

1 HOUSE BILL NO. 349  
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 3 HUNTER, L. JONES, M. YAKAWICH, B. LER, R. MINER, B. BARKER, G. HERTZ, G. NIKOLAKAKOS, M.  
 4 ROMANO, J. HINKLE

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 6 A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING PROVISIONS FOR RETIREES UNDER THE  
 7 TEACHERS' RETIREMENT SYSTEM TO RETURN TO WORK FOR THE SUPERINTENDENT OF PUBLIC  
 8 INSTRUCTION WITHOUT LOSING RETIREMENT BENEFITS; ESTABLISHING REPORTING  
 9 REQUIREMENTS; PROVIDING RULEMAKING AUTHORITY; PROVIDING DEFINITIONS; AND PROVIDING  
 10 AN IMMEDIATE EFFECTIVE DATE AND A TERMINATION DATE."

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

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 14 NEW SECTION. **Section 1. (Temporary) Reemployment of certain retirees by superintendent of**  
 15 **public instruction -- procedure -- definitions.** (1) Subject to the provisions of this section:

16 (a) a retired member of the teachers' retirement system who has been receiving a retirement  
 17 allowance for no less than 2 months, except for a disability retirement allowance pursuant to Title 19, chapter  
 18 20, part 6, may be employed in a position reportable to the teachers' retirement system on a full-time basis by  
 19 the superintendent of public instruction for a maximum of 5 years during the lifetime of the retired member  
 20 without the loss or interruption of any payments or benefits if:

21 (i) the retired member completed 27 or more years of creditable service prior to retirement; and

22 (ii) each year, prior to employing a retired member, the superintendent of public instruction certifies  
 23 to the teachers' retirement system board that after having advertised the position, the employer has been  
 24 unable to fill the position because the employer has either received no qualified applicants or has not received  
 25 an acceptance of an offer of employment made to a nonretired member of the teachers' retirement system;

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

28 (c) on receipt of the employer's certification and the proposed contract of employment, the

1 teachers' retirement system board shall verify whether the retired member meets the requirements of  
2 subsection (1)(a)(i) and shall notify the employer and the retired member of its findings;

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

5 (e) the board shall report biennially to the education interim committee and the state administration  
6 and veterans' affairs interim committee in accordance with 5-11-210 regarding the implementation of and  
7 results arising from this section.

8 (2) An employer employing a retired member pursuant to this section shall contribute monthly to  
9 the teachers' retirement system an amount equal to the sum of the contribution rates provided in 19-20-602, 19-  
10 20-604, 19-20-605, 19-20-608, and 19-20-609.

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

13 (4) The board may adopt rules to implement this section.

14 (5) As used in this section, the following definitions apply:

15 (a) "Employer" means the superintendent of public instruction as described in 20-3-101 that  
16 employs a retired member of the teachers' retirement system.

17 (b) "System" means the teachers' retirement system.

18 (c) "Year" means all or any part of a fiscal year running July 1 through June 30.

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20 **NEW SECTION. Section 2. Codification instruction.** [Section 1] is intended to be codified as an  
21 integral part of Title 19, chapter 20, part 7, and the provisions of Title 19, chapter 20, part 7, apply to [section 1].

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23 **NEW SECTION. Section 3. Effective date.** [This act] is effective on passage and approval.

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25 **NEW SECTION. Section 4. Termination.** [This act] terminates June 30, 2031.

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