

HOUSE BILL NO. 215

INTRODUCED BY CORNE', EUDAILY, NELSON, VINCENT

IN THE HOUSE

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 HB BILL NO. 215
 2 INTRODUCED BY Charles Cuddeback Nelson Vanjant
 3

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
 25 instruction, the office of a county superintendent, a

1 special education cooperative, a public institution of the
 2 state of Montana, the Montana state school for the deaf and
 3 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.

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 substitute teacher:

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
 25 system on the 31st day of employment in any fiscal year if

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

2 ~~†3†~~(4) At any time a person's eligibility to become a
3 member of the retirement system is in doubt, the retirement
4 board shall determine his eligibility for membership. All
5 persons in similar circumstances shall be treated alike."

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

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

-End-

APPROVED BY COMMITTEE
ON STATE ADMINISTRATION

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16 not to become members under the provisions of the law at
17 that time are not required to be members:
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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 cooperative, a public institution of the
2 state of Montana, the Montana state school for the deaf and
3 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.
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 (a)(I) 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)(II) shall become an active member of the retirement
25 system on the 31st day of employment in any fiscal year if

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 ~~(3)~~(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
9 persons in similar circumstances shall be treated alike."

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24 capacity by the office of the superintendent of public
25 instruction, the office of a county superintendent, a

1 special education cooperative, a public institution of the
2 state of Montana, the Montana state school for the deaf and
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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 ~~(a)~~(I) may elect to become an active member of the
22 retirement system on the first day of employment in any
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2 (B) THE EMPLOYER SHALL GIVE WRITTEN NOTIFICATION TO A
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