

1 _____ BILL NO. _____

2 INTRODUCED BY _____

3

4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING WORKING RETIREE PROVISIONS UNDER THE
5 TEACHERS' RETIREMENT SYSTEM; AMENDING SECTION 19-20-732, MCA; AMENDING SECTION 4,
6 CHAPTER 307, LAWS OF 2019, AND SECTION 4, CHAPTER 135, LAWS OF 2023; AND PROVIDING AN
7 EFFECTIVE DATE AND A TERMINATION DATE."

8

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

10

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

12 **"19-20-732. (Temporary) Reemployment of certain retired teachers, specialists, and**

13 **administrators -- procedure -- definitions.** (1) Subject to the provisions of this section:

14 (a) a teacher, specialist, or administrator who has been receiving a retirement allowance for no
15 less than 2 months, except a disability retirement allowance pursuant to part 9 of this chapter, may be
16 employed on a full-time basis by an employer for a maximum of ~~3 years~~ 5 years during the lifetime of the retired
17 member without the loss or interruption of any payments or retirement benefits if:

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

19 (ii) the retired member holds a valid certificate pursuant to the provisions of 20-4-106; and

20 (iii) each year, prior to employing a retired member, the employer certifies to the office of public
21 instruction and to the retirement board that after having advertised the position for that year the employer has
22 been unable to fill the position because the employer either has received no qualified applications or has not
23 received an acceptance of an offer of employment made to a nonretired teacher, specialist, or administrator.
24 The office of public instruction shall verify that the employer has advertised the position as required under this
25 subsection (1)(a)(iii).

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) upon receipt of the employer's certification and of the proposed contract of employment, the

1 retirement board shall verify whether the retired member meets the requirements of subsection (1)(a)(i) and
2 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 retirement board shall report to the education interim committee and the state
6 administration and veterans' affairs interim committee, as provided in 5-11-210, regarding the implementation of
7 and results arising from this section.

8 (2) An employer employing a retired member pursuant to this section shall contribute monthly to
9 the retirement system an amount equal to the sum of the contribution rates required by 19-20-602, 19-20-604,
10 19-20-605, 19-20-607, 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) If reemployed in a position covered by a collective bargaining agreement pursuant to Title 39,
14 chapter 31, the retired member is subject to all the terms and conditions of the agreement and is entitled to all
15 the benefits and protections of the agreement.

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

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

18 (a) "Employer" means a school district as defined in 20-6-101 and 20-6-701 that employs a retired
19 member and is a second-class or third-class elementary district under 20-6-201 or a second-class or third-class
20 high school district under 20-6-301.

21 (b) "Year" means all or any part of a school year. (Terminates June 30, 2027 2029--sec. 4, Ch.
22 135, L. 2023.)

23 **19-20-732. (Effective July 1, 2027 2029) Reemployment of certain retired teachers, specialists,**
24 **and administrators -- procedure -- definitions.** (1) Subject to the provisions of this section:

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

1 (i) the retired member completed 30 or more years of creditable service prior to retirement;

2 (ii) the retired member holds a valid certificate pursuant to the provisions of 20-4-106; and

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

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

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

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

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

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

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

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

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

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

27 (a) "Employer" means a school district as defined in 20-6-101 and 20-6-701.

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

1
2
3
4
5
6
7
8
9
10
11
12

Section 2. Section 4, Chapter 307, Laws of 2019, is amended to read:

"Section 4. Termination. [This act] terminates June 30, 2025 2029."

Section 3. Section 4, Chapter 135, Laws of 2023, is amended to read:

"Section 4. Section 4, Chapter 307, Laws of 2019, is amended to read:

"Section 4. Termination. [This act] terminates June 30, 2025 2027 2029."

NEW SECTION. **Section 4. Effective date.** [This act] is effective July 1, 2025.

NEW SECTION. **Section 5. Termination.** [Section 1] terminates June 30, 2029.

- END -