

the bill. It is withdrawn, Senator Wesely. We're back to a discussion of the bill now. Senator Dierks, followed by Senator Wesely. Senator Dierks, please. Senator Wesely, we'll go to you for discussion on the bill.

SENATOR WESELY: Thank you, Mr. Speaker. I would like to follow up on Senator Kristensen's comments to Senator Smith. The situation that Senator Kristensen talked about I think was reflective of what the circumstance was before the Supreme Court decision a year ago, but since that time I think there is a different scenario that plays out right now. And, for all of you, I'm no attorney and so I'm going to do the best I can in simple terms to describe what I understand the circumstance. But you have a child come to the court in a number of different categories, a status offender, other...let me see here, dependent, neglected, status offender. Okay, they come to the court, the court says, I want that child to be a state ward and provided services that they need. And so they send the child to the Department of Social Services and say, I want you to help this child, it's a state ward, and they make that decision, they have the authority. The department takes the child, determines what the best course of action is to help the child. They report back to the judge. The judge now in most cases says, fine. But every once in a while they say, don't like it, rather see them in a different situation. So the judge has the power now to say, I don't want that child to be a state ward anymore. I'm going to make that child a county ward. And, as a county judge, then...as a county ward, they can determine exactly whatever placement is made but the county pays for it because they're a county judge, a county decision, county paying it, it's the right decision at the right level of government, paid for by the right level of government. That's fine. What the court said in the Supreme Court decision is you can't have this judge over here making a decision binding on the executive branch of state government determining what that state ward...how that state ward will be placed by the Department of Social Services. They said you can't do that, it's unconstitutional. For Senator Coordsen and everybody, Senator Bernard-Stevens, everybody concerned about Senator Smith's unconstitutional amendment, then you ought to vote against this bill because it's blatantly unconstitutional based on an Attorney General's Opinion and a Supreme Court ruling that just came out. Now the way this could be handled, I think constitutionally, is that you have again the court saying, I want this child a state ward. The State Department of Social