

says, well, this is costing us too much money, we don't like this, and they get frustrated. And the Department of Social Services says, if you think you can do any better, here, and they throw it back to the county and do it. The problem I have with the panel, and I wanted to ask you some questions about that, could...would the panel that you propose have any binding authority? Could they force anybody to do anything?

SENATOR SMITH: Their...what the purpose of the panel for me would be, they would be an independent group who would be set to sort of intermediate, sit down to try to help negotiate and to resolve the conflict and provide their own input as supposedly concerned and knowledgeable people.

SENATOR KRISTENSEN: Okay, and that's fine but they don't have any binding power. They couldn't...they couldn't settle the dispute, in other words?

SENATOR SMITH: Well, they can.

SENATOR KRISTENSEN: Well, it's your amendment, I guess I would ask of you...

SENATOR SMITH: Well, I didn't think so but I do know one thing I have been told and that is that what I suggested to you a little bit ago is, in fact, true. The State Supreme Court has said that the Department of Social Services' decision is final.

SENATOR KRISTENSEN: They have...they have the power of placement. The phrase, "with assent of court" is still in the statutes, though, isn't it? I mean, that's not out.

SENATOR SMITH: I don't imagine it is but, evidently, according to the Supreme Court the decision that they make is final.

SENATOR KRISTENSEN: What the Supreme Court says is that the court can't force with that phrase the Department of Social Services to make a placement. That's what they're saying. Okay, I guess the other thing I want to go on and talk a little bit about is that somewhere down the line somebody has got to make a decision and how do we do that and who is going to make that decision? The real choice we have today is, are you going to let the Department of Social Services make those decisions until they get tired of the case or they get frustrated enough? And they say, here, county you have it back, you do something