

MINUTES

MONTANA SENATE 53rd LEGISLATURE - REGULAR SESSION

CONFERENCE COMMITTEE ON SENATE BILL 271

Call to Order: By Senator Judy Jacobson, Chair, on April 22, 1993, at 1:00 p.m.

ROLL CALL

Members Present:

Senator Judy Jacobson, Chair (D)
Senator Thomas "Tom" Beck (R)
Senator B.R. "Chris" Christiaens (D)
Representative Richard Simpkins (R)
Representative Liz Smith (R)
Representative William "Bill" Strizich (D)

Members Excused: None.

Members Absent: None.

Staff Present: Kristie Wolter, Committee Secretary
Tom Gomez, Legislative Council

Discussion:

Senator Judy Jacobson stated many states have a citizen review board which is run through a court rather than a department. She stated what SB 271 was attempting to do was to remove the review board from the Department and place it under the court. She stated currently, the courts are asking the Department who they would like on the review board and that is in compliance with Federal law. She stated the boards have not been properly funded and therefore there has not been an objective board. Senator Jacobson stated there are people from the Department on the review boards. She stated SB 271 mirrors other states laws and the statistics from those states show it works more efficiently to have the Review Board under the court. She stated there is no need for the County Commissioner to be involved in the process. Senator Jacobson stated there would be nobody from the Department of Family Services (DFS) serving on the review boards. She stated the Boards would be funded through SB 271.

Representative Strizich stated there needs to be a common grounds between the DFS and the courts. He stated SB 271 would remove the foster care review from under the Department. He stated the people on the Board are the same people who made and reviewed the placements. He stated SB 271 would appoint a board with an objective view through the courts as advocates of the children.

Representative Simpkins stated item #8 establishes the supreme court and item #37 addresses a local court review, one for each Judicial district. He stated if the citizens are not allowed a say in the matter, the citizens are not going to agree.

Senator Jacobson stated SB 271 does not address the issue which Representative Simpkins brought up. She stated SB 271 was attempting to stop the system of "the fox watching the henhouse." She stated the implementation of SB 271 would save money and also allow for federal funding which would cover approximately 50% of the program costs. She stated she would like to implement the program as a pilot project and see how it works. She stated there was a conflict in the effective dates in SB 271. She stated the dates terminate the program in 1997 and terminate the program in 1995.

Representative Smith stated the 1997 deadline was to allow for a sense of security with the financing of the program.

Representative Simpkins stated no social problems would be solved unless the community and its citizens are involved. He stated only the judicial districts are involved and it would preclude six counties. He stated there is a need for a parent to be included in the group. He stated a parent would have the experience and knowledge to be on the Board.

Senator Jacobson stated the parent would be eligible to be on the Board.

Representative Simpkins stated SB 271 did not list a parent as part of the review board.

Representative Strizich stated they are present during their case before the Board. He stated it would be difficult to choose a parent who could continue to give objective views to the board.

Representative Jacobson stated the members of the screening Committee were to screen applicants and they choose the members of the Review Board. She stated the screening Committee may chose to have a parent on the Board and there is nothing which would disallow that choice by the Committee.

Representative Smith stated the Review Committee is not identified in SB 271 because they are selected by the people listed in SB 271. She stated the Citizen Review Board would be selected by the Committee and affirmed by the Supreme Court.

Senator Jacobson stated the Review Board is recruited from "groups with special knowledge of or interest in foster care and child welfare which may include but is not limited to..." She stated the members of the Board may be private citizens.

Kathy Marshall stated all of the S's had been removed from the word "Board(s)" and the funding could be reduced because of the

change. She stated SB 271 is already written to be a pilot program because it is "subject to the amount of funding" and the amount of work depends on the amount of funding.

Senator Christiaens asked Senator Jacobson if she would rather have the wording be "Boards" instead of "Board." Senator Jacobson stated she would like to see the word "Boards" although the funding would be limited to one. Senator Christiaens stated there would be no problem with the word "Board."

Representative Smith stated there may be opportunity for more than one Board during the process. She stated SB 271 should allow for the flexibility of more than one Board.

Representative Strizich stated there could be an Urban and a Rural Board through use of excess funds.

Senator Jacobson stated there has to be staff available. She stated the DFS currently staffs the Board and the duty should be removed from their Department.

Representative Smith stated there is one state hired Director and one coordinator over each region.

Representative Simpkins stated there should be wording in SB 271 which would not authorize a Board without the funding.

Senator Jacobson stated the language referred to by Representative Simpkins is in SB 271. She stated the original bill clearly stated the Boards were subject to availability of funds on page 2, line 24.

Representative Simpkins stated if the language was in SB 271, the Committee should consider deleting the House amendments.

Senator Jacobson stated the Committee had agreed on changing all singular "Board" to plural "Boards" and changing the singular "Judicial District" to "Judicial Districts".

Representative Simpkins stated he felt the House should just accept the Senate version of SB 271 and delete the House amendments.

Representative Strizich stated the House Committee feared the Board would take off on its own and the Legislature would lose control of it.

Motion/Vote:

Senator Jacobson moved SB 271 be AMENDED as follows:

- 1) Change "Board" to "Boards" throughout the bill.
- 2) Delete every "2".
- 3) Change singular language to plural language where necessary, and

- 4) Maintain the program is a pilot program.

The motion CARRIED UNANIMOUSLY.

Discussion:

Mr. Gomez stated SB 271 would terminate the whole act as of July 1, 1995.

Senator Jacobson stated Section 20 should be removed or deleted and the funding section is acceptable.

Representative Simpkins stated Section 1 is the pilot program and should not be deleted.

Representative Strizich stated the section did not get amended.

Representative Simpkins stated the Committee should eliminate section 19 and 20.

Senator Jacobson stated the effective date should be changed to January 1, 1994.

Representative Smith stated the Director of the program should be included on the Selection Committee. She stated if the program goes into effect and money is appropriated, one of the appropriations is to hire the Director.

Motion/Vote:

Representative Strizich moved SB 271 be AMENDED (delete the House amendments of section 19 and 20 and keep the effective date as it was in the original bill). The motion CARRIED UNANIMOUSLY.

Motion/Vote:


Senator Jacobson moved HB 271 be AMENDED (add "appropriated to the Montana Supreme Court" and strike "Youth Board").

Motion/Vote:

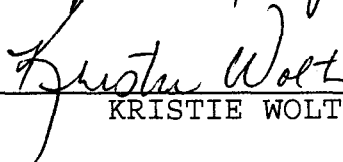
Representative Strizich moved the COMMITTEE REPORT be ADOPTED. The motion CARRIED UNANIMOUSLY.

ADJOURNMENT

Adjournment: 1:25 p.m.



SENATOR JUDY JACOBSON, Chair



KRISTIE WOLTER, Secretary

JJ/klw

Conference Committee
on Senate Bill No. 271
Report No. 1, April 22, 1993

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Mr. President and Mr. Speaker:

We, your Conference Committee on Senate Bill No. 271, met and considered: House amendments to Senate Bill No. 271. We recommend that Senate Bill No. 271 (reference copy - salmon) be amended as follows:

1. Title, line 9.

Following: "FOR"

Strike: "A"

Following: "BOARDS"

Strike: "BOARD"

Insert: "BOARDS"

2. Title, line 12.

Following: "AN"

Insert: "AN"

3. Title, line 13.

Strike: "DATES"

Insert: "DATE"

4. Page 2, line 20.

Following: "DESIGNATE"

Strike: "A"

Following: "JUDICIAL"

Strike: "DISTRICT"

Insert: "districts"

Following: "OPERATE"

Strike: "THE"

Insert: "a"

5. Page 3, line 1.

Page 3, line 2.

Page 3, line 9.

Page 3, line 14.

Page 4, line 18.

Page 5, line 6.

Page 5, line 17.

Page 7, line 19.

Page 12, line 24.

Page 20, line 22.

Strike: "THE"

Insert: "a"

6. Page 26, lines 17 and 18.

Following: "FUND" on line 17

Strike: remainder of line 17 and line 18 in its entirety

Insert: "Montana supreme court"

ADOPT

REJECT

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7. Page 27, lines 6 through 13.

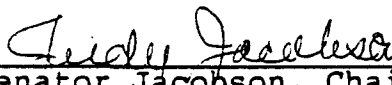
Strike: sections 19 and 20 in their entirety

Insert: "NEW SECTION. Section 19. Effective date. [This act]
is effective July 1, 1993."

And that this Conference Committee report be adopted.

For the Senate:

For the House:



Senator Jacobson, Chair



Representative Simpkins, Chair



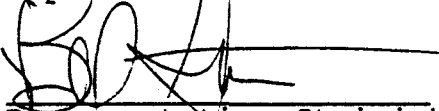
Senator Beck



Representative Smith



Senator Christiaens



Representative Strizich

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Sec. of Senate