### SENATE BILL NO. 196

## INTRODUCED BY B. BROWN

## BY REQUEST OF THE BOARD OF PUBLIC EDUCATION

## IN THE SENATE

JANUARY 22, 1987	INTRODUCED AND REFERRED TO COMMITTEE ON EDUCATION & CULTURAL RESOURCES.
FEBRUARY 4, 1987	COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.
FEBRUARY 5, 1987	PRINTING REPORT.
FEBRUARY 7, 1987	SECOND READING, DO PASS.
FEBRUARY 9, 1987	ENGROSSING REPORT.
FEBRUARY 10, 1987	THIRD READING, PASSED. AYES, 50; NOES, 0.
	TRANSMITTED TO HOUSE.
	IN THE HOUSE
FEBRUARY 18, 1987	INTRODUCED AND REFERRED TO COMMITTEE ON EDUCATION & CULTURAL RESOURCES.
MARCH 13, 1987	COMMITTEE RECOMMEND BILL BE CONCURRED IN AS AMENDED. REPORT ADOPTED.
MARCH 17, 1987	SECOND READING, CONCURRED IN.
MARCH 18, 1987	THIRD READING, CONCURRED IN. AYES, 89; NOES, 3.
	RETURNED TO SENATE WITH AMENDMENTS.
	IN THE SENATE
MARCH 21, 1987	RECEIVED FROM HOUSE.

SECOND READING, AMENDMENTS

CONCURRED IN.

MARCH 23, 1987

THIRD READING, AMENDMENTS CONCURRED IN.

SENT TO ENROLLING.

1	Muste BILL NO. 196
2	INTRODUCED BY Bob Brown
3,	BY REQUEST OF THE BOARD OF PUBLIC EDUCATION
4	
5	A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING CERTAIN
6	PROFESSIONALS TO BECOME MEMBERS OF THE TEACHERS' RETIREMENT
7	SYSTEM; AMENDING SECTION 19-4-302, MCA; AND PROVIDING AN
8	EFFECTIVE DATE."
9	
10	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
11	Section 1. Section 19-4-302, MCA, is amended to read:
1 <b>2</b>	"19-4-302. Active membership. (1) Unless otherwise
13	provided by this chapter, the following persons must be
14	active members of the retirement system, with the exception
15	that those persons who became eligible for membership on
16	September 1, 1937, or on September 1, 1939, and who elected
17	not to become members under the provisions of the law at
18	that time are not required to be members:
19	(a) any person who is a teacher, principal, or
20	district superintendent as defined in 20-1-101;
21	(b) any person who is an administrative officer or a
22	member of the instructional or scientific staff of a unit of
23	the Montana university system;
24	(c) any person employed as a speech therapist, school
25	nurse, or school psychologist or in an instructional

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ices capacity by the office of the superintendent of ic instruction, the office of a county superintendent, a cial education cooperative, a public institution of the e of Montana, the Montana state school for the deaf and d, or a school district; (d) any person who is an administrative officer or a per of the instructional staff of the board of public cation; (d)(e) any person who has elected not to become a per of the retirement system and is reentering service in capacity prescribed by (a), (b), or (c), or (d) of this section (1); tet(f) any person who has elected not to become a per of the retirement system, who has been continuously loyed in a capacity prescribed by (a), (b), or (c), or of this subsection (1) since the time of such election, who may thereafter elect to become a member of the irement system.

- (2) In order to be eligible for active membership, any son described in subsection (1) must:
- (a) be employed in the capacity prescribed for his gibility for at least 30 days in any fiscal year; and
- (b) have the compensation for his creditable service totally paid by an employer as defined herein. 24
  - (3) At any time a person's eligibility to become a

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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."

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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.

8 <u>NEW SECTION.</u> Section 3. Effective date. This act is9 effective July 1, 1987.

-End-

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#### APPROVED BY COMM. ON EDUCATION AND CULTURAL RESOURCES

ı	Senate BILL NO. 196
2	INTRODUCED BY 66 Known
3	BY REQUEST OF THE BOARD OF PUBLIC EDUCATION
4	
5	A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING CERTAIN
6	PROFESSIONALS TO BECOME MEMBERS OF THE TEACHERS' RETIREMENT
7	SYSTEM; AMENDING SECTION 19-4-302, MCA; AND PROVIDING AN
8	EFFECTIVE DATE."
9	
.0	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
.1	Section 1. Section 19-4-302, MCA, is amended to read:
2	"19-4-302. Active membership. (1) Unless otherwise
. 3	provided by this chapter, the following persons must be
4	active members of the retirement system, with the exception
.5	that those persons who became eligible for membership on
16	September 1, 1937, or on September 1, 1939, and who elected
١7	not to become members under the provisions of the law at
<b>. 8</b>	that time are not required to be members:
19	(a) any person who is a teacher, principal, or
20	district superintendent as defined in 20-1-101;
21	(b) any person who is an administrative officer or a
22	member of the instructional or scientific staff of a unit of
23	the Montana university system;

(c) any person employed as a speech therapist, school

nurse, or school psychologist or in an instructional

services capacity by the office of the superintendent of public 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 is an administrative officer or a member of the instructional staff of the board of public education;

td)(e) 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), or (d) of this subsection (1);

tet(f) any person who has elected not to become a member of the retirement system, who has been continuously employed in a capacity prescribed by (a), (b), or (c), or (d) of this subsection (1) since the time of such election, and who may thereafter elect to become a member of the retirement system.

- 19 (2) In order to be eligible for active membership, any 20 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 23 totally paid by an employer as defined herein.
  - (3) 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.
- 8 <u>NEW SECTION.</u> Section 3. Effective date. This act is
   9 effective July 1, 1987.

-End-

1	Inste BILL NO. 176
2	INTRODUCED BY Bob Brown
3	BY REQUEST OF THE BOARD OF PUBLIC EDUCATION
4	
5	A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING CERTAIN
6	PROFESSIONALS TO BECOME MEMBERS OF THE TEACHERS' RETIREMENT
7	SYSTEM; AMENDING SECTION 19-4-302, MCA; AND PROVIDING AN
8	EFFECTIVE DATE."
9	
10	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
11	Section 1. Section 19-4-302, MCA, is amended to read:
12	"19-4-302. Active membership. (1) Unless otherwise
13	provided by this chapter, the following persons must be
14	active members of the retirement system, with the exception
15	that those persons who became eligible for membership on
16	September 1, 1937, or on September 1, 1939, and who elected
17	not to become members under the provisions of the law at
18	that time are not required to be members:
19	(a) any person who is a teacher, principal, or
20	district superintendent as defined in 20-1-101;
21	(b) any person who is an administrative officer or a
22	member of the instructional or scientific staff of a unit of
23	the Montana university system;
24	(c) any person employed as a speech therapist, school
25	nurse, or school psychologist or in an instructional

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vices capacity by the office of the superintendent of lic instruction, the office of a county superintendent, a cial education cooperative, a public institution of the te of Montana, the Montana state school for the deaf and nd, or a school district; (d) any person who is an administrative officer or a ber of the instructional staff of the board of public cation; (d)(e) any person who has elected not to become a ber of the retirement system and is reentering service in capacity prescribed by (a), (b), or (c), or (d) of this section (1); tet(f) any person who has elected not to become a ber of the retirement system, who has been continuously ployed in a capacity prescribed by (a), (b), or (c), or of this subsection (1) since the time of such election, who may thereafter elect to become a member of the irement system. (2) In order to be eligible for active membership, any

- son described in subsection (1) must:
- (a) be employed in the capacity prescribed for his gibility for at least 30 days in any fiscal year; and
- (b) have the compensation for his creditable service totally paid by an employer as defined herein.
  - (3) 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
- MEW 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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subsection (1);

1	SERMIE BILL NO. 190
2	INTRODUCED BY B. BROWN
3	BY REQUEST OF THE BOARD OF PUBLIC EDUCATION
4	
5	A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING CERTAIN
6	PROFESSIONALS TO BECOME MEMBERS OF THE TEACHERS' RETIREMENT
7	SYSTEM; AMENDING SECTION 19-4-302, MCA; AND PROVIDING A
В	EFFECTIVE DATE AND AN APPLICABILITY DATE."
9	
10	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
11	Section 1. Section 19-4-302, MCA, is amended to read
12	"19-4-302. Active membership. (1) Unless otherwise
13	provided by this chapter, the following persons must be
14	active members of the retirement system, with the exception
15	that those persons who became eligible for membership or
16	September 1, 1937, or on September 1, 1939, and who elected
17	not to become members under the provisions of the law at
18	that time are not required to be members:
19	(a) any person who is a teacher, principal, or
20	district superintendent as defined in 20-1-101;
21	(b) any person who is an administrative officer or a
22	member of the instructional or scientific staff of a unit of
23	the Montana university system;
24	(c) any person employed as a speech therapist, school
25	nurse, or school psychologist or in an instructional

1	services capacity by the office of the superintendent of
2	public instruction, the office of a county superintendent, a
3	special education cooperative, a public institution of the
4	state of Montana, the Montana state school for the deaf and
5	blind, or a school district;
6	(d) any person who is an administrative officer or a
7	member of the instructional staff of the board of public
8	education;
9	<pre>(d)(e) any person who has elected not to become a</pre>
10	member of the retirement system and is reentering service in
11	a capacity prescribed by (a), (b), or (c), or (d) of this

te)(f) any person who has elected not to become a member of the retirement system, who has been continuously employed in a capacity prescribed by (a), (b), or (c), or (d) of this subsection (1) since the time of such election, and who may thereafter elect to become a member of the retirement system.

- 19 (2) In order to be eligible for active membership, any 20 person described in subsection (1) must:
- 21 (a) be employed in the capacity prescribed for his 22 eligibility for at least 30 days in any fiscal year; and
- (b) have the compensation for his creditable servicetotally paid by an employer as defined herein.
- 25 (3) At any time a person's eligibility to become a

1	member of the retirement system is in doubt, the retirement
2	board shall determine his eligibility for membership. All
3	persons in similar circumstances shall be treated alike."
4	NEW SECTION. Section 2. Extension of authority. Any
5	existing authority of the teachers' retirement board to make
6	rules on the subject of the provisions of this act is
7	extended to the provisions of this act.
8	NEW SECTION. Section 3. Effective date. This act is
9	effective July 1, 1987.
10	NEW SECTION. SECTION 4. APPLICABILITY. THIS ACT
11	APPLIES TO ANY SPEECH THERAPIST, SCHOOL NURSE, OR SCHOOL
12	PSYCHOLOGIST WHO WAS HIRED ON OR AFTER JULY 1, 1987.

-End-

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# STANDING COMMITTEE REPORT

	HOUSEMARCH_ 13,19_87_
$\zeta$	Mr. Speaker: We, the committee onEDUCATION_AND_CULTURAL_RESOURCES
•	report SENATE BILL NO. 196
	do pass do not pass be not concurred in statement of intent attached  The tage of the concurred in the concu
	RED. JACK SANDS, Chairman REQUIRE PUBLIC EDUCATION BOARD STAFF TO JOIN TEACHERS' RETIREMENT SYSTEM
	<pre>l. Page l, line 8. Following: "DATE" Insert: "AND AN APPLICABILITY DATE"</pre>
)	2. Page 3.  Following: line 9 Insert: "NEW SECTION. Section . Applicability. This act applies to any speech therapist, school nurse, or school psychologist who was hired on or after July 1, 1987."
	B
	REP. EUDAILY WILL CARRY THIS BILL IN THE HOUSE OF REPRESENTATIVES

THIRD reading copy ( BLUE )