section 2. Extension of authority. Any existing authority of the teachers' retirement board to make rules on the subject of the provisions of this act is extended to the provisions of this act.
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-End-

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5	ELIGIBILITY UNDER THE TEACHERS' RETIREMENT SYSTEM FOR
6	SUBSTITUTE TEACHERS; AMENDING SECTION 19-4-302, MCA; AND
7	PROVIDING AN EFFECTIVE DATE."
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9	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
10	Section 1. Section 19-4-302, MCA, is amended to read
11	"19-4-302. Active membership. (1) Unless otherwise

50th Legislature

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"19-4-302. Active membership. (1) Unless otherwise provided by this chapter, the following persons must be active members of the retirement system, with the exception that those persons who became eligible for membership on September 1, 1937, or on September 1, 1939, and who elected not to become members under the provisions of the law at that time are not required to be members:

- (a) any person who is a teacher, principal, or district superintendent as defined in 20-1-101;
- 20 (b) any person who is an administrative officer or a
 21 member of the instructional or scientific staff of a unit of
 22 the Montana university system;
- 23 (c) any person employed in an instructional services 24 capacity by the office of the superintendent of public 25 instruction, the office of a county superintendent, a

1	special	education	cooperativ	e, a p	public	insti	tution o	of the
2	state of	Montana, t	he Montana	state	school	for	the deaf	and
3	blind, o	r a school	district;					

- 4 (d) any person who has elected not to become a member
 5 of the retirement system and is reentering service in a
 6 capacity prescribed by (a), (b), or (c) of this subsection
 7 (1);
- 8 (e) any person who has elected not to become a member
 9 of the retirement system, who has been continuously employed
 10 in a capacity prescribed by (a), (b), or (c) of this
 11 subsection (1) since the time of such election, and who may
 12 thereafter elect to become a member of the retirement
 13 system.
- 14 (2) In order to be eligible for active membership, any 15 person described in subsection (1) must:
- 16 (a) be employed in the capacity prescribed for his 17 eligibility for at least 30 days in any fiscal year; and
- 18 (b) have the compensation for his creditable service 19 totally paid by an employer as defined herein.
- 20 (3) (A) A substitute teacher:
- 21 <u>fa}(I)</u> may elect to become an active member of the 22 retirement system on the first day of employment in any
- 23 fiscal year; or
- 24 <u>tb+(II)</u> shall become an active member of the retirement 25 system on the 31st day of employment in any fiscal year if

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1	he has not elected membership under subsection (3)(a)(I).
2	(B) THE EMPLOYER SHALL GIVE WRITTEN NOTIFICATION TO A
3	SUBSTITUTE TEACHER ON HIS FIRST DAY OF EMPLOYMENT IN ANY
4	FISCAL YEAR OF HIS OPTION TO ELECT MEMBERSHIP UNDER
5	SUBSECTION (3)(A)(I).
6	f3f(4) At any time a person's eligibility to become a
7	member of the retirement system is in doubt, the retirement
8	board shall determine his eligibility for membership. All

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NEW SECTION. Section 2. Extension of authority. Any existing authority of the teachers' retirement board to make rules on the subject of the provisions of this act is extended to the provisions of this act.

NEW SECTION. Section 3. Effective date. This act is effective July 1, 1987.

-End-