

MINUTES OF THE MEETING  
EDUCATION COMMITTEE  
MONTANA STATE SENATE

January 13, 1977

The fourth meeting of the Senate Education Committee was called to order by Senator Chet Blaylock, Chairman, on the above date in Room 402 of the State Capitol Building at 11:00 A. M.

ROLL CALL: All members were present with the exception of Senator Frank Dunkle who was absent and Senator Paul Boylan who was excused.

CONSIDERATION OF SENATE BILL No. 45: Chairman Blaylock called on Senator Carroll Graham to present his testimony regarding Senate Bill No. 45.

Senator Graham stated the reason for this Bill was that it was brought to his attention that the way the law is presently written requiring school bus drivers to have a physical examination before the beginning of the school term presented a problem for those people living near the state border who go to doctors in the cities closest which may be in other states. His Bill would change the law to say "any licensed physician", rather than "a licensed physician of the State of Montana", which would enable persons in these border areas to get appointments with their family physicians instead of having to travel to other areas in this state for an exam. This Bill is not changing the intent of the law, just making it easier for people to comply. The present law was written in about 1948, and no one remembers why it originally stated "of the State of Montana", rather than "any licensed physician".

Chairman Blaylock asked for any further proponents of the Bill. There being none, the Chairman then asked for any opponents to Senate Bill 45. No opponents appearing, the hearing was opened to discussion.

Senator Ed Smith stated that his area was experiencing the same problem regarding securing medical attention, and his people have expressed the same concern about getting doctor's certificates from neighboring states acceptable by the State Superintendent. Senator McCallum's district also expressed this problem.

Senator Murray questioned if it would be in keeping with Senator Graham's intent to modify this Bill to read "any licensed physician in the United States" to take care of any question arising about Canadian physicians' certificates.

Senator Graham answered that he didn't know what Canadian medical standards were and that it would take further investigation; that there may be some justification in this, but it would require looking into further.

It was questioned by Senator Warden that if the Bill stated a certificate signed by a licensed physician in this state or in an adjoining state might be practical.

Senator Murray clarified his questioning of the language as pertaining to any insurance carrier; if it would comply with any insurance contract requirements if it was stated as a physician not in the United States.

Senator Graham assured the Committee that he had no objections if someone could come up with other ideas to include in this Bill, but his primary concern was to correct the existing problem.

It was asked by Senator Smith if this was not taken care of by the line reading "on a blank provided by the superintendent of public instruction".

Senator Murray stated that there might be a school with an insurance company that didn't have an insurance contract covering medical attention outside the U. S., and thought this should be cleared up so the schools would not have the risk of becoming uninsured.

Senator Blaylock's opinion was that the intent of this Bill was for the convenience of the people living along the borders of the state, and such restrictive language would exclude those persons living along our northern boundary; and he believes these persons should be allowed that convenience as well as persons living along our other borders.

Upon discussion, Chairman Blaylock requested the advice of John Bobinski, Committee council, who explained the way to draft the amendment to take care of high-line people would be to state to the effect that the examination could be by licensed U. S. physicians, or, if acceptable to an insurance company, by any licensed physician.

This terminology was clarified by further discussion, after which Chairman Blaylock called for a motion. Senator McCallum moved to amend Senate Bill No. 45 as follows:

1. Amend page 1, section 1, line 20.  
Following: "by"  
Strike: "a licensed"  
Insert: "any"  
Following: "physician"  
Insert: "licensed in the United States, or if  
acceptable to an insurance carrier, any  
licensed physician"

This motion was seconded and carried on unanimous vote.

It was then moved by Senator Smith that Senate Bill No. 45 do pass as amended. It was seconded and unanimously carried.

CONSIDERATION OF SENATE BILL No. 57: Chairman Blaylock called on Senator Watt to present his testimony regarding Senate Bill No. 57.

Senator Watt stated this Bill allows, but does not command, consolidation of the office of county superintendent by any two or more counties and provides for the necessary procedure on combining the office. He explained that in counties where there are few and smaller schools, this Bill would enable counties to have better qualified personnel in the superintendent's office.

Referring to page 3, line 15, a question was raised regarding salary, if this allowed pay to be commensurate with larger counties when the combined areas were increased; and Senator Warden questioned if there was any consolidation of this office by counties with the principal office in one county, shouldn't there be a form of inter-local agreement with the other counties involved.

Senator Watt replied that he didn't think so since it would tend to make one county superior to another; counties should be served equally by the superintendent.

Senator McCallum stated that if House Bill 122 would pass, there would be no need for this Bill as it provides that county commissioners would have the authority to consolidate offices and set salaries; he brought this to the Committee's attention at this time so every one would be aware of this other bill's provisions.

Senator Smith questioned subsection 3, line 8, on page 2, relating to the election procedure on consolidation as to its legality. It was legal and proper, Senator Watt believed and may supercede House Bill 122 if it were passed preceeding that Bill; he also mentioned that the Government Committee should then be notified so it could take other action.

Senator Mathers asked how residence of an elected superintendent on consolidation would be decided, to which Senator Watt answered that it would have to be agreed between the counties prior to an election.

It was then asked by Senator Warden if any person from any of these counties could run and would elected person perhaps be required to move, and was answered in the affirmative.

Senators Mathers and Fasbender mentioned the combining of counties becoming on the order of a region and the manner of elections in such combined counties.

Referring to page 3, lines 8 and 9, Senator Murray expressed his thought that this would bring on suits for declaratory judgment if this portion would mean the form of government adopted by the counties might be disregarded, becoming an issue forcing smaller counties into Court to find out what the law would permit them to do.

Senator Smith said he does not disagree on the concept, but questioned the mechanics; and Senator Warden asked if under House Bill 122, it would be the prerogative of the county commissioners to abolish this elected office and appoint an officer. It was replied by Senator Watt he believed this would be true as that Bill now stands and was not in favor of it.

It was asserted by Senator McCallum that he did not think that Bill abolished elected offices, just allowed the commissioners to consolidate them.

The Chair recognized Gregg McCurdy, representing the Montana Association of Counties, who testified in opposition to Senate Bill 57. Mr. McCurdy's position was this Bill required election of consolidated counties' school superintendent regardless of form of government and removes this office from the supervision of the county commissioners under which all other officials are subject, and he questioned its constitutionality.

Senator Watt stated he didn't feel the superintendent's office should be subject to control by the county commissioners, and also stated if the Committee wanted to hold this Bill, he has another bill to bring before the Committee that it may want to consider at the same time.

Councilor Bobinski stated he failed to see how this Bill conflicts with the Constitution. Discussion explored the possibility of any contradiction between authorizing the county commissioners to eliminate the office of county superintendent of schools and this Bill requiring elected officials on consolidation of counties.

Senator Mathers moved that no action be taken at this time and Senate Bill 57 be held for further discussion. The motion was seconded and unanimously carried.

Chairman Blaylock informed Senator Watt the Committee will hold taking action on Senate Bill 57 until it was requested it be brought back up for consideration.

The Chairman announced that Committee council intends to have pre-


pared by next Tuesday's meeting a report in which he plans to clarify the duties now laid out pertaining to the State Superintendent's office and the State Board of Education.

Senator Mathers mentioned a conflict developing between the offices of Legislative Fiscal Analyst, John LaFaver, and Mike Billings, Director of Budget and Program Planning, and suggested trying to do something now to resolve differences and work out a foundation program rather than waiting until it might be too late.

Chairman Blaylock concurred and stated he would try to talk with these people.

ADJOURN:

There being no further business, the meeting adjourned at 11:55 A.M.

  
Chet Blaylock, Chairman

DATE January 13, 1977

COMMITTEE ON EDUCATION

BILL NO. 57

## VISITOR'S REGISTER

[illegible]

NAME: Sen. Watt DATE: 1-13-57

ADDRESS: Mala Co.

PHONE: \_\_\_\_\_

REPRESENTING WHOM? Constituents

APPEARING ON WHICH PROPOSAL: SB 57

DO YOU: SUPPORT? X AMEND? \_\_\_\_\_ OPPOSE? \_\_\_\_\_

COMMENTS: This is a permissive bill to  
allow Co. Supt's offices to be  
consolidated.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: GREGG L. McCURDY DATE: 1-13-77

ADDRESS: Box 234, Avon, MT 59713

PHONE: 442-6666 (etc: 442-5211)

REPRESENTING WHOM? MONTANA ASSOCIATION OF COUNTIES

APPEARING ON WHICH PROPOSAL: SB 57

DO YOU: SUPPORT?            AMEND?            OPPOSE? X

COMMENTS:           

- (1) REQUIRES ELECTION OF CONSOLIDATED COUNTY SCHOOL Supt.  
REGARDLESS OF FORM, CONSTITUTIONALLY QUESTIONABLE.
- (2) REMOVES Supt. OF SCHOOLS IN CONSOLIDATED DIST. FROM THE  
BUDGETARY ~~AND~~ SUPERVISION OF CO. COMMISSIONERS  
TO WHICH ALL OTHER ELECTED OFFICIALS ARE SUBJECT
- (3) INCONSISTANT WITH PRESENT + PROPOSED LOCAL GOVT  
LAW (3 COUNTIES PRESENTLY COULD JOINTLY APPOINT A CONSOLIDATED  
CO. Supt. BY INTEGRATING FUNCTION OR OFFICE w/ANOTHER).

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.



# STANDING COMMITTEE REPORT

January 13

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MR. President

We, your committee on EDUCATION

having had under consideration

SENATE

Bill No. 45

Respectfully report as follows: That

SENATE

Bill No. 45

Introduced Bill, be amended as follows:

1. Amend page 1, section 1, line 20.

Following: "by"

Strike: "a licensed"

Insert: "any"

Following: "physician"

Insert: "licensed in the United States, or if acceptable to an insurance carrier, any licensed physician"

AND AS SO AMENDED, DO PASS

DO NOT WRITE

SENATE COMMITTEE EDUCATION

Date January 13, 1977 Senate Bill No. 45 Time 11:30 A.M.

NAME	YES	NO
Senator Chet Blaylock, Chairman	✓	
Senator Ed Smith, Vice Chairman	✓	
Senator George McCallum	✓	
Senator Bill Mathers	✓	
Senator William E. Murray	✓	
Senator Frank Dunkle absent		
Senator Paul Boylan absent		
Senator Larry Fasbender	✓	
Senator Bill Thomas	✓	
Senator Margaret Warden	✓	

Jennie Lind  
Secretary

Chet Blaylock  
Chairman

Motion: Senator Ed Smith moved that Senate Bill  
No. 45 DO PASS AS AMENDED. Motion was seconded  
and carried on unanimous vote of those present.

(include enough information on motion--put with yellow copy of committee report.)