

SENATE BILL 9

Introduced by Klampe

11/23	Introduced
11/23	Fiscal Note Requested
11/29	First Reading
11/29	Referred to Fiance & Claims
11/29	Fiscal Note Received
11/30	Fiscal Note Printed
12/02	Hearing
12/06	Committee Report--Bill Passed as Amended
12/07	2nd Reading Do Pass as Amended Motion Failed
12/07	2nd Reading Definitely Postponed

SENATE BILL NO. 9  
INTRODUCED BY KLAMPE

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE  
RENEGOTIATION OF A COLLECTIVE BARGAINING AGREEMENT WHENEVER  
TWO OR MORE SCHOOL DISTRICTS CONSOLIDATE OR UNIFY;  
CLARIFYING THAT RENEGOTIATION INCLUDES IMPACTS ON TENURE;  
AMENDING SECTIONS 20-4-203, 20-6-410, AND 20-6-711, MCA; AND  
PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY  
DATE."

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

**NEW SECTION. Section 1.** Contract renegotiation  
required when new district created. Whenever two or more  
school districts consolidate or unify into a single district  
under the provisions of this chapter, the resulting district  
is considered a new district and all prior collective  
bargaining agreements must be renegotiated.

**Section 2.** Section 20-4-203, MCA, is amended to read:

"20-4-203. Teacher tenure -- exceptions. (1) Except as  
provided in 20-4-208 and [section 1], whenever a teacher has  
been elected by the offer and acceptance of a contract for  
the fourth consecutive year of employment by a district in a  
position requiring teacher certification except as a  
district superintendent or specialist, the teacher is

considered to be reelected from year to year thereafter as a  
tenure teacher at the same salary and in the same or a  
comparable position of employment as that provided by the  
last executed contract with the teacher unless the trustees  
resolve by majority vote of their membership to terminate  
the services of the teacher in accordance with the  
provisions of 20-4-204.

(2) The Except as provided in [section 1], the tenure  
of a teacher with a district may not be impaired upon  
termination of services of the teacher if the following  
conditions exist:

(a) the tenure teacher is terminated because the  
financial condition of the district requires a reduction in  
the number of teachers employed; and

(b) continued employment rights are provided for in a  
collectively bargained contract of the district."

**Section 3.** Section 20-6-410, MCA, is amended to read:

"20-6-410. Tenure protected -- hiring preference for  
employees -- exceptions. (1) Whenever Except as provided in  
20-4-203 and [section 1], whenever two or more school  
districts consolidate or join through annexation to organize  
into a single district in the manner provided for in Title  
20, chapter 6, a principal, teacher, or other certified  
employee of the school districts who has a right of tenure  
under Montana law must be given absolute preference in

1 hiring for the first school fiscal year for any available  
 2 and vacant position with the consolidated or enlarged  
 3 district for which the employee is qualified with the  
 4 required certification endorsements. Upon acceptance of a  
 5 position, the certified employee continues to have tenure in  
 6 the consolidated or enlarged district and the board of  
 7 trustees of the consolidated or enlarged school district in  
 8 which the person will perform duties shall recognize and  
 9 give effect to the right of tenure.

10 (2) A Except as provided in 20-4-203 and [section 1], a  
 11 noncertified, nonprobationary employee of a school district  
 12 that consolidates or joins another district through  
 13 annexation must be given preference in hiring for the first  
 14 school fiscal year for any available and vacant position  
 15 with the consolidated or enlarged district for which the  
 16 employee has substantially equal qualifications and, upon  
 17 acceptance of a position, may not be given probationary  
 18 status."

19 **Section 4.** Section 20-6-711, MCA, is amended to read:

20 "20-6-711. Tenure protected -- hiring preference for  
 21 noncertified employees -- exceptions. (1) Whenever Except as  
 22 provided in 20-4-203 and [section 1], whenever an elementary  
 23 district is attached to a high school district to form a  
 24 K-12 school district under the provisions of 20-6-701, a  
 25 district superintendent, principal, teacher, or other

1 certified employee of the elementary district who has a  
 2 right of tenure under Montana law continues to have tenure  
 3 in any available position in the K-12 district and the board  
 4 of trustees of the high school district in which the person  
 5 will perform duties shall recognize and give effect to the  
 6 right of tenure.

7 (2) A Except as provided in 20-4-203 and [section 1], a  
 8 noncertified, nonprobationary employee of an elementary  
 9 district that is attached to a high school district to form  
 10 a K-12 district must be given preference in hiring for any  
 11 available position with the K-12 district for which the  
 12 employee has substantially equal qualifications and, upon  
 13 acceptance of a position, may not be given probationary  
 14 status."

15 NEW SECTION. **Section 5.** Codification instruction.  
 16 [Section 1] is intended to be codified as an integral part  
 17 of Title 20, chapter 6, and the provisions of Title 20,  
 18 chapter 6, apply to [section 1].

19 NEW SECTION. **Section 6.** Effective date --  
 20 applicability. [This act] is effective on passage and  
 21 approval and applies to a contract in a school district  
 22 consolidated or unified after [the effective date of this  
 23 act].

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for SB0009, as introduced.


DESCRIPTION OF PROPOSED LEGISLATION:

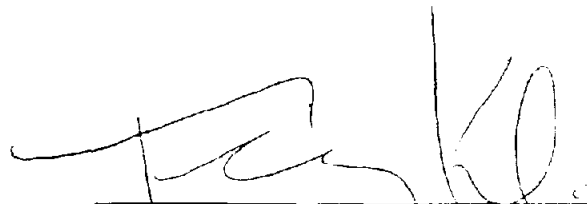
An act requiring the renegotiation of a collective bargaining agreement whenever two or more school districts consolidate or unify; Clarifying that renegotiation includes impacts on tenure; amending various sections; and providing an immediate effective date and an applicability date.

ASSUMPTIONS: The requirement to renegotiate will not necessarily affect the overall level of spending of the district from what would have existed without this requirement. The board of the new school district will negotiate new salary levels within their budget.

FISCAL IMPACT: None

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES: None

 11-30  
DAVE LEWIS, BUDGET DIRECTOR      DATE  
Office of Budget and Program Planning

 11/30/93  
TERRY KLAMPE, PRIMARY SPONSOR      DATE  
Fiscal Note for SB0009, as introduced

SB 9

SENATE BILL NO. 9

INTRODUCED BY KLAMPE

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE RENEGOTIATION OF A COLLECTIVE BARGAINING AGREEMENT WHENEVER TWO OR MORE SCHOOL DISTRICTS ~~CONSOLIDATE-OR-UNIFY~~ REORGANIZE UNDER THE PROVISIONS OF TITLE 20, CHAPTER 6; CLARIFYING THAT RENEGOTIATION INCLUDES IMPACTS ON TENURE; AMENDING SECTIONS 20-4-203, 20-6-410, AND 20-6-711, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."

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

NEW SECTION. Section 1. Contract renegotiation required when new district created. Whenever two or more school districts ~~consolidate-or-unify-into-a-single-district~~ REORGANIZE under the provisions of this chapter, the resulting district is considered a new district and all prior collective bargaining agreements PERTAINING TO SALARIES AND BENEFITS must be renegotiated.

Section 2. Section 20-4-203, MCA, is amended to read:

"20-4-203. Teacher tenure -- exceptions. (1) Except as provided in 20-4-208 ~~and {section 1}~~, whenever a teacher has been elected by the offer and acceptance of a contract for the fourth consecutive year of employment by a district in a position requiring teacher certification except as a

district superintendent or specialist, the teacher is considered to be reelected from year to year thereafter as a tenure teacher at the same salary, EXCEPT AS PROVIDED IN [SECTION 1], and in the same or a comparable position of employment as that provided by the last executed contract with the teacher unless the trustees resolve by majority vote of their membership to terminate the services of the teacher in accordance with the provisions of 20-4-204.

(2) The Except as provided in [section 1], the tenure of a teacher with a district may not be impaired upon termination of services of the teacher if the following conditions exist:

(a) the tenure teacher is terminated because the financial condition of the district requires a reduction in the number of teachers employed; and

(b) continued employment rights are provided for in a collectively bargained contract of the district."

Section 3. Section 20-6-410, MCA, is amended to read:

"20-6-410. Tenure protected -- hiring preference for employees -- exceptions. (1) Whenever Except as provided in 20-4-203 and [section 1], whenever two or more school districts consolidate or join through annexation to organize into a single district in the manner provided for in Title 20, chapter 6, a principal, teacher, or other certified employee of the school districts who has a right of tenure

1 under Montana law must be given absolute preference in  
 2 hiring for the first school fiscal year for any available  
 3 and vacant position with the consolidated or enlarged  
 4 district for which the employee is qualified with the  
 5 required certification endorsements. Upon acceptance of a  
 6 position, the certified employee continues to have tenure in  
 7 the consolidated or enlarged district and the board of  
 8 trustees of the consolidated or enlarged school district in  
 9 which the person will perform duties shall recognize and  
 10 give effect to the right of tenure.

11 (2) A Except as provided in 20-4-203 and [section 1], a  
 12 noncertified, nonprobationary employee of a school district  
 13 that consolidates or joins another district through  
 14 annexation must be given preference in hiring for the first  
 15 school fiscal year for any available and vacant position  
 16 with the consolidated or enlarged district for which the  
 17 employee has substantially equal qualifications and, upon  
 18 acceptance of a position, may not be given probationary  
 19 status."

20 **Section 4.** Section 20-6-711, MCA, is amended to read:

21 "20-6-711. Tenure protected -- hiring preference for  
 22 noncertified employees -- exceptions. (1) Whenever Except as  
 23 provided in 20-4-203 and [section 1], whenever an elementary  
 24 district is attached to a high school district to form a  
 25 K-12 school district under the provisions of 20-6-701, a

1 district superintendent, principal, teacher, or other  
 2 certified employee of the elementary district who has a  
 3 right of tenure under Montana law continues to have tenure  
 4 in any available position in the K-12 district and the board  
 5 of trustees of the high school district in which the person  
 6 will perform duties shall recognize and give effect to the  
 7 right of tenure.

8 (2) A Except as provided in 20-4-203 and [section 1], a  
 9 noncertified, nonprobationary employee of an elementary  
 10 district that is attached to a high school district to form  
 11 a K-12 district must be given preference in hiring for any  
 12 available position with the K-12 district for which the  
 13 employee has substantially equal qualifications and, upon  
 14 acceptance of a position, may not be given probationary  
 15 status."

16 **NEW SECTION. Section 5.** Codification instruction.  
 17 [Section 1] is intended to be codified as an integral part  
 18 of Title 20, chapter 6, and the provisions of Title 20,  
 19 chapter 6, apply to [section 1].

20 **NEW SECTION. Section 6.** Effective date --  
 21 applicability. [This act] is effective on passage and  
 22 approval and applies to a contract in a school district  
 23 consolidated or unified after [the effective date of this  
 24 act].

-End-