

## MINUTES

### MONTANA SENATE 54th LEGISLATURE -- REGULAR SESSION

#### CONFERENCE COMMITTEE ON SENATE BILL 345

**Call to Order:** By **CHAIRMAN CHUCK SWYSGOOD**, on April '7, 1995, at 7:35 a.m.

#### ROLL CALL

**Members Present:**

Sen. Charles "Chuck" Swysgood (R)  
Sen. Mike Sprague (R)  
Sen. Mignon Waterman (D)  
Rep. Brad Molnar (R)  
Rep. William T. "Red" Menahan (D)  
Rep. Scott J. Orr (R)

**Members Excused:** None

**Members Absent:** None

**Staff Present:** Valencia Lane, Legislative Council  
Jennifer Gaasch, Secretary

#### **Discussion:**

**SENATOR CHUCK SWYSGOOD** said when SB 345 left the Senate it had juvenile corrections going to the Department of Corrections. On the House floor **REPRESENTATIVE COBB** reversed that and took juvenile corrections out of the department and put it into Department of Family Services (DFS). He said he did not except those amendments when they came back to the Senate. **SEN. SWYSGOOD** said the purpose of SB 345 was to bring together like functions for a more efficient delivery of the services. He said it was his wish that the House floor actions be reversed and put juvenile corrections back into the Department of Corrections. He proposed the amendments. **(EXHIBIT #1)**

**Valencia Lane** said they had only 10 copies of the salmon colored bill printed which is the bill with the House amendments in it. It was not possible to have only a 1 page amendment striking the House amendments. The amendments that were passed out remove the House amendments from the salmon colored bill.

**SEN. SWYSGOOD** said the amendments would put SB 345 back into the form it was when it left the Senate.

**Valencia Lane** replied it reverses all of the amendments that were put on in the House.

**SENATOR WATERMAN** asked if the only amendment that was put on in the House was the **COBB** amendment.

**Valencia Lane** replied yes and the proposed amendments would reverse those amendments.

**Motion:**

**REPRESENTATIVE MENAHAN** MOVED the amendments.

**Discussion:**

**SEN. WATERMAN** replied it was the recommendations of the Department directors all recommended that youth corrections go into the Department of Human Services. She stated she continued to believe that is where it belongs.

**SEN. SWYSGOOD** replied he appreciated **SEN. WATERMAN'S** concern. He said when they look at the overall picture and moving all of the mental health out of the Department of Corrections, where it was now and never should have been, and putting them back into DFS. SB 345 creates an agency of around 2,700 people and whether that will stay or not we do not know. He said there are 180 people who are connected with youth corrections and if they are in that budget they will be receiving 15% of the budget instead of the 1% of another budget. He said there are other things that will have to be done in the next legislative session.

**REP. MENAHAN** stated he supported this because ever since they have children have gone in and out of the departments and institutions they have gone down hill. He said to get any services at all they children have to make time to go to the mental health center. They are not receiving any help that they need.

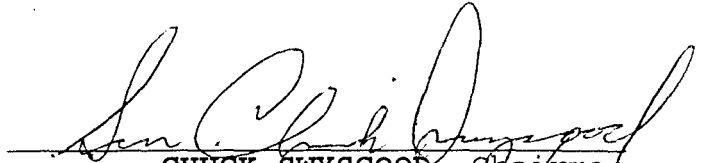
**REP. MOLNAR** replied he opposed SB 345 until a month ago. In one of the hearings **Hank Hudson, DFS**, said he opposed SB 345 because it would cut into his budget. He said if they are going to stem the number of adult offenders going in, they are going to do it on the juvenile side. The incentive to stem it is in the adult corrections and the prevention is to their benefit. It helps their budget if they can help the children from going in. He said SB 345 will do it. The philosophy is not working.

**Vote:**

The **MOTION CARRIED** with **SENATOR WATERMAN** voting no.

ADJOURNMENT

Adjournment: 7:46 a.m.

  
CHUCK SWYSGOOD, Chairman

  
JENNIFER GAASCH, Secretary

CS/jg

Conference Committee  
on SB 345  
Report No. 1, April 7, 1995

Page 1 of 10

Mr. President and Mr. Speaker:

We, your Conference Committee on SB 345, met April 7, 1995, and considered:

House Committee of the Whole amendments to the third reading copy dated March 27, 1995.

We recommend that SB 345 (reference copy - salmon) be amended as follows:

1. Title, line 12.

Following: "~~CORRECTIONS~~"

Insert: ", WITH THE EXCEPTION OF JUVENILE CORRECTIONS PROGRAMS;  
TRANSFERRING JUVENILE CORRECTIONS PROGRAMS TO THE DEPARTMENT  
OF CORRECTIONS"

2. Title, page 2, line 8.

Following: "~~41-3-1103,~~"

Insert: "41-3-1103,"

3. Title, page 2, line 23.

Following: "~~52-1-101,~~"

Insert: "52-1-101,"

Following: "~~52-1-103,~~"

Insert: "52-1-103,"

4. Page 3, lines 21 and 34.

Strike: "565"

Insert: "568"

5. Page 3, line 33.

Following: "~~corrections~~"

Insert: ", except juvenile corrections division programs, which  
are transferred to the department of corrections"

6. Page 4, line 2.

Following: "to+"

Insert: ":"

7. Page 4, line 3.

Following: "~~{a}~~"

Insert: "(a)"

8. Page 4, line 4.

Following: "~~, or~~"

Insert: "; or"

ADOPT

REJECT

801027CC.SPV

9. Page 4, line 6.

Following: "appropriate"

Insert: "(b) the "department of corrections", "department" (of corrections), "director of corrections", or "director" (of corrections), as appropriate"

10. Page 4, line 31.

Strike: "565"

Insert: "568"

11. Page 5, line 18 and 29.

Strike: "565"

Insert: "568"

12. Page 44, lines 11 and 12.

Following: "~~corrections~~" on line 11

Strike: remainder of line 11 through "SERVICES" on line 12

Insert: "corrections"

13. Page 51, line 13.

Following: "~~family~~"

Insert: "the department of corrections or"

14. Page 122, line 16.

Insert: "Section 184. Section 41-3-1103, MCA, is amended to read:

"41-3-1103. Powers and duties of department. (1) The department shall:

(a) administer all state and federal funds allocated to the department for youth foster homes, youth group homes, and child-care agencies for youth in need of care, ~~youth in need of supervision, and delinquent youth~~, as defined in 41-5-103;

(b) exercise licensing authority over all youth foster homes, youth group homes, and child-care agencies;

(c) collect and disseminate information relating to youth in need of care, ~~youth in need of supervision, and delinquent youth~~;

(d) provide for training of program personnel delivering services;

(e) in cooperation with youth care facility providers, develop and implement standards for youth care facilities;

(f) maintain adequate data on placements it funds in order to keep the legislature properly informed of the following:

(i) the ~~breakdown number~~ of youth in need of care, ~~youth in need of supervision, and delinquent youth by category~~ in out-of-home care facilities;

(ii) the cost per facility for services rendered;

(iii) the type and level of care of services provided by each facility;

(iv) a profile of out-of-home care placements by level of care; and

(v) a profile of public institutional placements; and  
(g) administer all funds allocated to the department for residential alcohol and drug abuse treatment for indigent youths in need of care, indigent youths in need of supervision, and indigent delinquent youths who require treatment.

(2) The department may:

(a) enter into contracts with nonprofit corporations or associations or private organizations to provide substitute care for youth in need of care, ~~youth in need of supervision, and delinquent youth~~ in youth care facilities;

(b) accept gifts, grants, and donations of money and property from public and private sources to initiate and maintain community-based services to youth;

(c) adopt rules to carry out the administration and purposes of this part.

(3) The department shall pay for room, board, clothing, personal needs, transportation, and treatment in youth foster care homes and youth group homes for youths committed to the department who need to be placed in the facilities. Payments for the clothing of a child placed in a youth foster home must be provided to the extent the child needs a basic wardrobe or has a special clothing need. Payments under this subsection may not exceed appropriations for the purposes of this subsection.""

Renumber: subsequent sections

15. Page 122, lines 18 and 19.

Following: "corrections" on line 18

Strike: "PUBLIC HEALTH AND HUMAN SERVICES"

Insert: "corrections"

16. Page 122, lines 21 and 25.

Following: "corrections"

Strike: "PUBLIC HEALTH AND HUMAN SERVICES"

Insert: "corrections"

17. Page 122, line 33.

Following: "corrections"

Insert: "or the department of corrections"

Following: "placement"

Insert: "making the placement"

18. Page 123, line 3.

Following: "corrections"

Insert: "or the department of corrections"

19. Page 123, line 19.

Following: "corrections"

Insert: "and the department of corrections"

20. Page 123, line 21.

Strike: "IS"  
Insert: "are"

21. Page 124, lines 24 and 25.  
Following: "~~corrections~~" on line 24  
Strike: remainder of line 24 through "SERVICES" on line 25  
Insert: "corrections"  
Strike: "2-15-2201"  
Insert: "2-15-2301"

22. Page 158, line 25.  
Strike: "OR THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES"

23. Page 178, line 34.  
Following: "~~services~~"  
Strike: "OR THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES"

24. Page 219, line 15.  
Insert: "Section 333. Section 52-1-101, MCA, is amended to read:  
"52-1-101. Purpose. It is the public policy of the legislature to reduce duplication and fragmentation of services to youth, families, and senior citizens by creating a department that shall develop and maintain consolidated programs and services, except youth correctional services, within available resources, and a planned continuum of services to:  
(1) provide protective services to ensure the health, welfare, and safety of children and adults who are in danger of abuse, neglect, or exploitation within communities; and  
~~(2) provide for the care, protection, and mental and physical development of youth alleged to be youth in need of supervision or delinquent youth who are referred or committed to the department; and~~  
~~(3)~~ (2) provide supportive services to enable senior citizens to maintain their independence."

Renumber: subsequent sections

25. Page 221, line 6.  
Insert: "Section 335. Section 52-1-103, MCA, is amended to read:  
"52-1-103. Powers and duties of department. The department shall:  
(1) administer and supervise all forms of child and adult protective services;  
(2) act as the lead agency in coordinating and planning services to children with multiagency service needs;  
~~(3) provide funding for and place youth alleged or adjudicated to be delinquent or in need of supervision who are referred or committed to the department;~~  
~~(4)~~ (3) provide the following functions, as necessary, for youth in need of care:  
(a) intake, investigation, case management, and client

supervision;

- (b) placement in youth care facilities;
- (c) contracting for necessary services;
- (d) protective services day care; and
- (e) adoption;
- ~~(5) administer youth correctional facilities;~~
- ~~(6) provide supervision, care, and control of youth released from a state youth correctional facility;~~
- ~~(7)~~ (4) license youth care facilities, child-placing agencies, day-care facilities, community homes for developmentally disabled persons, community homes for severely disabled persons, and adult foster care facilities;
- ~~(8)~~ (5) act as lead agency in implementing and coordinating child-care programs and services under the Montana Child Care Act;
- ~~(9)~~ (6) administer the interstate compacts compact for children and delinquent youth;
- ~~(10)~~ (7) (a) administer child abuse prevention services funded through child abuse grants and the Montana children's trust fund provided for in Title 41, chapter 3, part 7; and
- (b) administer elder abuse prevention services;
- ~~(11)~~ (8) (a) make a written evaluation of each plan developed by the local family services advisory councils, as provided in 52-1-203, indicating those portions of each plan that will be implemented by the department, those portions that will not be implemented, and the reasons for not implementing those portions;
- (b) develop a statewide youth services and resources plan that takes into consideration local needs as reflected in plans developed by the local family services advisory councils;
- ~~(12)~~ (9) administer services to the aged;
- ~~(13)~~ (10) provide consultant services to:
  - (a) facilities providing care for needy, indigent, handicapped, or dependent adults; and
  - (b) youth care facilities;
- ~~(14) utilize at maximum efficiency the resources of state government in a coordinated effort to:~~
- ~~(a) provide for children in need of temporary protection or correctional services; and~~
- ~~(b) coordinate and apply the principles of modern institutional administration to the institutions in the department;~~
- ~~(15) subject to the functions of the department of administration, lease or purchase lands for use by institutions in the department and classify those lands to determine which are of such character as to be most profitably used for agricultural purposes, taking into consideration:~~
  - ~~(a) the needs of all institutions in the department for the food products that can be grown or produced on the lands; and~~
  - ~~(b) the relative value of agricultural programs in the treatment or rehabilitation of the persons confined in the institutions in the department;~~



~~(16)~~ (11) utilize the staff and services of other state agencies and units of the Montana university system, within their respective statutory functions, to carry out its functions under this title;

~~(17) propose programs with specific goals and objectives to the legislature to meet the projected long range needs of institutions in the department, including programs and facilities for the diagnosis, treatment, care, and aftercare of persons placed in institutions in the department;~~

~~(18)~~ (12) contract, as necessary, with the county board of welfare for administration of child and adult protection services for that county; and

~~(19)~~ (13) adopt rules necessary to carry out the purposes of 41-3-1126, ~~41-5-527 through 41-5-529~~, and this chapter.""

Renumber: subsequent sections

26. Page 224, line 4.

Strike: "AND"

27. Page 224, line 5.

Following: "and"

Insert: "; and"

28. Page 224, line 6.

Following: "corrections"

Insert: "(h) the department of corrections"

29. Page 238, lines 11, 22, and 30.

Following: "corrections"

Strike: "PUBLIC HEALTH AND HUMAN SERVICES"

Insert: "corrections"

30. Page 239, lines 5 and 6.

Following: "corrections" on line 5

Strike: remainder of line 5 through "SERVICES" on line 6

Insert: "corrections"

31. Page 239, line 9.

Strike: "PUBLIC HEALTH AND HUMAN SERVICES"

Insert: "corrections"

32. Page 239, lines 14 and 15.

Following: "corrections" on line 14

Strike: remainder of line 14 through "SERVICES" on line 15

Insert: "corrections"

33. Page 239, lines 23 and 24.

Following: "corrections" on line 23

Strike: remainder of line 23 through "SERVICES" on line 24

Insert: "corrections"

34. Page 239, line 31.

Following: "corrections"

Strike: "PUBLIC HEALTH AND HUMAN SERVICES"

Insert: "corrections"

35. Page 240, line 7.

Following: "corrections"

Strike: "PUBLIC HEALTH AND HUMAN SERVICES"

Insert: "corrections"

36. Page 240, lines 9 and 10.

Following: "corrections" on line 9

Strike: remainder of line 9 through "SERVICES" on line 10

Insert: "corrections"

37. Page 240, line 12.

Strike: "AND THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES"

38. Page 240, line 17.

Strike: "AND THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES"

39. Page 240, line 20.

Strike: "PUBLIC HEALTH AND HUMAN SERVICES"

Insert: "corrections"

40. Page 240, line 24.

Strike: "AND THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES"

41. Page 240, lines 29 and 30.

Following: "services" on line 29

Strike: remainder of line 29 through "SERVICES" on line 30

42. Page 240, lines 33 and 34.

Following: "corrections" on line 33

Strike: remainder of line 33 through "SERVICES" on line 34

Insert: "corrections"

43. Page 241, lines 11 and 12.

Following: "corrections" on line 11

Strike: remainder of line 11 through "SERVICES" on line 12

Insert: "corrections"

44. Page 241, line 14.

Following: "corrections"

Strike: "PUBLIC HEALTH AND HUMAN SERVICES"

Insert: "corrections"

45. Page 241, lines 18 and 19.

Following: "corrections" on line 18

Strike: remainder of line 18 through "SERVICES" on line 19

Insert: "corrections"

46. Page 241, lines 32 and 33.

Following: "~~corrections~~" on line 32

Strike: remainder of line 32 through "SERVICES" on line 33

Insert: "corrections"

47. Page 242, line 10.

Strike: "PUBLIC HEALTH AND HUMAN SERVICES"

Insert: "corrections"

48. Page 242, line 22.

Following: "~~corrections~~"

Strike: "PUBLIC HEALTH AND HUMAN SERVICES"

Insert: "corrections"

49. Page 242, line 30.

Strike: "PUBLIC HEALTH AND HUMAN SERVICES"

Insert: "corrections"

50. Page 243, lines 7 and 8.

Following: "~~corrections~~" on line 7

Strike: remainder of line 7 through "SERVICES" on line 8

Insert: "corrections"

51. Page 246, line 1.

Following: "to÷"

Insert: ":"

52. Page 246, line 2.

Following: "{1}"

Insert: "(1)"

53. Page 246, line 3.

Following: "~~youth~~"

Insert: "and youth"

Following: "and"

Strike: "÷"

Insert: "; and"

54. Page 246, line 11.

Following: line 10

Insert: "(2) provide for the care, protection, and mental and physical development of youth alleged to be youth in need of supervision or delinquent youth who are referred or committed to the department."

55. Page 246, line 13.

Following: "~~youth~~"

Insert: "and youth"

56. Page 247, line 13.

Following: line 12

Insert: "(3) Youth correctional services consist of the following institutional components to diagnose, care for, train, educate, and rehabilitate youth pursuant to Title 52, chapter 5:  
    (a) Mountain View school;  
    (b) Pine Hills school; and  
    (c) any other institution that provides care and services for delinquent youth."

Renumber: subsequent subsection

57. Page 247, line 17.

Following: "~~(1)~~"

Insert: "(1)"

58. Page 247, line 18.

Strike: "~~(1)~~"

Insert: "(a)"

Following: "~~and~~"

Insert: "rules necessary to carry out the purposes of 41-5-527 through 41-5-529 and"

Renumber: subsequent subsections

59. Page 248, line 6.

Following: "~~7~~"

Strike: "~~.~~"

Insert: ";

60. Page 248, line 24.

Following: line 23

Insert: "(g) administer all state and federal funds allocated to the department for youth in need of supervision and delinquent youth, as defined in 41-5-103;

    (h) collect and disseminate information relating to youth in need of supervision and delinquent youth;

    (i) maintain adequate data on placements that it funds in order to keep the legislature properly informed of the specific information, by category, related to youth in need of supervision and delinquent youth in out-of-home care facilities;

    (j) provide funding for and place youth who are alleged or adjudicated to be delinquent or in need of supervision and who are referred or committed to the department;

    (k) administer youth correctional facilities;

    (l) provide supervision, care, and control of youth released from a state youth correctional facility; and

    (m) use to maximum efficiency the resources of state government in a coordinated effort to:

        (i) provide for children in need of temporary protection or correctional services; and

(ii) coordinate and apply the principles of modern institutional administration to the institutions in the department.

(2) The department of corrections may enter into contracts with nonprofit corporations or associations or private organizations to provide substitute care for youth in need of supervision and delinquent youth in youth care facilities."

61. Page 249, line 11.

Strike: subsection (a) in its entirety

Renumber: subsequent subsections

62. Page 249, lines 20 through 24.

Strike: subsection (a) in its entirety

Renumber: subsequent subsections

63. Page 353, lines 9 and 10.

Strike: "395 THROUGH 398"

Insert: "398 through 401"

64. Page 353, line 11.

Strike: "395 THROUGH 398"

Insert: "398 through 401"

And that this Conference Committee report be adopted.

For the Senate:

Swysgood

Chair

Sprague

Waterman

Amd. Coord.

Sec. of Senate

For the House:

Orr

Chair

Molnar

Menahan

Amendments to Senate Bill No. 345  
Reference As Amended Reading Copy (salmon)

Requested by Senator Swysgood  
For the Conference Committee

Prepared by Valencia Lane  
April 6, 1995

1. Title, line 12.  
Following: "~~CORRECTIONS~~"  
Insert: ", WITH THE EXCEPTION OF JUVENILE CORRECTIONS PROGRAMS;  
TRANSFERRING JUVENILE CORRECTIONS PROGRAMS TO THE DEPARTMENT  
OF CORRECTIONS"
2. Title, page 2, line 8.  
Following: "~~41-3-1103,~~"  
Insert: "41-3-1103,"
3. Title, page 2, line 23.  
Following: "~~52-1-101,~~"  
Insert: "52-1-101,"  
Following: "~~52-1-103,~~"  
Insert: "52-1-103,"
4. Page 3, lines 21 and 34.  
Strike: "~~565~~"  
Insert: "568"
5. Page 3, line 33.  
Following: "~~corrections~~"  
Insert: ", except juvenile corrections division programs, which  
are transferred to the department of corrections"
6. Page 4, line 2.  
Following: "~~to~~"  
Insert: ":"
7. Page 4, line 3.  
Following: "~~{a}~~"  
Insert: "(a)"
8. Page 4, line 4.  
Following: "~~or~~"  
Insert: "; or"
9. Page 4, line 6.  
Following: "~~appropriate~~"  
Insert: "(b) the \"department of corrections\", \"department\" (of  
corrections), \"director of corrections\", or \"director\" (of  
corrections), as appropriate"
10. Page 4, line 31.  
Strike: "~~565~~"  
Insert: "568"

11. Page 5, line 18 and 29.

Strike: "565"

Insert: "568"

12. Page 44, lines 11 and 12.

Following: "~~corrections~~" on line 11

Strike: remainder of line 11 through "SERVICES" on line 12

Insert: "corrections"

13. Page 51, line 13.

Following: "~~family~~"

Insert: "the department of corrections or"

14. Page 122, line 16.

Insert: "**Section 184.** Section 41-3-1103, MCA, is amended to read:

**"41-3-1103. Powers and duties of department.** (1) The department shall:

(a) administer all state and federal funds allocated to the department for youth foster homes, youth group homes, and child-care agencies for youth in need of care, ~~youth in need of supervision, and delinquent youth~~, as defined in 41-5-103;

(b) exercise licensing authority over all youth foster homes, youth group homes, and child-care agencies;

(c) collect and disseminate information relating to youth in need of care, ~~youth in need of supervision, and delinquent youth~~;

(d) provide for training of program personnel delivering services;

(e) in cooperation with youth care facility providers, develop and implement standards for youth care facilities;

(f) maintain adequate data on placements it funds in order to keep the legislature properly informed of the following:

(i) the ~~breakdown number~~ of youth in need of care, ~~youth in need of supervision, and delinquent youth by category~~ in out-of-home care facilities;

(ii) the cost per facility for services rendered;

(iii) the type and level of care of services provided by each facility;

(iv) a profile of out-of-home care placements by level of care; and

(v) a profile of public institutional placements; and

(g) administer all funds allocated to the department for residential alcohol and drug abuse treatment for indigent youths in need of care, indigent youths in need of supervision, and indigent delinquent youths who require treatment.

(2) The department may:

(a) enter into contracts with nonprofit corporations or associations or private organizations to provide substitute care for youth in need of care, ~~youth in need of supervision, and delinquent youth~~ in youth care facilities;

(b) accept gifts, grants, and donations of money and property from public and private sources to initiate and maintain community-based services to youth;

(c) adopt rules to carry out the administration and

purposes of this part.

(3) The department shall pay for room, board, clothing, personal needs, transportation, and treatment in youth foster care homes and youth group homes for youths committed to the department who need to be placed in the facilities. Payments for the clothing of a child placed in a youth foster home must be provided to the extent the child needs a basic wardrobe or has a special clothing need. Payments under this subsection may not exceed appropriations for the purposes of this subsection."

Renumber: subsequent sections

15. Page 122, lines 18 and 19.

Following: "corrections" on line 18

Strike: "PUBLIC HEALTH AND HUMAN SERVICES"

Insert: "corrections"

16. Page 122, lines 21 and 25.

Following: "corrections"

Strike: "PUBLIC HEALTH AND HUMAN SERVICES"

Insert: "corrections"

17. Page 122, line 33.

Following: "corrections"

Insert: "or the department of corrections"

Following: "placement"

Insert: "making the placement"

18. Page 123, line 3.

Following: "corrections"

Insert: "or the department of corrections"

19. Page 123, line 19.

Following: "corrections"

Insert: "and the department of corrections"

20. Page 123, line 21.

Strike: "IS"

Insert: "are"

21. Page 124, lines 24 and 25.

Following: "corrections" on line 24

Strike: remainder of line 24 through "SERVICES" on line 25

Insert: "corrections"

Strike: "2-15-2201"

Insert: "2-15-2301"

22. Page 158, line 25.

Strike: "OR THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES"

23. Page 178, line 34.

Following: "services"

Strike: "OR THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES"

24. Page 219, line 15.



Insert: "Section 333. Section 52-1-101, MCA, is amended to read:

"52-1-101. **Purpose.** It is the public policy of the legislature to reduce duplication and fragmentation of services to youth, families, and senior citizens by creating a department that shall develop and maintain consolidated programs and services, except youth correctional services, within available resources, and a planned continuum of services to:

(1) provide protective services to ensure the health, welfare, and safety of children and adults who are in danger of abuse, neglect, or exploitation within communities; and

~~(2) provide for the care, protection, and mental and physical development of youth alleged to be youth in need of supervision or delinquent youth who are referred or committed to the department; and~~

~~(3)~~ (2) provide supportive services to enable senior citizens to maintain their independence.""

Renumber: subsequent sections

25. Page 221, line 6.

Insert: "Section 335. Section 52-1-103, MCA, is amended to read:

"52-1-103. **Powers and duties of department.** The department shall:

(1) administer and supervise all forms of child and adult protective services;

(2) act as the lead agency in coordinating and planning services to children with multiagency service needs;

~~(3) provide funding for and place youth alleged or adjudicated to be delinquent or in need of supervision who are referred or committed to the department;~~

~~(4)~~ (3) provide the following functions, as necessary, for youth in need of care:

(a) intake, investigation, case management, and client supervision;

(b) placement in youth care facilities;

(c) contracting for necessary services;

(d) protective services day care; and

(e) adoption;

~~(5) administer youth correctional facilities;~~

~~(6) provide supervision, care, and control of youth released from a state youth correctional facility;~~

~~(7)~~ (4) license youth care facilities, child-placing agencies, day-care facilities, community homes for developmentally disabled persons, community homes for severely disabled persons, and adult foster care facilities;

~~(8)~~ (5) act as lead agency in implementing and coordinating child-care programs and services under the Montana Child Care Act;

~~(9)~~ (6) administer the interstate compacts compact for children and delinquent youth;

~~(10)~~ (7) (a) administer child abuse prevention services funded through child abuse grants and the Montana children's trust fund provided for in Title 41, chapter 3, part 7; and

(b) administer elder abuse prevention services;

~~(11)~~ (8) (a) make a written evaluation of each plan developed

by the local family services advisory councils, as provided in 52-1-203, indicating those portions of each plan that will be implemented by the department, those portions that will not be implemented, and the reasons for not implementing those portions;

(b) develop a statewide youth services and resources plan that takes into consideration local needs as reflected in plans developed by the local family services advisory councils;

~~(12)~~(9) administer services to the aged;

~~(13)~~(10) provide consultant services to:

(a) facilities providing care for needy, indigent, handicapped, or dependent adults; and

(b) youth care facilities;

~~(14) utilize at maximum efficiency the resources of state government in a coordinated effort to:~~

~~(a) provide for children in need of temporary protection or correctional services; and~~

~~(b) coordinate and apply the principles of modern institutional administration to the institutions in the department;~~

~~(15) subject to the functions of the department of administration, lease or purchase lands for use by institutions in the department and classify those lands to determine which are of such character as to be most profitably used for agricultural purposes, taking into consideration:~~

~~(a) the needs of all institutions in the department for the food products that can be grown or produced on the lands; and~~

~~(b) the relative value of agricultural programs in the treatment or rehabilitation of the persons confined in the institutions in the department;~~

~~(16)~~(11) utilize the staff and services of other state agencies and units of the Montana university system, within their respective statutory functions, to carry out its functions under this title;

~~(17) propose programs with specific goals and objectives to the legislature to meet the projected long range needs of institutions in the department, including programs and facilities for the diagnosis, treatment, care, and aftercare of persons placed in institutions in the department;~~

~~(18)~~(12) contract, as necessary, with the county board of welfare for administration of child and adult protection services for that county; and

~~(19)~~(13) adopt rules necessary to carry out the purposes of 41-3-1126, ~~41-5-527 through 41-5-529~~, and this chapter."

Renumber: subsequent sections

26. Page 224, line 4.  
Strike: "AND"

27. Page 224, line 5.  
Following: "and"  
Insert: "; and"

28. Page 224, line 6.  
Following: "corrections"

Insert: "(h) the department of corrections"

29. Page 238, lines 11, 22, and 30.

Following: "corrections"

Strike: "PUBLIC HEALTH AND HUMAN SERVICES"

Insert: "corrections"

30. Page 239, lines 5 and 6.

Following: "corrections" on line 5

Strike: remainder of line 5 through "SERVICES" on line 6

Insert: "corrections"

31. Page 239, line 9.

Strike: "PUBLIC HEALTH AND HUMAN SERVICES"

Insert: "corrections"

32. Page 239, lines 14 and 15.

Following: "corrections" on line 14

Strike: remainder of line 14 through "SERVICES" on line 15

Insert: "corrections"

33. Page 239, lines 23 and 24.

Following: "corrections" on line 23

Strike: remainder of line 23 through "SERVICES" on line 24

Insert: "corrections"

34. Page 239, line 31.

Following: "corrections"

Strike: "PUBLIC HEALTH AND HUMAN SERVICES"

Insert: "corrections"

35. Page 240, line 7.

Following: "corrections"

Strike: "PUBLIC HEALTH AND HUMAN SERVICES"

Insert: "corrections"

36. Page 240, lines 9 and 10.

Following: "corrections" on line 9

Strike: remainder of line 9 through "SERVICES" on line 10

Insert: "corrections"

37. Page 240, line 12.

Strike: "AND THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES"

38. Page 240, line 17.

Strike: "AND THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES"

39. Page 240, line 20.

Strike: "PUBLIC HEALTH AND HUMAN SERVICES"

Insert: "corrections"

40. Page 240, line 24.

Strike: "AND THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES"

41. Page 240, lines 29 and 30.

Following: "services" on line 29  
Strike: remainder of line 29 through "SERVICES" on line 30

42. Page 240, lines 33 and 34.  
Following: "corrections" on line 33  
Strike: remainder of line 33 through "SERVICES" on line 34  
Insert: "corrections"

43. Page 241, lines 11 and 12.  
Following: "corrections" on line 11  
Strike: remainder of line 11 through "SERVICES" on line 12  
Insert: "corrections"

44. Page 241, line 14.  
Following: "corrections"  
Strike: "PUBLIC HEALTH AND HUMAN SERVICES"  
Insert: "corrections"

45. Page 241, lines 18 and 19.  
Following: "corrections" on line 18  
Strike: remainder of line 18 through "SERVICES" on line 19  
Insert: "corrections"

46. Page 241, lines 32 and 33.  
Following: "corrections" on line 32  
Strike: remainder of line 32 through "SERVICES" on line 33  
Insert: "corrections"

47. Page 242, line 10.  
Strike: "PUBLIC HEALTH AND HUMAN SERVICES"  
Insert: "corrections"

48. Page 242, line 22.  
Following: "corrections"  
Strike: "PUBLIC HEALTH AND HUMAN SERVICES"  
Insert: "corrections"

49. Page 242, line 30.  
Strike: "PUBLIC HEALTH AND HUMAN SERVICES"  
Insert: "corrections"

50. Page 243, lines 7 and 8.  
Following: "corrections" on line 7  
Strike: remainder of line 7 through "SERVICES" on line 8  
Insert: "corrections"

51. Page 246, line 1.  
Following: "to:"  
Insert: ":"

52. Page 246, line 2.  
Following: "~~(1)~~"  
Insert: "(1)"

53. Page 246, line 3.

Following: "~~youth~~"  
Insert: "and youth"  
Following: "~~and~~"  
Strike: "~~.~~"  
Insert: "; and"

54. Page 246, line 11.

Following: line 10

Insert: "(2) provide for the care, protection, and mental and physical development of youth alleged to be youth in need of supervision or delinquent youth who are referred or committed to the department."

55. Page 246, line 13.

Following: "~~youth~~"

Insert: "and youth"

56. Page 247, line 13.

Following: line 12

Insert: "(3) Youth correctional services consist of the following institutional components to diagnose, care for, train, educate, and rehabilitate youth pursuant to Title 52, chapter 5:

- (a) Mountain View school;
- (b) Pine Hills school; and
- (c) any other institution that provides care and services for delinquent youth."

Renumber: subsequent subsection

57. Page 247, line 17.

Following: "~~(1)~~"

Insert: "(1)"

58. Page 247, line 18.

Strike: "~~(1)~~"

Insert: "(a)"

Following: "~~and~~"

Insert: "rules necessary to carry out the purposes of 41-5-527 through 41-5-529 and"

Renumber: subsequent subsections

59. Page 248, line 6.

Following: "~~.~~"

Strike: "~~.~~"

Insert: ";"

60. Page 248, line 24.

Following: line 23

Insert: "(g) administer all state and federal funds allocated to the department for youth in need of supervision and delinquent youth, as defined in 41-5-103;

(h) collect and disseminate information relating to youth in need of supervision and delinquent youth;

(i) maintain adequate data on placements that it funds

in order to keep the legislature properly informed of the specific information, by category, related to youth in need of supervision and delinquent youth in out-of-home care facilities;

(j) provide funding for and place youth who are alleged or adjudicated to be delinquent or in need of supervision and who are referred or committed to the department;

(k) administer youth correctional facilities;

(l) provide supervision, care, and control of youth released from a state youth correctional facility; and

(m) use to maximum efficiency the resources of state government in a coordinated effort to:

(i) provide for children in need of temporary protection or correctional services; and

(ii) coordinate and apply the principles of modern institutional administration to the institutions in the department.

(2) The department of corrections may enter into contracts with nonprofit corporations or associations or private organizations to provide substitute care for youth in need of supervision and delinquent youth in youth care facilities."

61. Page 249, line 11.

Strike: subsection (a) in its entirety

Renumber: subsequent subsections

62. Page 249, lines 20 through 24.

Strike: subsection (a) in its entirety

Renumber: subsequent subsections

63. Page 353, lines 9 and 10.

Strike: "395 THROUGH 398"

Insert: "398 through 401"

64. Page 353, line 11.

Strike: "395 THROUGH 398"

Insert: "398 through 401"