

## SENATE BILL NO. 28

INTRODUCED BY HERTEL

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THAT AT LEAST ONE OF THE TWO APPOINTEES FROM THE TEACHING PROFESSION TO THE TEACHERS' RETIREMENT BOARD BE ACTIVELY EMPLOYED AS A PUBLIC SCHOOL CLASSROOM TEACHER; DEFINING "CLASSROOM TEACHER"; AMENDING SECTION 2-15-1010, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."

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

**Section 1.** Section 2-15-1010, MCA, is amended to read:

**"2-15-1010. Teachers' retirement board -- terms -- allocation -- definition.** (1) There is a teachers' retirement board.

(2) The board consists of six members appointed by the governor, as follows:

(a) the superintendent of public instruction;

(b) two persons appointed from the teaching profession who, when appointed, are active members of the retirement system; At least one of the two appointees must be actively employed as a public school classroom teacher and shall hold a class 1, 2, or 4 certificate pursuant to 20-4-106.

(c) two persons appointed as representatives of the public;

(d) one member who ~~shall~~ must be a retired teacher who was a member of the retirement system at the time of retirement.

(3) Each appointed member of the board shall serve a term of 4 years. Each appointed member shall take and subscribe to the oath prescribed by ~~section 3 of~~ Article III, section 3, of the Montana constitution ~~of the state~~. The oath ~~shall~~ must be filed in the office of the secretary of state.

(4) The board is allocated to the department for administrative purposes only as prescribed in 2-15-121. However, the board may hire its own personnel, and 2-15-121(2)(d) does not apply.

(5) As used in this section, "classroom teacher" means a staff member assigned professional activities of instructing pupils in self-contained classes or courses or in classroom situations."



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STATE OF MONTANA - FISCAL NOTE

Fiscal Note for SB0028, as introduced


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DESCRIPTION OF PROPOSED LEGISLATION:

This bill requires that at least one of the two appointees from the teaching profession to the Teachers' Retirement Board be actively employed as a public school classroom teacher.

FISCAL IMPACT:

Passage of SB 028 will have no fiscal impact on the state.

  
\_\_\_\_\_  
DAVE LEWIS, BUDGET DIRECTOR      DATE  
Office of Budget and Program Planning

      1/20/97  
\_\_\_\_\_  
JOHN HERTEL, PRIMARY SPONSOR      DATE  
Fiscal Note for SB0028, as introduced

**SB 28**

APPROVED BY COM ON  
STATE ADMINISTRATION

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6 AS A PUBLIC SCHOOL CLASSROOM TEACHER; DEFINING "CLASSROOM TEACHER"; AMENDING  
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18 of the retirement system; At least one of the two appointees must be actively employed as a public school  
19 classroom teacher and shall hold a class 1, 2, or 4 certificate pursuant to 20-4-106.

20 (c) two persons appointed as representatives of the public;

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22 at the time of retirement.

23 (3) Each appointed member of the board shall serve a term of 4 years. Each appointed member  
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26 (4) The board is allocated to the department for administrative purposes only as prescribed in  
27 2-15-121. However, the board may hire its own personnel, and 2-15-121(2)(d) does not apply.

28 (5) As used in this section, "classroom teacher" means a staff member assigned professional  
29 activities of instructing pupils in self-contained classes or courses or in classroom situations."

1       **NEW SECTION. Section 2. Effective date -- applicability.** [This act] is effective on passage and  
2 approval and applies to an appointment made on or after [the effective date of this act].

3   -END-

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A BILL FOR AN ACT ENTITLED: "~~AN ACT REQUIRING THAT AT LEAST ONE OF THE TWO APPOINTEES FROM THE TEACHING PROFESSION TO~~ MEMBER OF THE TEACHERS' RETIREMENT BOARD BE ACTIVELY EMPLOYED AS A PUBLIC SCHOOL CLASSROOM TEACHER; REMOVING THE SUPERINTENDENT OF PUBLIC INSTRUCTION; DEFINING "CLASSROOM TEACHER"; AMENDING SECTION SECTIONS 2-15-1010 AND 20-3-106, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."

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(5) As used in this section, "classroom teacher" means a staff member assigned professional activities of instructing pupils in self-contained classes or courses or in classroom situations."

1           **SECTION 2. SECTION 20-3-106, MCA, IS AMENDED TO READ:**

2           **"20-3-106. Supervision of schools -- powers and duties.** The superintendent of public instruction  
3 has the general supervision of the public schools and districts of the state and shall perform the following  
4 duties or acts in implementing and enforcing the provisions of this title:

5           (1) resolve any controversy resulting from the proration of costs by a joint board of trustees under  
6 the provisions of 20-3-362;

7           (2) issue, renew, or deny teacher certification and emergency authorizations of employment;

8           (3) negotiate reciprocal tuition agreements with other states in accordance with the provisions of  
9 20-5-314;

10          (4) ~~serve on the teachers' retirement board in accordance with the provisions of 2-15-1010;~~

11          ~~(5)~~ approve or disapprove the orders of a high school boundary commission in accordance with  
12 the provisions of 20-6-311;

13          ~~(6)~~(5) approve or disapprove the opening or reopening of a school in accordance with the  
14 provisions of 20-6-502, 20-6-503, 20-6-504, or 20-6-505;

15          ~~(7)~~(6) approve or disapprove school isolation within the limitations prescribed by 20-9-302;

16          ~~(8)~~(7) generally supervise the school budgeting procedures prescribed by law in accordance with  
17 the provisions of 20-9-102 and prescribe the school budget format in accordance with the provisions of  
18 20-9-103 and 20-9-506;

19          ~~(9)~~(8) establish a system of communication for calculating joint district revenues in accordance with  
20 the provisions of 20-9-151;

21          ~~(10)~~(9) approve or disapprove the adoption of a district's budget amendment resolution under the  
22 conditions prescribed in 20-9-163 and adopt rules for an application for additional direct state aid for a  
23 budget amendment in accordance with the approval and disbursement provisions of 20-9-166;

24          ~~(11)~~(10) generally supervise the school financial administration provisions as prescribed by  
25 20-9-201(2);

26          ~~(12)~~(11) prescribe and furnish the annual report forms to enable the districts to report to the county  
27 superintendent in accordance with the provisions of 20-9-213(5) and the annual report forms to enable the  
28 county superintendents to report to the superintendent of public instruction in accordance with the  
29 provisions of 20-3-209;

30          ~~(13)~~(12) approve, disapprove, or adjust an increase of the average number belonging (ANB) in

- 1 accordance with the provisions of 20-9-313 and 20-9-314;
- 2 ~~(14)~~(13) distribute BASE aid and special education allowable cost payments in support of the BASE
- 3 funding program, in accordance with the provisions of 20-9-331, 20-9-333, 20-9-342, 20-9-346, 20-9-347,
- 4 and 20-9-366 through 20-9-369;
- 5 ~~(16)~~(14) provide for the uniform and equal provision of transportation by performing the duties
- 6 prescribed by the provisions of 20-10-112;
- 7 ~~(16)~~(15) approve or disapprove an adult education program for which a district proposes to levy
- 8 a tax in accordance with the provisions of 20-7-705;
- 9 ~~(17)~~(16) request, accept, deposit, and expend federal money in accordance with the provisions of
- 10 20-9-603;
- 11 ~~(18)~~(17) authorize the use of federal money for the support of an interlocal cooperative agreement
- 12 in accordance with the provisions of 20-9-703 and 20-9-704;
- 13 ~~(19)~~(18) prescribe the form and contents of and approve or disapprove interstate contracts in
- 14 accordance with the provisions of 20-9-705;
- 15 ~~(20)~~(19) approve or disapprove the conduct of school on a Saturday or on pupil-instruction-related
- 16 days in accordance with the provisions of 20-1-303 and 20-1-304;
- 17 ~~(21)~~(20) recommend standards of accreditation for all schools to the board of public education and
- 18 evaluate compliance with the standards and recommend accreditation status of every school to the board
- 19 of public education in accordance with the provisions of 20-7-101 and 20-7-102;
- 20 ~~(22)~~(21) collect and maintain a file of curriculum guides and assist schools with instructional
- 21 programs in accordance with the provisions of 20-7-113 and 20-7-114;
- 22 ~~(23)~~(22) establish and maintain a library of visual, aural, and other educational media in accordance
- 23 with the provisions of 20-7-201;
- 24 ~~(24)~~(23) license textbook dealers and initiate prosecution of textbook dealers violating the law in
- 25 accordance with the provisions of the textbooks part of this title;
- 26 ~~(25)~~(24) as the governing agent and executive officer of the state of Montana for K-12 vocational
- 27 education, adopt the policies prescribed by and in accordance with the provisions of 20-7-301;
- 28 ~~(26)~~(25) supervise and coordinate the conduct of special education in the state in accordance with
- 29 the provisions of 20-7-403;
- 30 ~~(27)~~(26) administer the traffic education program in accordance with the provisions of 20-7-502;

1           ~~(28)~~(27) administer the school food services program in accordance with the provisions of  
2 20-10-201, 20-10-202, and 20-10-203;

3           ~~(29)~~(28) review school building plans and specifications in accordance with the provisions of  
4 20-6-622;

5           ~~(30)~~(29) prescribe the method of identification and signals to be used by school safety patrols in  
6 accordance with the provisions of 20-1-408;

7           ~~(31)~~(30) provide schools with information and technical assistance for compliance with the student  
8 assessment rules provided for in 20-2-121 and collect and summarize the results of the student assessment  
9 for the board of public education and the legislature;

10           ~~(32)~~(31) administer the distribution of guaranteed tax base aid in accordance with 20-9-366 through  
11 20-9-369; and

12           ~~(33)~~(32) perform any other duty prescribed from time to time by this title, any other act of the  
13 legislature, or the policies of the board of public education."

14

15           NEW SECTION. Section 3. Effective date -- applicability. [This act] is effective ~~on passage and~~  
16 ~~approval and applies to an appointment made on or after [the effective date of this act]~~ JULY 1, 1997.

17

-END-