

SENATE BILL NO. 139

INTRODUCED BY M. LANG

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A BILL FOR AN ACT ENTITLED: "AN ACT REVISING RETURN TO EMPLOYMENT PROVISIONS UNDER THE TEACHERS' RETIREMENT SYSTEM; REVISING THE CRITERIA TO BE MET FOR A RETIREE TO RETURN TO EMPLOYMENT IN SPECIAL CIRCUMSTANCES WITHOUT LOSS OF RETIREMENT BENEFITS; REVISING REPORTING TO LEGISLATIVE COMMITTEES; AMENDING SECTION 19-20-732, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND, AN APPLICABILITY DATE, AND A TERMINATION DATE."

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

Section 1. Section 19-20-732, MCA, is amended to read:

"19-20-732. Reemployment of certain retired teachers, specialists, and administrators -- procedure -- definitions. (1) Subject to the provisions of this section:

(a) a teacher, specialist, or administrator who has been receiving a retirement allowance for no less than 2 months, except a disability retirement allowance pursuant to part 9 of this chapter, may be employed on a full-time basis by an employer for a maximum of ~~3~~ 4 ~~3~~ years during the lifetime of the retired member without the loss or interruption of any payments or retirement benefits if:

- (i) the retired member completed ~~30~~ 25 27 or more years of creditable service prior to retirement;
- (ii) the retired member holds a valid certificate pursuant to the provisions of 20-4-106; and
- (iii) each year, prior to employing a retired member, the employer certifies to the office of public instruction and to the retirement board that after having advertised the position for that year the employer has been unable to fill the position because the employer either has received no qualified applications or has not received an acceptance of an offer of employment made to a nonretired teacher, specialist, or administrator; THE OFFICE OF PUBLIC INSTRUCTION SHALL VERIFY THAT THE EMPLOYER HAS ADVERTISED THE POSITION AS REQUIRED UNDER THIS SUBSECTION (1)(A)(III).

(b) the employer certification required by this section must include the retired member's name and social security number and a copy of the proposed contract of employment for the retired member;

(c) upon receipt of the employer's certification and of the proposed contract of employment, the retirement board shall verify whether the retired member meets the requirements of subsection (1)(a)(i) and shall



1 notify the employer and the retired member of its findings;

2 (d) a retired member reemployed under this section is ineligible for active membership under 19-20-302
3 and is ineligible to receive service credit under any retirement system identified in Title 19; and

4 (e) BY SEPTEMBER 15 OF EACH EVEN-NUMBERED YEAR, the retirement board shall report to the ~~appropriate~~
5 EDUCATION INTERIM COMMITTEE AND THE STATE ADMINISTRATION AND VETERANS' AFFAIRS INTERIM committee ~~each~~
6 legislative session, AS PROVIDED IN 5-11-210, regarding the implementation of and results arising from this section.

7 (2) An employer employing a retired member pursuant to this section shall contribute monthly to the
8 retirement system an amount equal to the sum of the contribution rates required by 19-20-602, 19-20-604,
9 19-20-605, 19-20-607, 19-20-608, and 19-20-609.

10 (3) A retired member reemployed pursuant to this section is exempt from the earnings and employment
11 limits provided in 19-20-731.

12 (4) If reemployed in a position covered by a collective bargaining agreement pursuant to Title 39, chapter
13 31, the retired member is subject to all the terms and conditions of the agreement and is entitled to all the benefits
14 and protections of the agreement.

15 (5) The board may adopt rules to implement this section.

16 (6) As used in this section, the following definitions apply:

17 (A) "ADMINISTRATOR" MEANS A SCHOOL PRINCIPAL OR DISTRICT ADMINISTRATOR OTHER THAN A
18 SUPERINTENDENT.

19 ~~(a)~~(B) "Employer" means a school district as defined in 20-6-101 and 20-6-701 ~~THAT IS EMPLOYING A~~
20 RETIRED MEMBER IN A POSITION IN A SCHOOL IN THE DISTRICT THAT HAD 120 OR FEWER REGULARLY ENROLLED PUPILS
21 IN THE SCHOOL YEAR PRIOR TO THE EMPLOYMENT OF THE RETIRED MEMBER EMPLOYS A RETIRED MEMBER AND IS A
22 SECOND-CLASS OR THIRD-CLASS ELEMENTARY DISTRICT UNDER 20-6-201 OR A SECOND-CLASS OR THIRD-CLASS HIGH
23 SCHOOL DISTRICT UNDER 20-6-301.

24 ~~(b)~~(C) "Year" means all or any part of a school year."
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26 NEW SECTION. Section 2. Effective date. [This act] is effective on passage and approval.
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28 NEW SECTION. Section 3. Applicability. [This act] applies to contracts initiated on or after [the
29 effective date of this act].
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