

## SENATE BILL NO. 143

INTRODUCED BY M. LANG, D. BARTEL, M. BLASDEL, C. KNUDSEN, A. OLSZEWSKI, R. OSMUNDSON,  
K. REGIER, D. SALOMON, B. TSCHIDA

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING PROVISIONS RELATED TO RETIREES RETURNING TO WORK UNDER THE TEACHERS' RETIREMENT SYSTEM; ~~INCREASING THE CAP ON THE NUMBER OF YEARS A RETIREE MAY WORK~~ REVISING THE CRITERIA TO BE MET FOR A RETIREE TO RETURN TO EMPLOYMENT IN SPECIAL CIRCUMSTANCES WITHOUT LOSS OF RETIREMENT BENEFITS; LOWERING THE NUMBER OF YEARS OF SERVICE CREDIT A RETIREE MUST HAVE COMPLETED TO BE ELIGIBLE TO RETURN TO WORK IN SPECIAL CIRCUMSTANCES; LIMITING THE TYPES OF EMPLOYERS THAT MAY USE THE RETURN TO WORK PROVISIONS; AMENDING SECTION 19-20-732, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE 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~~ 2 years during the lifetime of the retired member without the loss or interruption of any payments or retirement benefits if:

(A) FOR A MEMBER WHO RETIRED ON OR BEFORE JULY 1, 2017:

(i) the retired member completed ~~30~~ 25 ~~30~~ 27 or more years of creditable service prior to retirement; AND

(II) THE RETIRED MEMBER HAD A BREAK IN SERVICE OF AT LEAST 150 CALENDAR DAYS COMMENCING ON THE FIRST DAY FOLLOWING THE MEMBER'S DATE OF TERMINATION.

(B) FOR A MEMBER WHO RETIRED AFTER JULY 1, 2017, THE RETIRED MEMBER COMPLETED 30 OR MORE YEARS OF CREDITABLE SERVICE PRIOR TO RETIREMENT.

~~(ii) the retired member holds~~ (2) A RETIRED MEMBER REEMPLOYED UNDER THIS SECTION MUST HOLD a valid certificate pursuant to the provisions of 20-4-106; ~~and~~

1 ~~(iii) each~~ (3) (A) EACH year, prior to employing a retired member UNDER THIS SECTION, the employer  
 2 ~~certifies~~ SHALL CERTIFY to the office of public instruction and to the retirement board that after having advertised  
 3 the position for that year the employer has been unable to fill the position because the employer either has  
 4 received no qualified applications or has not received an acceptance of an offer of employment made to a  
 5 nonretired teacher, specialist, or administrator; ~~AND~~.

6 ~~(iv) THE THE OFFICE OF PUBLIC INSTRUCTION VERIFIES SHALL VERIFY THAT THE EMPLOYER HAS ADVERTISED THE~~  
 7 POSITION AS REQUIRED UNDER THIS SUBSECTION (1)(A)(iii); (3)(A).

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

10 (c) ~~upon~~ UPON receipt of the employer's certification and of the proposed contract of employment, the  
 11 retirement board shall verify whether the retired member meets the requirements of subsection (1)~~(a)~~(i) and shall  
 12 notify the employer and the retired member of its findings; ~~and~~.

13 ~~(d) a~~ (4) A retired member reemployed under this section is ineligible for active membership under  
 14 19-20-302 and is ineligible to receive service credit under any retirement system identified in Title 19; ~~and~~.

15 ~~(e) the~~ (5) THE retirement board shall report to the appropriate committee each legislative session  
 16 regarding the implementation of and results arising from this section.

17 ~~(2) AN EMPLOYER MAY NOT EMPLOY A RETIRED MEMBER UNDER THE PROVISIONS OF THIS SECTION UNLESS THE~~  
 18 EMPLOYER IS A SECOND-CLASS OR THIRD-CLASS DISTRICT AS PROVIDED IN 20-6-201 AND 20-6-301.

19 ~~(2)(3)(2)(6)~~ (2)(3)(2)(6) An employer employing a retired member pursuant to this section shall contribute monthly  
 20 to the retirement system an amount equal to the sum of the contribution rates required by 19-20-602, 19-20-604,  
 21 19-20-605, 19-20-607, 19-20-608, and 19-20-609.

22 ~~(3)(4)(3)(7)~~ (3)(4)(3)(7) A retired member reemployed pursuant to this section is exempt from the earnings and  
 23 employment limits provided in 19-20-731.

24 ~~(4)(5)(4)(8)~~ (4)(5)(4)(8) If reemployed in a position covered by a collective bargaining agreement pursuant to Title  
 25 39, chapter 31, the retired member is subject to all the terms and conditions of the agreement and is entitled to  
 26 all the benefits and protections of the agreement.

27 ~~(5)(6)(5)(9)~~ (5)(6)(5)(9) The board may adopt rules to implement this section.

28 ~~(6)(7)(6)(10)~~ (6)(7)(6)(10) As used in this section, the following definitions apply:

29 (a) "Employer" means ~~a school district as defined in 20-6-101 and 20-6-701;~~

30 (i) A SCHOOL DISTRICT AS DEFINED IN 20-6-101 AND 20-6-701;

- 1           (II) AN EDUCATION COOPERATIVE AS PROVIDED IN 20-7-451;
- 2           (III) THE MONTANA SCHOOL FOR THE DEAF AND BLIND AS DESCRIBED IN 20-8-101;
- 3           (IV) THE MONTANA YOUTH CHALLENGE PROGRAM;
- 4           (V) A STATE YOUTH CORRECTIONAL FACILITY AS DEFINED IN 41-5-103; OR
- 5           (VI) THE OFFICE OF PUBLIC INSTRUCTION.

6           (b) "Year" means all or any part of a school year."

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8           NEW SECTION. Section 2. Effective date. [This act] is effective on passage and approval.

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10          NEW SECTION. SECTION 3. TERMINATION. [THIS ACT] TERMINATES JUNE 30, 2021.

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