

MINUTES

MONTANA SENATE 52nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON FINANCE & CLAIMS

Call to Order: By Senator Jacobson, Chairman, on April 4, 1991,
at 12:20 p.m., Room 325.

ROLL CALL

Members Present:

Judy Jacobson, Chairman (D)
Greg Jergeson, Vice Chairman (D)
Gary Aklestad (R)
Thomas Beck (R)
Esther Bengtson (D)
Don Bianchi (D)
Gerry Devlin (R)
Eve Franklin (D)
Harry Fritz (D)
H.W. Hammond (R)
Ethel Harding (R)
Bob Hockett (D)
Thomas Keating (R)
Dennis Nathe (R)
Lawrence Stimatz (D)
Larry Tveit (R)
Eleanor Vaughn (D)
Mignon Waterman (D)
Cecil Weeding (D)

Members Excused: Senator Manning

Staff Present: Teresa Olcott Cohea(LFA).

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

EXECUTIVE ACTION ON HOUSE BILL 300

Motion:

Senator Aklestad moved that HB 300 BE CONCURRED IN. Senator
Jergeson made a substitute motion to amend HB 300 (amendment

attached as Exhibit 1).

Amendments, Discussion and Votes:

Senator Aklestad questioned the amendment offered as Exhibit 1. Senator Jergeson said this is an additional option that the Board of Investments may choose and he added he was confident they would continue to operate under the rules.

Senator Jergeson's substitute motion to amend HB 300 (amendment attached as Exhibit 1) carried. Senator Aklestad opposed to substitute motion to amend.

Recommendation and Vote:

Senator Jergeson moved HOUSE BILL 300 AS AMENDED BE CONCURRED IN. Motion carried with Senators Nathe and Tveit opposed.

HEARING ON HOUSE BILL 299

Presentation and Opening Statement by Sponsor:

Representative Sheila Rice, sponsor, stated there is no fiscal impact to HB 299. She said HB 299 provides for permanency planning for children in foster care. The bill proposes to give the court the ability to terminate parental rights under various conditions. The bill will also allow the Department of Family Services to look at every child placed in foster care and determine what needs to be done so the children won't be "floating" in foster care.

Proponents' Testimony:

Tom Olsen, Department of Family Services Director, stated their support of HB 299 as written. He said they have instituted a permanency planning project.

Opponents' Testimony:

None

Questions From Committee Members:

With regard to a question from Senator Hammond regarding the period of time for a child under DFS care, Mr. Olsen said there are approximately 150 kids that have been in foster care for more than a year and there is a like number of children that have been in foster care for over two years. He noted his opinion that that is too long a period of time for a child to be placed in foster care and that it should be a short term placement while they work with the family. He noted when he is talking about extended periods of time, he is generally talking about children being there for more than six months. When asked by Senator Hammond if this bill would deal with group home children, Mr. Olsen said that deals with children in family foster care. He noted they are children that are more adoptable and children in

group homes tend to be there for shorter periods of time.

Senator Jacobson added there was a study done by the legislative fiscal analyst in the interim showing there were more and more foster care children staying longer in homes.

Senator Stimatz questioned how many social workers are available to handle the program and noted one of the weaknesses is they have not had enough help. Mr. Olsen said there are not enough social workers to go around. In a question from Senator Stimatz regarding finding foster care providers, Mr. Olsen said one of the reasons they have trouble finding providers is they are not adequately compensated.

Senator Nathe questioned what the term "treatment" on page 3 of the bill means and wondered if we are adding another criteria or expanding the criteria in order for the Department to take children out of the home. Mr. Olsen said what treatment plan means is if a child has to be removed from a family, the social worker tries to work with the family to reunite the family. Mr. Olsen said in regard to a question from Senator Nathe that this is an expansion for the current law.

When questioned by Senator Nathe as to criteria that can occur under court order to take the children away, Ann Gilkey, DFS legal counsel said there is a provision not a part of this bill for 48 hour emergency removal. The law addresses with any sort of longer term removal or termination of parental rights it goes through the youth court and does require court order. Ms. Gilkey said HB 299 facilitates getting a child who is unable to return to their family for whatever reason freed up so they can be permanently placed, either adoptively or permanent foster care.

Senator Waterman questioned how many social workers were recommended for DFS. Mr. Olsen said an additional 108 additional social workers were recommended.

With regard to a question from Senator Weeding regarding parental treatment classes, Mr. Olsen said many treatment plans include parental classes. It could include family counseling, alcohol and drug abuse counseling or working with the school district in an attempt to put the child in a treatment plan. He added it is completely dependent on the individual situation. Workers try to assess what is needed in the family and what the child's needs are.

Closing by Sponsor:

Representative Rice closed.

EXECUTIVE ACTION ON HOUSE BILL 511

Amendments, Discussion, and Votes:

Senator Nathe moved amendments to HB 511. (amendment attached as Exhibit 2)

Senator Nathe said this amendment limits the statutory appropriations to \$50,000 a year.

Senator Nathe's motion to amend HB 511 carried unanimously.

Senator Nathe moved that HOUSE BILL 511 AS AMENDED BE CONCURRED IN.

Recommendation and Vote:

Motion that HOUSE BILL 511 AS AMENDED BE CONCURRED IN carried unanimously.

EXECUTIVE ACTION ON HOUSE BILL 365

Motion:

Senator Beck moved that HOUSE BILL 365 BE CONCURRED IN.

Recommendation and Vote:

Motion that HOUSE BILL 365 BE CONCURRED IN carried unanimously.

EXECUTIVE ACTION ON HOUSE BILL 645

Amendments, Discussion, and Votes:

Senator Nathe moved to amend HB 645 in the title on line 9 to provide for an immediate effective date, and on line 20 following the period to provide for an immediate effective date on passage and approval, a new Section 2.

Senator Nathe's motion to amend HB 645 carried unanimously.

Senator Nathe moved that HB 645 AS AMENDED BE CONCURRED IN.

Recommendation and Vote:

Motion that HB 645 AS AMENDED BE CONCURRED IN carried unanimously.

EXECUTIVE ACTION ON HOUSE BILL 125Motion:

Senator Jergeson moved that HB 125 BE CONCURRED IN.

Discussion:

When questioned by Senator Devlin regarding the intent of HB 125, Senator Jergeson said the retention of Indian students in the university system in college programs is very low and the real key to dealing with employment problems is to keep them in school.

Senator Bengtson questioned how many special people we have dealing with minorities in the State and added she has a problem with this. Senator Jergeson said there is an Indian coordinator in the Superintendent of Public Instructions office, and that person is working with schools in Indian communities on the problems that are involved in K through 12. He added that person probably would not have much involvement with the university system. He said it was his feeling that part of the funding for that system is federal money.

Senator Nathe questioned if Senator Jergeson would have any objections to putting two more amendments or one big amendment on the HB 125; below line 13 on page 2, add a (4) and shall make a report back to the next legislative session; also have a (5) to sunset this provision so we can take a look at it again. Senator Jergeson said he had no problem with a (4) but adding a sunset would be redundant because an appropriation bill is not a permanent part of the statute. This would have to be looked at again to continue the appropriation.

Senator Keating questioned Mr. Sundsted as to whether this appropriation is covered in the budget as yet or if this is an addition to it. Mr. Sundsted said this was not included in the Governor's budget. He added he was not aware of a request for it initially.

Mr. Keating said this was set up with grant money and now is being funded with State money. He questioned if this would get built into the base during this biennium and show up in the next biennium as a program within the university system budget and become a part of the current level. Mr. Sundsted said he doesn't think there is an absolute rule on that. A judgment would have to be made next time as to what is current level and what is not. He added if it is not current level, it would help to say that. Senator Jacobson noted that is the approach that the Governor's office would take but not the legislative fiscal analyst.

Senator Devlin questioned when funds are received from the Northwest area foundation and also from the Ford foundation, was

that brought through an appropriation process. Senator Jacobson said both of them came through the budget amendment process.

Senator Hockett questioned why community colleges are not included in that group and he added another concern that some kind of an articulation program for the university system is not in place very well and with the addition of seven tribal councils it is imperative that this person deal with that also. He concluded he would like to see it specifically identified. Senator Waterman noted her belief that the community colleges are considered part of the university system.

Senator Bengtson said she is opposed to Senator Jergeson's motion because of appropriating that much money.

Senator Jergeson withdrew his motion so that Senator Nathe's proposed amendments could be properly drafted.

EXECUTIVE ACTION ON HOUSE BILL 906

Motion:

Senator Beck moved that HOUSE BILL 906 BE CONCURRED IN.

Discussion:

Senator Aklestad indicated his feeling that in HB 906 we are putting on more equipment and FTE's and he questioned the direction we are going here.

Senator Jergeson said in their education appropriation subcommittee they discussed the concept of adding a couple more people to the board of forestry extension service. He said a request for those positions was from the general fund and was turned down by the subcommittee. He said now the industry is saying they will assess themselves to be able to provide this extension service.

Senator Waterman added her support to HB 906.

Recommendation and Vote:

Motion that HB 906 BE CONCURRED IN carried unanimously.

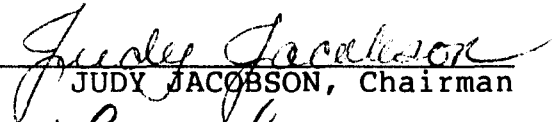
ADJOURNMENT

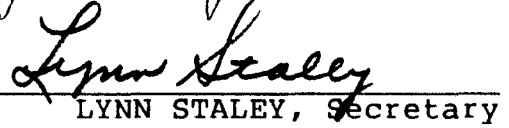
Adjournment At: 1:15 p.m.

SENATE FINANCE & CLAIMS COMMITTEE

April 4, 1991

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JUDY JACOBSON, Chairman


LYNN STALEY, Secretary

JJ/lis

ROLL CALL

FINANCE & CLAIMS COMMITTEE

DATE 4/4/91

LEGISLATIVE SESSION

noon meeting

NAME	PRESENT	ABSENT	EXCUSED
SENATOR JACOBSON CHAIRMAN	✓		
SENATOR JERGESON, VICE CHAIRMAN	✓		
SENATOR AKLESTAD	✓		
SENATOR BECK	✓		
SENATOR BENGTON	✓		
SENATOR BIANCHI	✓		
SENATOR DEVLIN	✓		
SENATOR FRITZ	✓		
SENATOR HAMMOND	✓		
SENATOR HARDING	✓		
SENATOR HOCKETT	✓		
SENATOR KEATING	✓		
SENATOR MANNING			✓
SENATOR NATHE	✓		
SENATOR STIMATZ	✓		

Each day attach to minutes.

ROLL CALL

FINANCE & CLAIMS COMMITTEE, CONTINUED

DATE _____

LEGISLATIVE SESSION

NAME	PRESENT	ABSENT	EXCUSED
SENATOR VVEIT	✓		
SENATOR VAUGHN	✓		
SENATOR WATERMAN	✓		
SENATOR WEEDING	✓		
<i>Senator Franklin</i>	✓		

Each day attach to minutes.

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
April 4, 1991

MR. PRESIDENT:

We, your committee on Finance and Claims having had under consideration House Bill No. 300 (third reading copy -- blue), respectfully report that House Bill No. 300 be amended and as so amended be concurred in:

1. Title, line 6.

Following: "BASIS;"

Insert: "AUTHORIZING THE BOARD OF INVESTMENTS TO PURCHASE
CONTRACTS FOR DEED AND MORTGAGES ON STATE CABINSITES;"

2. Page 2, following line 22.

Insert: "NEW SECTION. Section 2. Investment of state cabinzite sales. The board of investments may purchase from approved lenders contracts for deed or mortgages for cabinsites on state trust land for the trust and legacy fund.

NEW SECTION. Section 3. Codification instruction.
[Section 2] is intended to be codified as an integral part of Title 17, chapter 6, part 2, and the provisions of Title 17, chapter 6, part 2, apply to [section 2]."

Signed:

Judy H. Jacobson
Judy H. Jacobson, Chairman

4/4/91
And. Coord.

4-4-91 4:00
Sec. of Senate

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
April 4, 1991

MR. PRESIDENT:

We, your committee on Finance and Claims having had under consideration House Bill No. 511 (third reading copy -- blue), respectfully report that House Bill No. 511 be amended and as so amended be concurred in:

1. Page 4, line 18.

Strike: "The account"

Insert: "An amount up to \$50,000 each year"

2. Page 4, line 20.

Following: " "

Insert: "Any expenditure in excess of \$50,000 each fiscal year requires approval through budget amendment, as provided in Title 17, chapter 7, part 4."

3. Page 5, line 8.

Strike: "The account"

Insert: "An amount up to \$50,000 each fiscal year"

4. Page 5, line 10.

Following: " "

Insert: "Any expenditure in excess of \$50,000 each fiscal year requires approval through budget amendment, as provided in Title 17, chapter 7, part 4."

Signed: _____

Judy H. Jacobson, Chairman

4-4-91
And. Coord.

SB 4-4-91 4:00
Sec. of Senate

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
April 4, 1991

MR. PRESIDENT:

We, your committee on Finance and Claims having had under consideration House Bill No. 645 (third reading copy -- blue), respectfully report that House Bill No. 645 be amended and as so amended be concurred in:

1. Title, line 9.

Following: "USE"

Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

2. Page 1, following line 25.

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

Signed: _____

Judy H. Jacobson, Chairman

LB 4/4/91
Amd. Coord.

SR 44 61 4100
Sec. of Senate

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
April 4, 1991

MR. PRESIDENT:

We, your committee on Finance and Claims having had under consideration House Bill No. 906 (third reading copy -- blue), respectfully report that House Bill No. 906 be concurred in.

Signed: _____

Judy H. Jacobson
Judy H. Jacobson, Chairman

LD 4/4/91
Amd. Coord.

SB 4-4-91 4:00
Sec. of Senate

711518SC.Sji

Exhibit 1

AMENDMENTS TO HOUSE BILL 300
(Third Reading Copy)

1. Title, line 6.
Following: "BASIS;"
Insert: "AUTHORIZING THE BOARD OF INVESTMENTS TO PURCHASE
CONTRACTS FOR DEED ON STATE CABINSITES;"
3. Page 2.
Following: line 22.
Insert: "NEW SECTION. Section 2. Investment in state
cabinsite sales. The board of investments may
purchase for the trust and legacy fund from
approved lenders contracts for deed for cabinsites
on state trust land."

"NEW SECTION. Section 3. Codification
instruction. [Section 2] is intended to be
codified as an integral part of Title 17, chapter
6, part 2, and the provisions of Title 17, chapter
6, part 2, apply to [Section 2]."

-End-

Exhibit 1
Date 4-4-91
HB 300

Amendments to House Bill No. 511
Third Reading Copy

Requested by Senator Jacobson
For the Committee on Senate Finance and Claims

Prepared by Clayton Schenck
April 3, 1991

1. Page 4, line 18.

Strike: "The account"

Insert: "An amount up to \$50,000 each year"

2. Page 4, line 20.

Following: "."

Insert: "Any expenditure in excess of \$50,000 each fiscal year
requires approval through budget amendment, as provided in
Title 17, chapter 7, part 4."

3. Page 5, line 8.

Strike: "The account"

Insert: "An amount up to \$50,000 each fiscal year"

3. Page 5, line 10.

Following: "."

Insert: "Any expenditure in excess of \$50,000 each fiscal year
requires approval through budget amendment, as provided in
Title 17, chapter 7, part 4."

This amendment limits the statutory appropriations to \$50,000 per year for both the net proceeds received by the state for forfeited property and federal forfeitures distributed to the state. All additional expenditures would require a budget amendment.

SENATE FINANCE AND CLAIMS
EXHIBIT NO. 2
DATE 4-4-91
BILL NO. HB 511