

## MINUTES

### MONTANA SENATE 51st LEGISLATURE - REGULAR SESSION COMMITTEE ON STATE ADMINISTRATION

Call to Order: By Chairman William E. Farrell, on February 13, 1989, at 10:00 a.m., Room 331, Capitol.

#### ROLL CALL

Members Present: Senator Hubert Abrams, Senator John Anderson, Jr., Senator Esther Bengtson, Senator William E. Farrell, Senator Ethel Harding, Senator Sam Hofman, Senator Paul Rapp-Svrcek, Senator Tom Rasmussen, Senator Eleanor Vaughn

Members Excused: None

Members Absent: None

Staff Present: Eddy McClure

#### HEARING ON SB 356

##### Presentation and Opening Statement by Sponsor:

Senator Joe Mazurek suggested that the committee hear both SB356 and SJR8 together. He noted they are very similar, deal with the same subject, and he believes the committee will hear the same witnesses on both bills. Senator Mazurek indicated he would appreciate it.

Chairman Farrell indicated that would be allowed.

Senator Mazurek reported that SB356 is a bill which was merged with a request that Representative Quilici from Butte had, and does two things. He then indicated that the committee is probably familiar with the First Special Services Force that was formed in Helena at Ft. Harrison prior to WWII, which was a force made up of United States and Canadian soldiers, and became the forerunner of our current special forces. He noted many of the Canadian citizens, who became a part of that First Special Services Force, settled in Helena after the war. Senator Mazurek interjected that the success and exploits of the First Special Services Force during WWII are well-known. Senator Mazurek named some of those individuals, who are successful local businessmen and active in community projects and organizations.

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He stated the reason he had brought this bill before the committee is that these individuals came from Canada, wore U.S. uniforms, served along side other members of the U.S. Armed Services but, despite the fact that those people came back to Montana and settled here, they are not considered veterans, under our state definition of veteran, because they were Canadian citizens at the time they served in WWII with the First Special Services Force. Senator Mazurek reported this bill proposes to expand the definition of veteran to include individuals who served with the First Special Services Force between December 7, 1941 and August 15, 1945. He added that, indicating this is the combination with Representative Quilici's bill, this bill also expands the definition further to provide that members of the American Merchant Marine and ocean going service, during that same period, would also be considered veterans.

Senator Mazurek indicated these were people who served admirably, came down from Canada, trained here, served along side other members of the Armed Services, and yet are denied veteran status because they were Canadians at the time they entered the First Special Services Force. He noted it is his understanding that this will have no fiscal impact, that it is largely a matter of recognition for these veterans.

Senator Mazurek then reported that SJR8 is a Senator Joint Resolution urging Congress to afford this same benefit to the members of the First Special Service Force on the federal level, because the federal definition of veteran is narrow, and does not include members of the First Special Service Force.

Chairman Farrell reminded those wishing to testify that he will accept testimony on both SB356 and SJR8, at the same time.

List of Testifying Proponents and What Group they Represent:

Hal Manson, American Legion of Montana  
Robert Vandervere, representing himself  
Herb Goodwin, representing himself  
Bob Durkee, Chairman, Veterans Affairs Division, State of Montana  
James H. Rehbein, Sergeant Commander, Disabled American Veterans of the State of Montana  
Rich Brown

Testimony:

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Mr. Manson testified that those who live in this part of Montana, Helena and the surrounding area, have gotten to know a great number of these men who served with the First Special Services Force that came from Canada. He indicated these people, including the ones Senator Mazurek mentioned and many others, not only came here after the war, they came here and became American citizens. He added they have been in business, are very good citizens, noting one individual who is in attendance today served in the National Guard and the Army Reserve, quite honorably, following WWII. He noted this individual became an American citizen, and most of these people have been very good citizens. Mr. Manson stated it has been his privilege, over the period since the end of WWII, to know many of these people. He indicated he can not think of one that he did not consider a very first class person, and a very good citizen. He indicated, if the committee is aware of the history of the First Special Service Force, these people probably saw as much combat, maybe more, than any unit in the United States Armed Forces, during WWII, adding their losses were great, and those that have come back here to be citizens, and join in our community, he believes, have every entitlement to the benefits that this bill would give, as the people that were born and reared in this country.

Testimony:

Mr. VanderVere reported he served in the Merchant Marines in WWII between these dates. He indicated he was on the Atlantic, the Caribbean, South Pacific, and the Coral Sea, in combat areas. He noted that, after 47 years, the federal government finally recognized that some of the people who served during that time should have veteran status. Mr. VanderVere reported he believes these bills are good bills, and indicated he thinks the committee should pass these bills, and hopes they do.

Testimony:

Mr. Goodwin reported he is one of the individuals just referred to, a Canadian in the First Special Service Force, and that he came to Helena in July of 1942. He indicated he came through unscathed, that he was not wounded, and lost no combat time. He added that, after getting his citizenship, he was commissioned in the National Guard in the Army Reserve, served approximately 25 years in that service, and is a retiree from the U. S. Army.

Testimony:

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Mr. Durkee testified that, in their work as a board, in handling veterans' claims against the VA, they often encounter the problem of a U. S. citizen who was formerly a Canadian, and a member of the First Special Service Force. He indicated they are proud of that First Special Service Force, particularly in Helena, and that, in sessions prior to this, they were often recognized by resolution and, during one period, the Governor declared a day in honor of the First Special Service Force. Mr. Durkee stated they feel this is a fair bill, noting the United States government has offered this protection to veterans from Norway and Czechoslovakia, who served U.S. military outfits, and went back to their native countries, and they think that, particularly in the case of the Canadians who now reside as U.S. citizens in Helena, certainly should be recognized as veterans under the state law, and under the resolution which urges Congress to recognize them from a federal level, so that they can earn and appreciate the benefits that the government of the United States grants to veterans. He noted this pertains particularly to hospitalization, that this would also qualify them for burial in the state cemetery, and they urge the committee to give favorable consideration. Mr. Durkee thanked Senator Mazurek for presenting the bill to the committee, noting that the committee will find, if they inquire of their neighbors and friends in Helena, that these Canadians, who are now U.S. citizens, are very fine people.

Mr. Durkee added that there is an association of former members of the First Special Service Force, and that they reside all over the world, noting there is a unit in France.

Testimony:

Mr. Rehbein indicated that, after Mr. Durkee's presentation, he did not know if he had much more to say. He then introduced their Legislative Chairman for the Disabled American Veterans, as their lobbyist, John DenHerder, who is from East Helena, and does a good job for them.

Mr. Rehbein stated, on behalf of the Disabled American Veterans, that they would favor this bill. He noted they have a national service officer, hired by the national organization, who works at Ft. Harrison, and they often have people, who have belonged to the Special Services, who need their benefits taken care of. He indicated they would like to be able to help them in some capacity, if approved by the State of Montana, adding that, at the national level, they worked very hard to get the Merchant Marine included in benefits that

are equitable to other veterans, and they would approve of the Special Forces, as well.

Testimony:

Mr. Brown indicated his chairman of the board, who is here today, was a member of the First Special Service Force. He noted it is essential that we treat this group as a unit, and that this unit receive the benefits that they have earned, adding that they ask for the committee's support for both of these measures.

List of Testifying Opponents and What Group They Represent:

None.

Questions From Committee Members:

- Q. Senator Bengtson asked if there is a number.
- A. Senator Mazurek responded there are approximately 35 on the First Special Service Force, and 150 in Merchant Marine. He noted that this is an estimate, based on how many Merchant Marine members there nation-wide, extrapolating to a percentage based on the population of Montana. Senator Mazurek stressed the figure of 150 is purely an estimate.
- Q. Senator Vaughn asked if this is recognizing only those that are here in Montana.
- A. Senator Mazurek responded SB356 would grant only status for Montana purposes to those here in Montana. He added that SJR8 urges Congress to give the same status for federal veteran purposes. He noted it is his understanding that the only benefit that a Canadian First Special Forces member would be eligible for would be treatment for any service-related disability.

Closing by Sponsor:

Senator Mazurek thanked the committee for a nice hearing, and thanked the witnesses for appearing to testify.

Chairman Farrell announced the hearing on SJR8 and SB356 as closed.

Discussion:

Senator Harding offered a motion that both SB356 and SJR8 do pass.

Recommendation and Vote:

Motion passed by the committee that both SB356 and SJR8 do pass.

HEARING ON SB 352

Presentation and Opening Statement by Sponsor:

Senator Tom Rasmussen reported that SB352 essentially tells the Department of Family Services to go back into the child adoption service area. He noted that, historically, they have been in the business of child adoption and, just a few months ago, got out of the area of infant adoption, adding they are still in the older child adoption area. He indicated the bill requires that they cover the whole gambit of ages, as far as child adoption.

List of Testifying Proponents and What Group they Represent:

Jerry Strong, representing himself  
Joan Wheeler, representing herself  
John Wheeler, representing himself  
Antoinette (Ann) Abernathy, representing herself  
Janet Bahnsen, representing herself  
Leslie Taylor, Attorney, Department of Family Services

Testimony:

Mr. Strong's written testimony is attached as Exhibit 2. He stated this bill may seem simple, but that it is not, because we are talking about people's lives; we are talking about babies, where they are going to be reared, and who is going to rear them; we are talking about people that, for unknown reasons, can not have a child of their own, but would like to have a family. Mr. Strong indicated that this piece of legislation is an excellent opportunity to deal with this, noting the first objective is the baby, and the second objective is the adoptive parents, because these are the two entities that will be together for the rest of their lives. He added that the birth mother is also going through a traumatic experience.

Mr. Strong reported to the committee that he is telling them this from experience, in that he was placed for adoption. He stated that a lot of people who deal with these children, and with adoptive parents, deal with it from a textbook. He indicated some caseworkers have no idea of the traumatic experience that new parents and these children go through. Mr. Strong stated it can not be based on whether they are blonde and blue-eyed, whether they belong to the Green Meadow Country Club, whether they belong to the Catholic Church, or how much money they have. He indicated that has nothing to do with loving and rearing a child. He stated what it has to do with is how you treat these people; how you treat the adoptive parents, and how you treat the babies. Mr. Strong further indicated a match has to be made, and stated it can not be done out of a textbook, noting a 23 year-old social worker out of college can not match a baby with adoptive parents, pointing out that they have no experience.

Mr. Strong asked the committee to amend the bill so that the state has to be in the adoption business, and can not discriminate against people because of their age, sex or race. Mr. Strong mentioned that the director indicated they were no longer going to provide the service, and that he is going to "take his ball and go home". Mr. Strong stated that it is not his ball, it is our's, the citizens of Montana. He indicated this bill is to tell him that he can not take our ball and go to his house and that, if he does not want to obey the law, he should resign, and get someone in there that wants to place babies with loving, caring families that are qualified.

Mr. Strong reiterated that they do not want people discriminated against because they do not own a farm in Bozeman, they are not blue-eyed and blonde-haired, or they are not Catholic, or Lutheran. He noted this has nothing to do with being a parent, and asked the committee members if they would like their children taken away from them because they don't belong to the Catholic Church, or because they do not make \$100,000 a year, stating that it does not make sense.

Mr. Strong asked the committee to insert, in (e), the word "infant", so that it will read "infant adoption", and, in 6, include "that do not violate human and civil rights", so that they can not discriminate against these people. Mr. Strong stated he thinks we need to qualify people because they are loving, and because they are good citizens. He added that, the birth mothers who want to pick the religion, and pick this and pick that, should have picked some kind of birth control

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measure, instead of waiting until this point and making these choices.

Mr. Strong stated he has talked with a number of people, in the last month, that tried to go through the department to adopt babies and, because they did not attend church regularly, or did not have enough money, they were disqualified. He indicated this bill is badly needed because we are dealing with human lives, not with money. Mr. Strong pointed out they are not asking to have money appropriated, that they already have the mechanism in effect, and that what they want the bill to do is make these people do their jobs, without discriminating against people.

Testimony:

Ms. Wheeler's written testimony is attached as Exhibit 4.  
Mr. Wheeler's written testimony is attached as Exhibit 6.

Testimony:

Ms. Abernathy indicated she is appearing today because she understands the state has recently dropped infant adoptions. She noted she is the proud mother of 2 very beautiful little boys, who are both adopted because of SRS, the state agency that is providing children. She testified that, had it not been for SRS, they would not have these children today, especially their son Danny, noting they were not qualified under the private agencies because they were not Catholic, not Lutheran, not Mormon, and, in many cases, beyond their age group. Ms. Abernathy added that the child's mother was 38 or 39 when she had him, they would not put her on the list for adoption because of her age, and yet, she was bearing a child. She indicated she feels very qualified to be mothering her two children, that she loves them dearly, noting they are not her flesh and blood, but they are her heart and soul.

Ms. Abernathy stated the private agencies, today, are not providing equally for all people, adding that SRS, in providing for infants, was doing a service that was not be duplicated, and is not being duplicated. She indicated she knows of 2 workers were providing services for pre-adoptive couples, post-adoptive couples and peer groups, which was through SRS. She noted there were panels, pre-adoptive, post-adoptive, and for adoptions that were disrupting, indicating that this service is not being taken care of through private agencies.

Ms. Abernathy told the committee that her birth son was killed on the way to school, and related the emotional damage they



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suffered due to his death. She reported they ran from the pain, that they owned a business where they worked day and night, but, when they finally decided they wanted to have a family again, they were not eligible to adopt because of their age. She noted that she appeared today because somebody fought for their right to have their son, and felt she needed to add her word, and her voice, that SRS needs to be back into infant adoption, and we need to have that wonderful service they were providing. She indicated she hopes that, after the committee considers this, they will find favorably for it.

Testimony:

Ms. Bahnsen's written testimony is attached as Exhibit 9.  
Ms. Taylor's written testimony is attached as Exhibit 11.

Questions From Committee Members:

- Q. Senator Harding asked if the department does adoptions, now, for 2 years and older children.
- A. Ms. Taylor responded they do adoptions for children age 1 year and older, adding that children under 1 year old are considered infants.
- Q. Senator Bengtson indicated she is concerned about the budget, and asked if there is a change in the budget request for additional counselors, screening, or revamping of the procedures.
- A. Ms. Taylor responded that, because they were doing this previously, it would be difficult to support a request for additional staffing, additional adoption workers. She noted the revamping of the policies is probably the part that will take the most time, and they are doing that with current staff.
- Q. Senator Bengtson indicated that she imagines a lot of brainstorming will have to take place for them to meeting requirements of the court case, and asked if they can get the kinds of expert help and advise from someone, and can they work it out so that they will be able to do this without being taken to court again.
- A. Ms. Taylor responded she is not sure, that they will do the best they can, noting that no other case has ever come up along these lines. She stated that, when they were preparing for this case, almost all states that run a state adoption program, noting there are very few that

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run an infant adoption program at this stage, use the techniques that they use, doing the same things. She indicated that they are in the forefront in trying to meld the requirements of human rights legislation with the adoption program, noting she thinks they will come up with something and will go through the process.

Q. Senator Bengtson indicated that, even though it is just 10 babies, that means 10 happy families.

A. Ms. Taylor responded that is correct, adding there is no shortage of good parents, but there is a shortage of available babies.

Q. Senator Rapp-Svrcek asked Ms. Abernathy and Ms. Wheeler how old were their children when they were adopted through the state.

A. Ms. Abernathy responded her oldest was 8 months old, and the younger one was 2 months old.

Ms. Wheeler responded her son was 2 1/2 months, and her daughter was just a few weeks old.

Q. Senator Rapp-Svrcek asked Ms. Taylor if the department is certain they will have trouble with the natural parents if they are not allowed to screen for religious affiliation, and all the other things.

A. Ms. Taylor responded they were certain there will be birth parents who will not place with them under those restrictions, but added that she can not say that all of them care deeply about any of those criteria.

Q. Chairman Farrell asked, if these people do not place their children with SRS, where will they go.

A. Ms. Taylor responded they could go to one of the private agencies, or they can place independently under a parental placement, which is allowed by law.

Q. Chairman Farrell asked if that is their choice.

A. Ms. Taylor responded that is correct.

Q. Senator Rasmussen commented that it might be well to have a fee built into this, indicating he does not think the prospective new parents should expect the government to pay for everything when, in the private sector, there is

a fairly substantial fee. He stated that he would propose an amendment that a fee be established, although he is not quite sure whether a fee would be set, or whether the department would be allowed to cover some of their costs. He noted the department is totally backlogged now and, with a fee, they could possibly hire another part-time person to be involved in this area.

Senator Rasmussen then asked Ms. Taylor if she has any indications as to what kind of fee would be appropriate.

- A. Ms. Taylor responded that they looked at the time involved in the study process, and have determined a fee of \$1,000 would cover that process, which includes the initial contact, the home study, checking references, etc. She indicated they decided that 50 hours is the amount of time that process would take, adding that there are also some post-placement things they do. Ms. Taylor pointed out that the training programs are run for all of their adoption programs, and are available to anyone.
- Q. Senator Rasmussen asked Ms. Taylor, from her perspective, what would she think of writing in a fee of \$1,000, or would she rather have it left open for them to establish rules.
- A. Ms. Taylor responded that her thoughts are that they will take any FTEs offered, but they would like to have the freedom to waive the fees for special needs children, indicating that would be children who are physically and mentally handicapped, part of a sibling group, or over the age of 2. She noted they want to encourage people to adopt those children, they are difficult to place, and they would not want the fee to be a barrier to that. Ms. Taylor added that, regarding healthy, white infants, she would have no objection to a fee, noting they are charging fees for some services now, and she is sure they could develop a fee schedule.
- Q. Senator Rasmussen asked Ms. Taylor how many they are adopting in these last couple of years, total.
- A. Ms. Taylor responded it is about 100 children per year. There was a comment that it was less than 100, which Ms. Taylor accepted, adding that it includes all children from ages 0 through 18.

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- Q. Senator Rapp-Svrcek asked how much do the private agencies charge, indicating that \$1,000 seems like a lot of money, but that it may be standard.
- A. Ms. Taylor responded that she is an adoptive parent, noting she adopted through the Montana Inter-Country Adoption Association, and they paid \$5,000. She added there were some extra fees because it was an inter-country adoption, that her child is Korean. Ms. Taylor indicated there are sliding scales, and it is between \$2,000 and \$5,000.
- Q. Senator Hofman asked the people that testified if they feel that \$1,000 fee to the department would be too high.
- A. Ms. Abernathy responded that her birth son cost \$2,500 16 years ago, indicating that \$1,000, considering what would be involved with hospital costs and other medical costs, and stated that having babies is expensive. She indicated that she would not be opposed to \$1,000, adding that she would feel she was getting by lightly paying just \$1,000 fee for the whole process. She noted that it may be prohibitive to some people but, if they were having their own children, they would be faced with that.

Ms. Wheeler responded that it is her feeling that it is reasonable to expect a fee, but indicated that private agencies charge anywhere from \$1,000 to \$5,000 and, if the state is no longer in the business of adoptions, who knows what the ceiling would be. She stated she thinks they have to keep it in perspective, and that maybe \$1,000 is too much for some people, and suggested some kind of sliding scale according to income. Ms. Wheeler added that the parents who are applying for adoption have to go through extensive physical exams, which are not cheap and are not covered by medical insurance. She stated that, if you have a child naturally, a lot of the expenses are covered by medical insurance. Ms. Wheeler stated she is in favor of the fee, but thinks that \$1,000 might be excessive, and could discriminate against some families, noting she does feel everyone has to have a lot of money to be a good family.

Closing by Sponsor:

Senator Rasmussen stated he thinks this has been a good hearing, and they have gotten a feel for what this change has done and how the department has served many people, and changed many lives when they were in the infant adoption

process. He indicated he will look to work out amendment language with the legal counsel.

Chairman Farrell announced the hearing on SB352 as closed.

OTHER BUSINESS

Discussion: SB286

Chairman Farrell opened discussion on SB286. Senator Rapp-Svrcek indicated the amendments have been reviewed by the sponsor, Senator Beck, adding that the main thing they are trying to do with the bill is limit the technical challenges on ballot issues, and still maintain the public's access to the courts. Senator Rapp-Svrcek noted that the first amendment inserts, on page 1, line 17, following "unless", "the substance of a ballot issue is declared unconstitutional by a court of competent jurisdiction, or". He noted the second amendment would strike the first sentence on sub (2), lines 19 through 21, indicating this would allow the public access to the courts, adding that the first amendment makes it clear that, if the court declares something unconstitutional prior to an election, it does not get placed on the ballot. Senator Rapp-Svrcek offered a motion that the amendments to SB286 be adopted.

Senator Rapp-Svrcek offered a motion that SB286 as amended, do pass.

Recommendation and Vote: SB286

Motion passed by the committee that the amendments to SB286 be adopted.

Motion passed by the committee that SB286, as amended, do pass.

Discussion: SB 296

Chairman Farrell announced the hearing on SB296, which was held open until today, as closed.

Senator Bengtson offered a motion that the amendments to SB286 be adopted.

Senator Rapp-Svrcek indicated he could explain the amendments, but asked that Steve Waldron, Executive Director, Montana

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Council of Mental Health Centers be allowed to do so. Chairman Farrell called upon Mr. Waldron.

Mr. Waldron noted the amendments are to indicate that announced inspections are those that the agencies should be working together on. He noted they are not required to use a single staff member from any particular agency, indicating the Department of Health, SRS, Department of Institutions and board of visitors are to, if possible and practical, come at the same time for site reviews. Mr. Waldron pointed out this strikes out licensing reviews, indicating it covers only the announced on-site inspections, stating they should try to come at the same time, but it does not require they shall, only that if it is practical they should come at the same time. Mr. Waldron indicated it eliminates the requirement that the Governor designate one state agency as the lead agency. He added that the codification section has been stricken.

Chairman Farrell asked Ms. McClure if she concurs with these amendments. Ms. McClure responded she discussed these amendments with Mr. Waldron, and that the agencies that do not do inspections have been stricken, as well as those agencies who, because of licensing problems, need to come at their own times. She added that, on line 21, page 2, they attempt to indicate the agency "shall, if possible and practical". Ms. McClure noted that some agencies are cooperating, and the bill, with these amendments, is attempting to indicate they should cooperate, if possible and practical.

Senator Harding asked about those agencies that want to continue unannounced inspections. Ms. McClure pointed out that, on page 1, line 19, the word "announced" has been inserted after the word "and", to read "and announced inspection".

Senator Bengtson noted she does not know if this does any good, but noted it can not do any harm. Senator Hofman stated his concerns that, during these inspections, the staff has to drop whatever they are doing, and are told if they do not shape up they will get a bad report, and this is not a good situation. With regard to audit reports, he indicated it has become a harassing situation noting that, although it is not intended to be so, it turns out that way.

Senator Vaughn asked Mr. Waldron if he feels comfortable with the board of visitors being included. Mr. Waldron responded yes, indicating that is one of the main ones they have a problem with, noting that the Department of Institutions may come in for a 5 day inspection, and the board of visitors

comes in for a 3 day inspection, adding it would be nice if they came in at the same time. He stated he does not think it would be that hard for them to do.

Senator Abrams asked Tom Posey, of the Alliance for the Mentally Ill, his opinion. Mr. Posey stated they are still opposed to this bill in its present form. He indicated they are still concerned that having the board of visitors come in at the same time as some of the others might dilute the intent of the board of visitors' visitation, which is consumer protection, not monitoring of fiscal records, or many of the other things, noting he can see no reason why the board of visitors can not be amended out, and still achieve what the Senator originally wanted, which was to lessen the number of visits. Mr. Posey stated he is uncomfortable with the board of visitors being lumped in with all of the others.

Chairman Farrell asked Mr. Posey if the board of visitors has announced visits. Mr. Posey responded they do, that they announce most of their visits. He indicated they have the right to do unannounced visits, but very seldom do they do so. Chairman Farrell indicated that, as he understands it, all they are doing is asking them, on their announced visits, to come with other people that may be announcing at the same time, if possible and practical, and that this is not limiting their unannounced visits. Mr. Posey indicated he is not worried about their unannounced, that he is worried about them being included, even in the announced.

Senator Bengtson offered a motion that SB296 do pass as amended.

Recommendation and Vote:

Motion passed by the committee that the amendments to SB296 be adopted.

Motion passed by the committee that SB296 do pass as amended, with Senator Harding opposed.

Discussion: SB 325

Senator Rapp-Svrcek offered a motion that SB325 do pass. He indicated all the other boards of a similar make-up receive compensation for their service, and this bill is to bring the Arts Council into equality with the other boards, and it makes sense to do so.

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Senator Hofman indicated he did not hear the testimony on SB325, and asked what they were doing up until now. Senator Rapp-Svrcek responded they have received only travel expenses, and that they are the only board that does not get compensation for their time, noting the other boards receive compensation as well as travel expenses. Senator Bengtson indicated the Arts Council has a lot more responsibility, now, than they used to. She added the Council does a lot of work, that they review a lot of grants, and are active in every community in the state. Senator Bengtson noted she serves on a subcommittee that works on their budget, that they only meet quarterly, and do a lot of work on their own. She added she does not think they are asking too much.

Senator Anderson indicated this will cost about \$6,000 per year, but that half is paid by the federal government, and it will amount to about \$3,000 for the biennium. Senator Harding asked Ms. McClure if advisory boards are paid a per diem. Ms. McClure responded that these boards are paid under the same statute as a quasi-judicial board.

Recommendation and Vote:

Motion passed by the committee that SB325 do pass.

Discussion: SB 346

Senator Bengtson offered a motion that SB346 do pass.

Recommendation and Vote:

Motion passed by the committee that SB346 do pass.

Discussion: SB 352

Chairman Farrell opened discussion regarding SB352, indicating the fiscal note has not been received. Senator Rasmussen indicated a fiscal note has not been ordered, noting it was the opinion of the attorney and the director that there would not be any fiscal impact. Senator Bengtson reminded Senator Rasmussen that an amendment was proposed to include a fee. There was discussion regarding the suggested amendments, and Senator Rasmussen asked, if a fee is included, would a fiscal note be required. Ms. McClure responded that, when it goes to the floor, the question will probably come up as to how much money is being talked about, and this could hold it up. Senator Rasmussen stated he would request a fiscal note. Chairman Farrell indicated committee action on SB352 will not be held up past Thursday waiting for the fiscal note.



ADJOURNMENT

Adjournment At: 11:30 a.m.

  
WILLIAM E. FARRELL, Chairman

WEF/mhu  
SJR8.213

ROLL CALL

STATE ADMINISTRATION COMMITTEE

51ST LEGISLATIVE SESSION

DATE:

February 13, 1989

NAME	PRESENT	ABSENT	EXCUSED
HUBERT ABRAMS	✓		
JOHN ANDERSON, JR.	✓		
ESTHER BENGTSO	✓		
WILLIAM E. FARRELL	✓		
ETHEL HARDING	✓		
SAM HOFMAN	✓		
PAUL RAPP-SVRCEK	✓		
TOM RASMUSSEN	✓		
ELEANOR VAUGHN	✓		

SENATE STANDING COMMITTEE REPORT

February 13, 1989

HR. PRESIDENT:

We, your committee on State Administration, having had under consideration SB 356 (first reading copy -- white), respectfully report that SB 356 do pass.

DO PASS

Signed: Farrell  
William E. Farrell, Chairman

A.C. 189  
3/13/89  
3: P. m.



SENATE STANDING COMMITTEE REPORT

February 13, 1989

MR. PRESIDENT:

We, your committee on State Administration, having had under consideration SB 286 (first reading copy -- white), respectfully report that SB 286 be amended and as so amended do pass:

1. Page 1, line 17.

Following: "unless"


Insert: "the substance of a ballot issue is declared unconstitutional by a court of competent jurisdiction, or"

2. Page 1, lines 19 through 21.

Following: "(2)"

Strike: the remainder of line 19 through "issue." on line 21

AND AS AMENDED DO PASS

Signed: 

William E. Farrell, Chairman

41.0  
2/13/89  
3:35  
p.m.

SENATE STANDING COMMITTEE REPORT

page 1 of 3  
February 13, 1989

MR. PRESIDENT:

We, your committee on State Administration, having had under consideration SB 296 (first reading copy -- white), respectfully report that SB 296 be amended and as so amended do pass:

1. Title, line 5.

Following: line 4

Strike: "LICENSING,"

Following: "REVIEW"

Strike: ", "

2. Title, lines 7 through 9.

Following: "AGENCY;"

Strike: the remainder of line 7 through "INSPECTION;" on line 9

3. Page 1, line 19.

Following: "and"

Insert: "announced"

4. Page 2, lines 5 and 6.

Following: line 4

Strike: subsection (a) in its entirety

Renumber: subsequent subsections

5. Page 2, lines 9 through 12.

Following: line 8

Strike: subsections (c) and (d) in their entirety

Renumber: subsequent subsections

6. Page 2, line 16.

Following: ";"

Insert: "and"

7. Page 2, line 18.

Following: "2-15-211"

Strike: ";and"

Insert: "."

8. Page 2, lines 19 and 20.  
Following: line 18  
Strike: subsection (h) in its entirety

9. Page 2, line 21.  
Following: "Joint"  
Strike: "licensing,"  
Following: "review"  
Strike: ", "

10. Page 2, lines 22 and 23.  
Following: "shall"  
Insert: ", if possible and practical,"  
Following: "joint"  
Strike: "licensing,"  
Following: "review"  
Strike: ", "

11. Page 2, line 24.  
Following: "joint"  
Strike: "licensing,"  
Insert: "announced on-site"  
Following: "review"  
Strike: ", "

12. Page 3, lines 1 through 4.  
Following: "similar"  
Strike: "licensing,"  
Following: "review"  
Strike: ", "  
Following: "time" on line 2  
Strike: the remainder of line 2 through "inspection" on line 4

13. Page 3, line 7.  
Following: "agency"  
Strike: "shall"  
Insert: "may"

14. Page 3, line 9.  
Following: "specific"  
Strike: "licensing,"  
Following: "review"  
Strike: ",,"

15. Page 3, line 12.  
Following: "conduct"  
Strike: "licensing,"  
Following: "review"  
Strike: ",,"

16. Page 3, lines 16 through 22.  
Following: line 15  
Strike: section 5 in its entirety  
Renumber: subsequent section

17. Page 4, lines 2 through 5.  
Following: line 1  
Strike: section 7 in its entirety  
Renumber: subsequent section

AND AS AMENDED DO PASS

Signed: William E. Farrell  
William E. Farrell, Chairman

41. C.  
H. 9184  
211 35  
3: 8.17



SENATE STANDING COMMITTEE REPORT

February 13, 1989

MR. PRESIDENT:

We, your committee on State Administration, having had under consideration SB 325 (first reading copy -- white), respectfully report that SB 325 do pass.

DO PASS

Signed: Farrell  
William E. Farrell, Chairman

4/13/89  
3:11:35  
3: P.M.

scrib325.213

SENATE STANDING COMMITTEE REPORT

February 13, 1989

MR. PRESIDENT:

We, your committee on State Administration, having had under consideration SB 346 (first reading copy -- white), respectfully report that SB 346 do pass.

DO PASS

Signed: Farrell  
William E. Farrell, Chairman

y/c.  
2/13/89  
3:25  
P.M.

SENATE STATE ADMIN.

EXHIBIT NO. 1

DATE 2/13/89

STATE ADMINISTRATION COMMITTEE

BILL NO. SB356

WITNESS STATEMENT

To be filled out by a person testifying or a person who would not like to stand up and speak but wants their testimony entered into the record.

NAME: Joe Hansen DATE: 2-12-89

Address: 1309 HILMEN RD  
HELENA

Phone: 458-9278

Representing whom?  
American Legion

Appearing on which proposal?  
356

Do you: SUPPORT?  AMEND?  OPPOSE?

Comments:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE:

SENATE BILL 352 IS A SPECIAL CHANCE TO DEAL OBJECTIVELY AND HONESTLY WITH INFANT ADOPTION.

IN THIS PIECE OF LEGISLATION WE HAVE AN EXCELLANT OPPORTUNITY TO PROVIDE INFANTS THAT ARE UP FOR ADOPTION TO BE PLACED WITH PEOPLE WHO WILL LOVE AND CARE FOR THEM. THESE PEOPLE AS WELL AS THE BABIES ARE TO BE CONSIDERED IN THIS PROCESS. THERE ARE SIX INDIVIDUALS/ ORGANIZATIONS INVOLVED IN THIS PROCESS.

NUMBER ONE IS THE WELL BEING AND CONCERN FOR THE BABIES WELFARE BY PLACING THE INFANT WITH LOVING AND CARING PEOPLE.

NUMBER TWO IS THE BIRTH MOTHERS KNOWLEDGE THAT HER BABY WILL BE LOVED AND CARED FOR THUS RELIEVING THE TRAUMATIC EXPERIENCE OF PUTTING HER BABY UP FOR ADOPTION.

NUMBER THREE IS THE PROSPECTIVE PARENTS WHO HAVE BEEN QUALIFIED TO RECEIVE AN INFANT INTO THEIR LIVES. THIS IS A BEAUTIFUL AND TRAUMATIC EXPERIENCE FOR THESE PEOPLE TO FINALLY BECOME PARENTS IN THAT THEIR DREAMS AND ASPIRATIONS HAVE COME TO REALITY BUT WHAT AN AWESOME RESPONSIBLITIY TO ASSUME.

NUMBER FOUR IS THE DEPARTMENT OF FAMILY SERVICES THE ENTITY THAT QUALIFIES BOTH INFANTS AND PROSPECTIVE PARENTS AS TO ADOPTION QUALIFICATIONS.

NUBMER FIVE ARE THE PRIVATE ADOPTION AGENCIES THAT PLACE INFANTS WITH PROSPECTIVE PARENTS BECAUSE THE STATE HAS ABDICATED THEIR RESPONSIBILITY TO PLACE THESE INFANTS TO OTHER FOR PROFIT ORGANIZATIONS.

NUMBER SIX IS THE STATE OF MONTANA OR WE THE PEOPLE. IT IS THE RESPONSIBLITY OF SOCIETY TO PROTECT AND PROVIDE FOR THE BASIC NEEDS OF THESE INFANTS. IN SO DOING, WE MUST ALSO ADHERE TO THE RULES OF

SOCIETY THAT SAY THERE WILL BE NO DISCRIMINATION AGAINST OUR CITIZENS BASED ON AGE, SEX, MARITAL STATUS, RELIGION, ETC. AS TO THEIR RIGHT TO ADOPT AN INFANT.

WHETHER YOU OWN A FARM IN BOZEMAN, ARE BLONDE AND BLUE EYED, HAVE AN INCOME OF \$100,000 A YEAR, BELONG TO CATHOLIC, BAPTIST, METHODIST, PRESBYTERIAN, JEWISH, MORMON CHURCH, ARE A MEMBER IN THE COUNTRY CLUB, DOES NOT MEAN YOU WOULD MAKE A GOOD PARENT BUT DOES NOT MEAN YOU WOULD NOT EITHER. THE CRUX OF THE PROBLEM IS THAT A PERSON CANNOT BE DISCRIMINATED AGAINST.

WHEN THE DIRECTOR OF A DEPARTMENT CAN SAY TO THE PEOPLE OF MONTANA THAT HIS DEPARTMENT DISCRIMINATES AND IF HE CAN'T USE THIS AS A BASIS FOR QUALIFYING ADOPTIVE PARENTS, HE WILL REFUSE TO PROVIDE THIS SERVICE AS MANDATED BY LAW, THEN THAT PERSON SHOULD BE REMOVED BECAUSE HE HAS PLACED HIMSELF ABOVE THE LAW. COMMITTEE MEMBERS, THIS HAPPENED.

WE NEED A LAW THAT REQUIRES THE STATE TO MEET IT'S OBLIGATION FIRST TO THE INFANT AND SECOND TO THE ADOPTIVE PARENTS WITHOUT BEING ABLE TO BREAK THE LAW OR TAKING THEIR BALL AND GOING HOME. THE BILL NEEDS TO BE FAIR IN THAT AN ADOPTION CANNOT DRAIN ADOPTIVE PARENTS MENTALLY, EMOTIONALLY AND FINANCIALLY.

FINALLY, WE NEED BASICALLY TO ADDRESS THE BUSINESS OF ADOPTION TOTALLY AS TO WHAT THE RESPONSIBILITIES OF THE DEPARTMENT OF FAMILY SERVICES WILL BE FOR THE STATE OF MONTANA. REQUIRED INFANT ADOPTION SERVICES WITH ADHERENCE TO THE LAW. REQUIRED LICENSING OF PRIVATE AGENCIES IF THEY ADHERE TO THE LAW.

THANK YOU FOR YOUR TIME AND I HOPE YOUR COMPASSION FOR THESE BABIES AND PROSPECTIVE ADOPTIVE PARENTS WILL SHOW IN THIS BILL.

JERRY STRONG

EXHIBIT NO. 3

DATE 2/13/89

BILL NO. SB352

WITNESS STATEMENT

To be filled out by a person testifying or a person who would not like to stand up and speak but wants their testimony entered into the record.

NAME:

JERRY STRONG

DATE:

2-

Address:

5820 Highway 12W  
Helena Mont.

Phone:

442-1293

Representing whom?

SELF

Appearing on which proposal?

S.B. 352

Do you: SUPPORT?  AMEND?  OPPOSE?

Comments:

Bill needs to be amended  
to read the STATE shall maintain  
an infant adoption service and shall  
adhere to non-discriminatory criteria.  
The Dept. shall license <sup>private</sup> adoption  
agencies and they shall not use  
discriminating criteria in the process

Good Morning. My name is Joan Wheeler. I am here today in support of Senate Bill 352.

My husband and I are parents of two beautiful adopted children, one boy 12 years of age and a daughter soon to be 1.

We received our children from the State of Montana Adoptive Services. (I think Montana must be the only state in the country no longer providing infant adoptive services.)

Oftentimes I do reflect back on how different our lives would have been today if the State had not provided infant adoptive services back then. For you see, we did not qualify as parents through any of the five private agencies in Montana.

1. We did not qualify through LDS Services, because we were not affiliated with the LDS church.
2. We did not qualify through Catholic Social Services because we were not affiliated with any Catholic church.
3. We did not qualify through Lutheran Social Services because, although we were both confirmed Lutherans, we were now attending a church of our choice, the Assembly of God here in Helena.

4. We did not qualify through Shodair because of our age.
  
5. We did not qualify through Montana Inter-Country Adoption Incorporated, out of Bozeman, because of our age.

In fact, we did not qualify through many of the private agencies in the state because of our religious affiliation. All the agencies denied us the privilege of parenting because of age.

For you see, Gentlemen, (and Ladies), someone in my family made the mistake of waking up one morning and discovering that he was no longer 39 years old, but instead 40. I was 31 years old when we received our first child. I decided to give up or at least "put on hold" my teaching career with the Helena School District so that I would be able to stay at home with our family. My age was not in question YET! Just my husband's.

I believe that private church-affiliated adoption agencies provide something that is important to everyone and that is our right to choose our religious affiliation. They also protect the religious rights of the biological mother in providing her with the option to choose her agency with respect to her religious affiliation. That is good.



Now age -- that is another matter.

Let me ask you: Do any of you here today know of a couple who has children in which one of the parents is 40 or older? I do -- many! Are they loving and responsible parents, or not? Does your answer have anything to do with the age of these parents? Mine doesn't.

Because private agencies do not meet the religious and economic needs of everyone (Yes--the cost of adoption can be high) -- the State of Montana has an obligation to the people of Montana and the children of Montana to continue to provide infant adoption services.

Who else will stand in the gap and be a champion of human rights by offering services that are in compliance with discrimination laws to all the people of Montana?

Who else will monitor the cost of adoption so that it is fair and reasonable to all?

I don't think that any of us here today want to see a situation where the "profit motive" becomes more important than the needs of children. At this point, we are fortunate to have agencies where profit is not the motive -- children are. We have all read or heard stories where this is not the case. There is "really big money" to be made in providing adoptive services,

SENATE STATE ADMIN.

EXHIBIT NO. 4

DATE 2/13/89

BILL NO. SB352 pg 4

not only for the biological mother but for the unscrupulous agent who puts them together.

We need Montana to continue to provide infant adoptive services, to protect our children and to put good parents and children together!

Thank you.

EXHIBIT NO. 5

DATE 2/13/89

BILL NO. SB352

WITNESS STATEMENT

To be filled out by a person testifying or a person who would not like to stand up and speak but wants their testimony entered into the record.

NAME: Don Wheeler DATE: 2/13/89

Address: 628 Hayes Ave  
Helena MT

Phone: 442 9529

Representing whom?  
\_\_\_\_\_

Appearing on which proposal?  
SB 352

Do you: SUPPORT?  AMEND?  OPPOSE?

Comments:  
I would like to see the  
State continue Redefine program  
see exhibit #4  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

SENATE STATE ADMIN.

EXHIBIT NO. 6

DATE 2/13/89

BILL NO. SB 352

Hi. My name is John Wheeler. I am in support of Senate Bill 352.

I am here today because I have some strong feelings that I want you to hear. I am 12 years old and am an adopted child. I am grateful for so many things: my parents, whom I love, and my newly adopted sister, whom I love. She is so cute and so much fun to watch and to play with. I can't put into words what my family means to me. They are so important.

I am grateful that when I was an infant and when my sister was an infant that the State of Montana cared about us and for us -- they gave us my family. This was the best thing in my life.

I am asking that Montana continue to provide infant adoption services to all of us. If they don't, other children like me may not be placed in homes like the one I have.

Thank you.

EXHIBIT NO. 7

DATE 2/13/89

BILL NO. SB352

WITNESS STATEMENT

To be filled out by a person testifying or a person who would not like to stand up and speak but wants their testimony entered into the record.

NAME: John Wheeler

DATE: 2/13/89

Address: 628 Hayes

Phone: 442-9529

Representing whom?  
~~SB~~

Appearing on which proposal?  
SB 352

Do you: SUPPORT?  AMEND?  OPPOSE?

Comments:  
Please keep adoption! - see Exhibit #6

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

EXHIBIT NO. 8

DATE 2/13/89

BILL NO. SB352

WITNESS STATEMENT

To be filled out by a person testifying or a person who would not like to stand up and speak but wants their testimony entered into the record.

NAME: ANTOINETTE (AN.) ABERNATHY DATE: 2/13/89

Address: Box 150 Saddle Mtn Est.  
Clancy MT 59634

Phone: 443-7212

Representing whom?  
\_\_\_\_\_

Appearing on which proposal?  
352

Do you: SUPPORT? <sup>Heartily</sup>  AMEND?  OPPOSE?

Comments:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
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SENATE STATE ADMIN.

EXHIBIT NO. 9

DATE 2/13/89

BILL NO. SB352 *PAI*

Good morning! My name is Janet Bahnsen & I have a problem. Last November, my husband & I found out that if our ten year dream of having a baby was to become reality, we would have to adopt. And since we have some friends who had a successful adoption placement from the State Dept. of Family Services, we decided to apply through that agency, too. But before we could put in an application there, we read in the IR that the State was going to drop the infant adoption program.

Therefore, we had to look at other options. We then decided to apply at Shodair. One of their basic requirements was that the adoptive applicants be between the ages of 20 and 40 years old. That posed a problem for us, as that while I am 35 years old, my husband is over 40. We decided to send in our application anyway to see if there was any hope. After waiting for 2 months for a reply back from Shodair, I finally called Becci Jones, the director of Adoptive Services at Shodair. She did not refuse to take our application, but told me that there was not much chance for us having a baby placed in our home because of the age problem.

So I got some information from Bethany International Adoptions, only to be stopped again by the 40 year old age barrier, which is also a requirement of the Catholic, Lutheran, and L.D.S. Services.

In fact, the State Dept. of Family Services was the only agency in Montana that could not use age and/or religious affiliation as a requirement.

SENATE STATE ADMIN.

EXHIBIT NO. 9

DATE 2/13/89

BILL NO. SB352 pg 2

There are other childless couples like us who because of age or religious affiliations don't qualify at the private agencies in Montana. It is a very hopeless and frustrating situation.

There needs to be a solution for us and other couples who are longing for a child. One article in the IR, dated 3-06-87, stated that from 1983-1986, 256 babies were adopted through the State S.R.S. This would seem to indicate that the State Infant Adoption Program works. Therefore I support Senate Bill 352 because I see it as a solution to the problem.

Thank you.



EXHIBIT NO. 10

DATE 2/13/89

BILL NO. SB352

WITNESS STATEMENT

To be filled out by a person testifying or a person who would not like to stand up and speak but wants their testimony entered into the record.

NAME:

DATE:

Janet Bahnsen

2-13-89

Address:

508 Madison

Helena MT

Phone:

442-8100

Representing whom?

Appearing on which proposal?

SB 352

Do you:

SUPPORT?

X

AMEND?

OPPOSE?

Comments:

I'm interested in seeing the State D.F.S.

stay in the adoption business.

see Exhibit #9

## DEPARTMENT OF FAMILY SERVICES



STAN STEPHENS, GOVERNOR

(406) 444-5900

## STATE OF MONTANA

P.O. BOX 8005  
HELENA, MONTANA 59604

## Testimony in Support of SB 352

Presented by Leslie Taylor,  
Attorney for the Department of Family Services

The Department of Family Services supports SB 352 to the extent that it furthers or promotes the adoption of children. The Department currently has established and administers an adoption program for children between the ages of one and 18 years of age. See, Section 52-1-103 (1) (e), MCA.

In November 1988, the Department discontinued its adoption program for children under the age of one. Birth parents wishing to voluntarily place their infants for adoption are now referred to one of Montana's five private, licensed adoption agencies. The Department adopted this policy for two major reasons. First, the Department had contemplated discontinuing its infant adoption program for a number of years because of the limited numbers of infants placed by the Department. Over the last several years, the Department has placed an average of only 10 infants per year. Nearly all of these placements were voluntary placements made at the request of birth parents wishing to place their child for adoption.

The second reason the Department discontinued its infant adoption program was because of the practical difficulties imposed on the program as a result of the decision of the Montana Human Rights Commission in the Wheeler v. Department of Family Services case. That decision prohibited the Department from allowing birth parents to specify criteria related to age, religion or marital status in selecting adoptive parents for their child. Because the Department could no longer allow the use of such criteria in selecting an adoptive family, the Department's ability to work with birth parents was severely restricted. It seemed likely that inability to consider these criteria, which are often very important to birth parents, would result in even fewer birth parents seeking the assistance of the Department in planning for the voluntary placement of their children for adoption. The Department's existing policies and procedures could not be continued under the Wheeler decision and the Department could not devise a practical and efficient mechanism to allow the birth parents to participate fully in the selection process. For example, the Department could no longer show pictures or arrange pre-adoptive meetings between the birth parent and the prospective

adoptive parents. Given the limited numbers of infant adoptions and the practical problems in revising the existing policies and procedures, the Department chose to discontinue its infant adoption program and rely on the private sector to provide this service.

The Department continues to place children over the age of one for adoption. These children usually are placed after being permanently removed from their parents because of abuse or neglect. Because the parents' involvement in the selection of the adoptive families in such cases is more limited, it is easier for the Department to conduct its adoption program within the guidelines established by the Human Rights Commission. In these cases it is the Department, not the parents, that makes the selection of the adoptive home. The Department is in the process of revising its policies and procedures to assure that the adoption program meets the requirements of the Human Rights Commission decision.

The Department is prepared to reassume responsibility for administering an infant adoption program if SB 352 is enacted, but it will require a total revamping of existing practices. This revamping will take some time and some creative thinking to devise a system for selecting adoptive families which will meet the needs of the child, the birth parents and the prospective adoptive parents while adhering to the mandates of the Human Rights Commission. Although difficult, the task the Department will face if SB 352 passes is not impossible.

EXHIBIT NO. 12

DATE 2/13/89 STATE ADMINISTRATION COMMITTEE

BILL NO. SB352

WITNESS STATEMENT

To be filled out by a person testifying or a person who would not like to stand up and speak but wants their testimony entered into the record.

NAME:

Heslie Taylor

DATE:

2/12/89

Address:

Dept of Family Services  
Box 8005, Helena

Phone:

444-5900

Representing whom?

DFS

Appearing on which proposal?

SB 352

Do you: SUPPORT?  AMEND?  OPPOSE?

Comments:

see Exhibit # 11

# KINKO'S

## FAX COVER SHEET

Date: 12 Feb 89

This fax is directed to (person) : Senator William Farrell, Chairman

Please notify this person that they have been sent a fax.

URGENT?  Yes  No

Department : State Administration Committee

Company : Montana State Legislature

Business Phone : \_\_\_\_\_

Fax Phone : (406) 444-4105

(Page to Deliver)

Number of pages, including this cover sheet : 2

Special Instructions: Deliver to Committee Room 331  
by Monday, 13 February @ 10:00 AM

This FAX has been sent by : Richard N. Traynham, Ph.D.

Department : Clinical Psychologist

Company : 111 S Tracy Ave, Bozeman, MT 59715

Phone : (406) 586-7776

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RICHARD N. TRAYNHAM, PH.D.  
LICENSED CLINICAL PSYCHOLOGIST  
BOZEMAN, MONTANA 59715-6113 U.S.A. (406) 586-7778

SENATE STATE ADMIN.  
EXHIBIT NO. 13  
DATE 2/13/89  
BILL NO. SB296 pg 2  
ADMINISTRATIVE OFFICE:  
504 WEST HENDERSON STREET

CLINICAL OFFICE:  
111 SOUTH TRACY AVENUE

11 February 1989

TO: William Farrell, Chairman and Members,  
Senate State Administration Committee  
Montana State Legislature

RE: Senate Bill 296, an act requiring  
joint reviews of mental health centers.

I wish to register my concern, as a clinical psychologist, about this bill as it is currently written. Although the concept of a joint review is worthy of consideration, the concept of one state agency reviewing with one set of forms for all agencies is not. Section 3, as it is currently written, will produce conflicts of interest and destroy the independent functions of some agencies.

Several years ago I served as an independent consultant for the Mental Disabilities Board of Visitors and I am well aware of the concerns of community mental health centres related to having to prepare for numerous site visits. I was also exposed to the feeling in most, but not all, of the centres of defensiveness toward review of patient rights and treatment by this board. My experience also found that a variety of deficiencies and recommendations presented by this board to some community mental health centres were not followed through with because of a lack of ability of the board to force compliance.

I applaud the concept of a joint site review with members of all agencies involved as a means of increasing compliance with current laws related to the functioning of our system of community mental health. One state agency should be appointed to direct the scheduling of these site visits and preparation of the final report, however each independent agency should provide their own team to review according to their function. Compliance in improving deficiencies could be monitored by the independent agencies and some means of enforcement of change developed by the lead agency.

My professional opinion is that this law can be modified in such a fashion so that the needs of the community mental health centres and the needs of the citizens of the State of Montana will be served in a quality fashion.

Sincerely,



R. (Dick) N. Traynham, Ph.D.  
Clinical Psychologist  
504 West Henderson Street  
Bozeman, MT 59715-61143

RNT/wp5

Amendments to Senate Bill No. 286  
First Reading Copy

Requested by Senator Rapp-Svrcek  
For the Committee on Senate State Administration

Prepared by Eddye McClure  
February 13, 1989

1. Page 1, line 17.

Following: "unless"

Insert: "the substance of a ballot issue is declared  
unconstitutional by a court of competent jurisdiction, or"

2. Page 1, lines 19 through 21.

Following: "(2)"

Strike: the remainder of line 19 through "issue." on line 21

Amendments to Senate Bill No. 296  
First Reading Copy

For the Committee on Senate State Administration

Prepared by Eddy McClure  
February 8, 1989

1. Title, line 5.  
Following: line 4  
Strike: "LICENSING,"  
Following: "REVIEW"  
Strike: ", "

2. Title, lines 7 through 9.  
Following: "AGENCY;"  
Strike: the remainder of line 7 through "INSPECTION;" on line 9

3. Page 1, line 19.  
Following: "and"  
Insert: "announced"

4. Page 2, lines 5 and 6.  
Following: line 4  
Strike: subsection (a) in its entirety  
Renumber: subsequent subsections

5. Page 2, lines 9 through 12.  
Following: line 8  
Strike: subsections (c) and (d) in their entirety  
Renumber: subsequent subsections

6. Page 2, line 16.  
Following: ";"  
Insert: "and"

7. Page 2, line 18.  
Following: "2-15-211"  
Strike: ";and"  
Insert: "."

8. Page 2, lines 19 and 20.  
Following: line 18  
Strike: subsection (h) in its entirety



9. Page 2, line 21.

Following: "Joint"  
Strike: "licensing,"  
Following: "review"  
Strike: ", "

10. Page 2, lines 22 through 24.

Following: "shall"  
Insert: ", if possible and practical,"  
Following: "joint"  
Strike: "licensing,"  
Following: "review"  
Strike: ", "  
Following: "joint"  
Strike: "licensing,"  
Insert: "announced on-site"  
Following: "review"  
Strike: ", "

11. Page 3, lines 1 through 4.

Following: "similar"  
Strike: "licensing,"  
Following: "review"  
Strike: ", "  
Following: "time"  
Strike: the remainder of line 3 through "inspection" on line 4

12. Page 3, line 7.

Following: "agency"  
Strike: "shall"  
Insert: "may"

13. Page 3, line 9.

Following: "specific"  
Strike: "licensing,"  
Following: "review"  
Strike: ", "

14. Page 3, line 12.

Following: "conduct"  
Strike: "licensing,"  
Following: "review"  
Strike: ", "

EXHIBIT NO. 15

DATE 2/13/89

BILL NO. SB 296 A.3

15. Page 3, lines 16 through 22.  
Following: line 15  
Strike: section 5 in its entirety  
Renumber: subsequent section

16. Page 4, lines 2 through 5.  
Following: line 1  
Strike: section 7 in its entirety  
Renumber: subsequent section

VISITORS' REGISTER

STATE ADMINISTRATION COMMITTEE

DATE: February 13, 1989

NAME	REPRESENTING	BILL #	Support	Oppose
Robt. Vandenberg	Self	356	X	
Jac Hanson	American Legion	356	X	
Don Dehader		352	X	
John Wheeler		352	X	
Jan Bahner		352	X	
Dr. Chermethy		352	X	
John Decker	Dis Arms Vets	352	✓	
James H. Rehbein	Dept. Command Disabled American Veterans	352	✓	
Kasli's Jarka	DFS	352	✓	
JERRY SKRANT	Self	352	✓	
Herb Goodwin	Self	356 98	✓	
Bob Dierker	Self	356 98	✓	
BETTY Bty		356		
Patty Carroll	Pro-Family Women's Lobby	<del>356</del> 352	✓	
Donna Vandewere	Pro-Family Women's Lobby	<del>356</del> 352	✓	
Meredith Anderson		356	✓	
Rich Brown		356	✓	
Frank K. Kiedler		356	✓	
Steve Walden	Mental Health	SB796	✓	
Beth O'Hellor	Mont Fed Feders			
Dee Moore	Board of Visitors			

