

Amendment - 1st Reading/2nd House-blue - Requested by: Daniel Salomon - (S) Education and Cultural Resources

- 2023

68th Legislature 2023

Drafter: Pad McCracken, 406-444-3595

HB0403.001.001

1 HOUSE BILL NO. 403
2 INTRODUCED BY D. BEDEY, D. SALOMON, J. FULLER, B. LER
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO TEACHER AND SPECIALIST
5 LICENSURE; REVISING THE USE AND SETTING OF FEES FOR TEACHER AND SPECIALIST
6 CERTIFICATION FEES; AMENDING SECTION 20-4-109, MCA; AND PROVIDING AN EFFECTIVE DATE."

7
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9
10 **Section 1.** Section 20-4-109, MCA, is amended to read:

11 **"20-4-109. Fees for teacher and specialist certificates.** (1) (a) A person applying for the issuance
12 or renewal of a teacher or specialist certificate shall pay a fee ~~not to exceed \$6~~ for each school fiscal year that
13 the certificate is valid. In addition to this fee, a person who has never held any class of Montana teacher or
14 specialist certificate or for whom an emergency authorization of employment has never been issued shall pay a
15 filing fee ~~of \$6~~. The fees must be paid to the superintendent of public instruction, who shall deposit the fees with
16 the state treasurer to the credit of the state special revenue fund account, created in subsection (2), to be used
17 in the following manner:

18 (a) ~~\$4 for expenses of the certification standards and practices advisory council created in 2-15-1522;~~

19 (b) ~~\$2 to the board of public education and the certification standards and practices advisory council~~
20 ~~for activities in support of the constitutional and statutory duties of the board of public education and the~~
21 ~~certification standards and practices advisory council~~ for fully funding the costs of administering the teacher and
22 specialist licensure program at the office of public instruction, including operations and maintenance of the
23 licensure system and personnel costs.

24 (b) The superintendent of public instruction shall recommend to the board of public education
25 annual and filing fee amounts sufficient to generate the revenue required to administer the teacher and
26 specialist licensure program. In recommending the fees, the superintendent shall consider the revenues and
27 expenses incurred in the prior 5 licensing renewal years, but the cash balance of the account in subsection (2)

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1 may not exceed two times the account's annual appropriation level. The recommendation must include
2 documentation sufficient to support the fees charged to support the licensure program. The board of public
3 education shall set the annual and filing fee amounts based on the superintendent's recommendation.

4 (2) There is an account in the state special revenue fund. Money from fees for teacher or specialist
5 certificates required in subsection (1) must be deposited in the account and used for administering the teacher
6 and specialist licensure program at the office of public instruction."

7
8 **NEW SECTION. Section 2. Transition.** The superintendent of public instruction shall make
9 recommendations for annual and filing fees to the board of public education no later than September 30, 2023.
10 The board of public education shall adopt annual and filing fees no later than December 1, 2023. The annual
11 and filing fees adopted by the board of public education are effective January 1, 2024. Prior to January 1, 2024,
12 the annual and filing fees for teacher and specialist certificates are \$6.

13
14 **COORDINATION SECTION. Section 3. Coordination instruction.** (1) If House Bill No. 22 and [this
15 act] are passed and approved, then House Bill No. 22 is void.

16 (2) If both House Bill No. 231 and [this act] are passed and approved and if both contain a section
17 that amends 20-4-109, then the section amending 20-4-109 in House Bill No. 231 is void.

18
19 **NEW SECTION. Section 4. Effective date.** [This act] is effective July 1, 2023.

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