

MINUTES OF THE MEETING  
HUMAN SERVICES AND AGING COMMITTEE  
MONTANA STATE  
HOUSE OF REPRESENTATIVES

March 27, 1985

The meeting of the Human Services and Aging Committee was called to order by Vice-Chairman Bud Gould on March 27, 1985 at 8:07 p.m. in Room 312-2 of the State Capitol.

ROLL CALL: All members were present with the exception of Representatives Gilbert, Hanson, Hart and Hayne who were excused by the Chairman.

EXECUTIVE SESSION

ACTION ON SENATE BILL NO. 19: A motion was made by Representative Darko which was seconded by Representative Waldron to pass Senate Bill No. 19. Representative Waldron outlined the amendments which he had to propose which resulted from the Sub-Committee meeting. A copy of said amendments is attached as Exhibit 1 as is a copy of the gray bill.

Representative Waldron then made a motion to pass the amendments to Senate Bill No. 19 and this motion was seconded by Representative Simon.

Representative Connelly asked why Representative Hansen did not sign the gray bill to which Representative Waldron stated that the bill was not the bill proposed by Hansen but the bill which had been proposed by Senator Lynch.

Representative Hansen asked if the use of a Board of Directors was going to be stricken from this bill. Representative Phillips asked the same. Representative Waldron stated that in the Sub-Committee meeting the Board had been eliminated because of the limited funding. Researcher Gomez stated his reasonings on this matter.

Representative Simon then stated that he felt that the Board should remain as a part of the bill. Representative Phillips also stated again that the Board should remain as a part of the legislation because of the perpetual possibility of the funding being increased.

Representative Wallin then asked if a Board had been a part of the other legislation on the same subject to which Representative Waldron stated that in two of the bills a board had been listed and in one bill it had not.

A motion was then made by Representative Waldron which was seconded by Representative Phillips to do pass on the amendments which had been proposed and listed in the gray bill. All members of Committee voted to do pass on the amendments to Senate Bill No. 19.

Representative Waldron then stated that the termination date of January 1, 1987 be established. Waldron then made a motion to adopt the date of January 1, 1987 which was seconded by Representative Phillips. A substitute motion was made by Representative Simon to make the effective termination date January 1, 1990. Simon reasoned that the program would not have the ability to become fully established by 1987 and the additional time period of three years would be more feasible. A formal motion was then made and seconded and Committee voted do pass.

Discussion then followed on the amendments to the statement of intent. Representative Simon made a motion which was seconded to adopt the statement of intent. All Committee members voted yes to the motion.

On page 10, line 19, the figures of \$2.00, \$5.00, \$10.00 or more were indicated which would designate that a person may contribute from his tax refund, the contribution he desired to aid the child abuse and neglect prevention program. Representative Simon stated that the figure of \$2.00 should be eliminated and the figures of \$5.00, \$10.00 and more should remain. A motion was made and seconded which passed with all members voting yes.

Proxy votes were submitted to the Chairman from Representatives Bradley, Darko, Hart, Gilbert, Hanson, Cohen and Keenan and are attached hereto as Exhibit 2.

A motion was then made by Representative Waldron which was seconded by Representative Wallin to do pass as amended with the statement of intent. All members voted yes on Senate Bill No. 19 TO BE CONCURRED IN AS AMENDED WITH STATEMENT OF INTENT.

ADJOURN: There being no further business before the Committee, the meeting was adjourned at 8:45 p.m.

REP. KEENAN

# STANDING COMMITTEE REPORT

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Page 1 of 3

MR. Speaker

We, your committee on Human Services and Aging

having had under consideration Senate Bill No. 19

third reading copy ( blue )  
color

Establish and fund child abuse prevention program

Respectfully report as follows: That Senate Bill No. 19

AMENDMENTS ATTACHED

DO:PASSY

Human Services and Aging  
Senate Bill No. 19

Be amended as follows:

- 1) Title, line 3.  
Following: "ABUSE"  
Insert: "AND NEGLECT"
- 2) Title, lines 9 and 10.  
Following: ";" on line 9  
Strike: remainder of line 9 through "CHILDREN;" on line 10  
Following: "SECTIONS" on line 10  
Strike: "SECTION"  
Insert: "SECTIONS 15-30-131 AND"
- 3) Page 1, line 14.  
Following: "1."  
Strike: "Childrens"  
Insert: "Children's"
- 4) Page 1, line 15.  
Strike: "childrens"  
Insert: "children's"
- 5) Page 1, lines 17 and 18.  
Following: "to the"  
Strike: "department of social and rehabilitation services"  
Insert: "Montana children's trust fund board, provided for in  
(section 2),"
- 6) Page 1, line 19.  
Following: "abuse"  
Insert: "and neglect"
- 7) Page 1, line 20.  
Following: "section"  
Strike: "2"  
Insert: "3"
- 8) Page 1.  
Following: line 20  
Insert: "NEW SECTION. Section 2. Montana children's trust fund  
board. (1) There is a Montana children's trust fund board, consisting  
of seven members appointed by the governor and serving 3-year terms.  
Two board members must be chosen from state government agencies  
involved in education and social work relating to children. The  
governor shall ensure geographic distribution of appointees."

Human Services and Aging  
Senate Bill No. 19

(7) The board is allocated to the department of social and rehabilitation services for administrative purposes only, as provided in 2-15-121."

Renumber: subsequent sections

9) Page 1, line 21.

Following: "abuse"

Insert: "and neglect"

10) Page 1, lines 22 and 23.

Following: "The"

Strike: "department of social and rehabilitation services"

Insert: "Montana children's trust fund board, provided for in

[section 2],"

11) Page 1, line 23.

Following: "in the"

Strike: "children's"

Insert: "children's"

12) Page 1, line 25.

Following: "nonprofit"

Insert: "private or public"

13) Page 2, line 1.

Following: "organizations"

Strike: "attempting to prevent"

Insert: ", which services and activities relate solely to the prevention of"

Following: "child abuse"

Insert: "and neglect"

14) Page 2, lines 2 through 16.

Strike: lines 2 through 16 in their entirety.

15) Page 2, line 17.

Following: "abuse"

Insert: "and neglect"

16) Page 2, line 18.

Following: "the"

Strike: "department"

Insert: "board"

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- 17) Page 3, line 2.  
Following: "actions"  
Strike: "3"  
Insert: "4"  
Following: "and"  
Strike: "4"  
Insert: "5"
- 18) Page 3, line 4.  
Following: "The"  
Strike: "department of social and rehabilitation services"  
Insert: "Montana children's trust fund board"
- 19) Page 3, line 6.  
Following: "abuse"  
Insert: "and neglect"
- 20) Page 3, line 9.  
Following: "into the"  
Strike: "childrens'"  
Insert: "children's"
- 21) Page 3, lines 11 and 12.  
Following: "the"  
Strike: "department of social and rehabilitation services"  
Insert: "Montana children's trust fund board"
- 22) Page 3, line 12.  
Following: "abuse"  
Insert: "and neglect"
- 23) Page 3, line 13.  
Following: "from the"  
Strike: "childrens'"  
Insert: "children's"
- 24) Page 3, line 14.  
Following: "The"  
Strike: "department"  
Insert: "board"
- 25) Page 3, line 16.  
Following: "supplies"  
Insert: "of the department of social and rehabilitation services"
- 26) Page 3, line 17 through line 18 on page 4.  
Strike: section 5 in its entirety.

Human Services and Aging  
Senate Bill No. 13

Insert: NEW SECTION. Section 6. Nonappropriation of funds.  
Funds deposited in the children's trust fund account may be used only for the program authorized in [section 3] and may not be used to pay the expenses of any other program or service administered in whole or in part by the department of social and rehabilitation services."

Re-number: subsequent sections.

27) Page 5, line 7.

Following: "625"

Strike: "635"

Insert: "630"

28) Page 5, line 31.

Following: "630"

Strike: "640"

Insert: "630"

29) Page 6, lines 18 through 20.

Following: "fund,"

Strike: remainder of line 18 through "1" on line 20.

30) Page 6, line 24.

Following: "and"

Strike: "610"

Insert: "35"

31) Page 6, line 25.

Following: line 24.

Strike: "childrens"

Insert: "children's"

32) Page 7.

Following: Line 13

Insert: "Section 6. Section 15-30-121, MCA, is amended to read:

"15-30-121. Deductions allowed in computing net income. In computing net income, there are allowed as deductions:

(1) the items referred to in sections 161 and 211 of the Internal Revenue Code of 1954, or as sections 161 and 211 shall be labeled or amended, subject to the following exceptions which are not deductible:

(A) items provided for in 15-30-123;

(B) state income tax paid;

(C) federal income tax paid within the taxable year;

(3) child and dependent care expenses determined in accordance with the provisions of section 214 of the Internal Revenue Code of 1954 that were in effect for the taxable year that began January 1, 1974, except that:

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Senate Bill No. 19

(a) the limitation set forth in section 214(a)(4) of the Internal Revenue Code of 1954 as that section was in effect for the taxable year that began January 1, 1974, applies only to payments made to a child of the taxpayer who is under 19 years of age at the close of the taxable year and to payments made to an individual with respect to whom a deduction is allowable under 15-30-112(5) to the taxpayer or the taxpayer's spouse;

(b) the limitation set forth in section 214(e)(1) of the Internal Revenue Code of 1954 as that section was in effect for the taxable year that began January 1, 1974, does not apply when the taxpayers file separately on the same form; and

(c) the deduction for child and dependent care expenses shall be divided equally between the taxpayers;

(4) in the case of an individual, political contributions determined in accordance with the provisions of section 212(a) and (b) of the Internal Revenue Code that were in effect for the taxable year ended December 31, 1979;

(5) that portion of expenses for organic fertilizer allowed as a deduction under 15-32-303 which was not otherwise deducted in computing taxable income;

(6) light vehicle license fees, as provided by 61-3-532, paid during the taxable year; and

(7) contributions to the child abuse and neglect program provided for in section 31, subject to the conditions set forth in section 101.

Reamur: Subsequent sections.

33) Page 7, line 16.

Following: "abuse"

Insert: "and neglect"

34) Page 7, line 18.

Following: "contribute"

Strike: "52"

35) Page 7, line 19.

Following: "abuse"

Insert: "and neglect"

Following: "section"

Strike: "2"

Insert: "3"

36) Page 7, line 24.

Following: "abuse"

Insert: "and neglect"

37) Page 8, line 1.

Following: "abuse"

Insert: "and neglect"



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38) Page 8, line 7.

Following: "designated"

Strike: "\$2"

Insert: "\$5...., \$10...., or more ... (indicate amount)"

39) Page 8, line 3.

Following: "abuse"

Insert: "and neglect"

Following: "Montana."

Strike: "Check"

Insert: "On a joint return, check"

40) Page 8, line 5.

Following: "contribute"

Strike: "\$2"

Insert: "\$5...., \$10...., or more ... (indicate amount)"

41) Page 9.

Following: line 5

Insert: "(3) Money received under this section must be deposited in the children's trust fund account, created under [section 11], after the department of revenue has deducted the amount necessary for the department to administer this section.

NEW SECTION. Section 10. Deduction for contributions to the child abuse and neglect prevention program. A taxpayer filing an individual tax return who does not elect to take the standard deduction provided for in 15-30-122, may, in computing net income, claim a deduction for the payment of a contribution to the child abuse and neglect prevention program as follows:

(1) If the taxpayer paid a contribution in the taxable year for which the return is filed, he may deduct the amount of the contribution paid during that year, unless the amount was deducted as provided in subsection (2).

(2) If the taxpayer encloses a check or other order to pay money as a contribution with the timely filing of a tax return, in accordance with 15-30-144, he may elect to take a deduction for the amount of the contribution and apply the deduction in the taxable year for which he is filing the return.

NEW SECTION. Section 11. Deposit of deductible contributions.

(1) "All money received under [section 10] must be deposited in the children's trust fund account established in [section 11].

(2) The department of revenue shall immediately forward for deposit in the children's trust fund account all checks and other orders of payment made as contributions under [section 10]. The department may make no deductions for administrative expenses in the handling of such direct payments to the child abuse and neglect prevention program."

Renumber: subsequent section.

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Senate Bill No. 19

42) Page 8, lines 7 through 9.

Strike: line 7 through "SECTION 7 IS"

Insert: "(1) Section 7 is intended to be codified as an integral part of Title 2, chapter 15, and the provisions of Title 2, chapter 15, apply to section 7.

(2) Sections 9 through 11 are"

43) Page 8, line 11.

Following: "TO"

Strike: "SECTION 7"

Insert: "sections 9 through 11"

44) Page 8.

Following: line 11

Insert: "NEW SECTION. Section 13. Termination date. This act terminates on January 1, 1990."

AMENDMENTS TO STATEMENT OF INTENT:

1) Page 1, line 3.

Strike: line 3 in its entirety.

2) Page 1, lines 5 and 6.

Following: "Section"

Strike: "2"

Insert: "3"

Following: "the"

Strike: "department of social and rehabilitation services"

Insert: "Montana children's trust fund board"

3) Page 1, line 7.

Following: "abuse"

Insert: "and neglect"

4) Page 1, line 17.

Following: "abuse"

Insert: "and neglect"

BE CONCURRED IN AS AMENDED AND  
WITH STATEMENT OF INTENT AMENDMENTS

## DAILY ROLL CALL

HUMAN SERVICES AND AGING

COMMITTEE

49th LEGISLATIVE SESSION -- 1985

Date March 27, 1985

NAME	PRESENT	ABSENT	EXCUSED
NANCY KEENAN	X		
BUDD GOULD	X		
TONI BERGENE	X		
DOROTHY BRADLEY	X		
JAN BROWN	X		
BUD CAMPBELL	X		
BEN COHEN	X		
MARY ELLEN CONNELLY	X		
PAULA DARKO	X		
BOB GILBERT			X
STELLA JEAN HANSEN	X		
MARIAN HANSON			X
MARJORIE HART			X
HARRIET HAYNE			X
JOHN PHILLIPS	X		
BRUCE SIMON	X		
STEVE WALDRON	X		
NORM WALLIN	X		

Amendments to Senate Bill 19.

- 1) Title, line 8.  
Following: "ABUSE"  
Insert: "AND NEGLECT"
- 2) Title, lines 9 and 10.  
Following: ";" on line 9  
Strike: remainder of line 9 through "CHILDREN;" on line 10  
Following: "SECTIONS" on line 10  
Strike: "SECTION"  
Insert: "SECTIONS 15-30-121 AND"
- 3) Page 1, line 14.  
Following: "1."  
Strike: "Childrens'"  
Insert: "Children's"
- 4) Page 1, line 15.  
Following: "is"  
Strike: "childrens'"  
Insert: "children's"
- 5) Page 1, lines 17 and 18.  
Following: "to the"  
Strike: "department of social and rehabilitation services"  
Insert: "Montana children's trust fund board provided for in  
[Section 2],"
- 6) Page 1, line 19.  
Following: "abuse"  
Insert: "and neglect"
- 7) Page 1, line 20.  
Following: "section"  
Strike: "2"  
Insert: "3"
- 8) Page 1.  
Following: line 20  
Insert: "NEW SECTION." Section 2. Montana children's trust fund  
board. (1) There is a Montana children's trust fund board, consisting  
of seven members appointed by the governor and serving 3-year terms.  
Two board members must be chosen from state government agencies  
involved in education and social work relating to children. The  
governor shall ensure geographic distribution of appointees.  
(2) The board is allocated to the department of social and  
rehabilitation services for administrative purposes only, as provided  
in 2-15-121."  
Renumber: subsequent sections
- 9) Page 1, line 21.  
Following: "abuse"  
Insert: "and neglect"

- 10) Page 1, lines 22 and 23.  
Following: "The"  
Strike: "department of social and rehabilitation services"  
Insert: "Montana children's trust fund board, provided for in [Section 2],"
- 11) Page 1, line 25.  
Following: "nonprofit"  
Insert: "private or public"
- 12) Page 2, line 1.  
Following: "organizations"  
Strike: "attempting to prevent"  
Insert: ", which services and activities relate solely to the prevention of"  
Following: "child abuse"  
Insert: "and neglect"
- 13) Page 2, lines 2 through 16.  
Strike: lines 2 through 16 in their entirety.
- 14) Page 2, line 17.  
Following: "abuse"  
Insert: "and neglect"
- 15) Page 2, line 18.  
Following: "the"  
Strike: "department"  
Insert: "board"
- 16) Page 3, line 2.  
Following: "sections"  
Strike: "3"  
Insert: "4"  
Following: "and"  
Strike: "4"  
Insert: "5"
- 17) Page 3, line 4.  
Following: "The"  
Strike: "department of social and rehabilitation services"  
Insert: "Montana children's trust fund board"
- 18) Page 3, line 6.  
Following: "abuse"  
Insert: "and neglect"
- 19) Page 3, line 8.  
Following: "into the"  
Strike: "childrens'"  
Insert: "children's"

- 20) Page 3, lines 11 and 12.  
Following: "the"  
Strike: "department of social and rehabilitation services"  
Insert: "Montana children's trust fund board"
- 21) Page 3, line 12.  
Following: "abuse"  
Insert: "and neglect"
- 22) Page 3, line 13.  
Following: "from the"  
Strike: "childrens'"  
Insert: "children's"
- 23) Page 3, line 14.  
Following: "The"  
Strike: "department"  
Insert: "board"
- 24) Page 3, line 16.  
Following: "supplies"  
Insert: "of the department of social and rehabilitation services"
- 25) Page 3, line 17 through line 18 on page 4.  
Strike: section 5 in its entirety.  
Insert: "NEW SECTION." Section 6. Non supplantation of funds.  
Funds deposited in the children's trust fund account may be used only  
for the program authorized in [section 3] and may not be used to pay  
the expneses of any other program or service administered in whole or  
in part by the department of social and rehabilitation services."  
Renumber: subsequent sections.
- 26) Page 5, line 2.  
Following: "\$25"  
Strike: "\$35"  
Insert: "\$30"
- 27) Page 5, line 21.  
Following: "\$30"  
Strike: "\$40"  
Insert: "\$30"
- 28) Page 6, lines 18 through 20.  
Following: "fund,"  
Strike: remainder of line 18 through "," on line 20.
- 29) Page 6, line 24.  
Following: "and"  
Strike: "\$10"  
Insert: "\$5"

30) Page 7.

Following: Line 13

Insert: "Section 8. Section 15-30-121, MCA, is amended to read:

"15-30-121. Deductions allowed in computing net income. In computing net income, there are allowed as deductions:

(1) the items referred to in sections 161 and 211 of the Internal Revenue Code of 1954, or as sections 161 and 211 shall be labeled or amended, subject to the following exceptions which are not deductible:

(a) items provided for in 15-30-123;

(b) state income tax paid;

(2) federal income tax paid within the taxable year;

(3) child and dependent care expenses determined in accordance with the provisions of section 214 of the Internal Revenue Code of 1954 that were in effect for the taxable year that began January 1, 1974, except that:

(a) the limitation set forth in section 214(e)(4) of the Internal Revenue Code of 1954 as that section was in effect for the taxable year that began January 1, 1974, applies only to payments made to a child of the taxpayer who is under 19 years of age at the close of the taxable year and to payments made to an individual with respect to whom a deduction is allowable under 15-30-112(5) to the taxpayer or the taxpayer's spouse;

(b) the limitation set forth in section 214(e)(1) of the Internal Revenue Code of 1954 as that section was in effect for the taxable year that began January 1, 1974, does not apply when the taxpayers file separately on the same form; and

(c) the deduction for child and dependent care expenses shall be divided equally between the taxpayers;

(4) in the case of an individual, political contributions determined in accordance with the provisions of section 218(a) and (b) of the Internal Revenue Code that were in effect for the taxable year ended December 31, 1978;

(5) that portion of expenses for organic fertilizer allowed as a deduction under 15-32-303 which was not otherwise deducted in computing taxable income;

(6) light vehicle license fees, as provided by 61-3-532, paid during the taxable year; and

(7) contributions to the child abuse and neglect program provided for in [section 3], subject to the conditions set forth in [section 10]."

Renumber: Subsequent sections.

31) Page 7, line 16.

Following: "abuse"

Insert: "and neglect"

32) Page 7, line 18.

Following: "contribute"

Strike: "\$2"

- 33) Page 7, line 19.  
Following: "abuse"  
Insert: "and neglect"  
Following: "section"  
Strike: "2"  
Insert: "3"
- 34) Page 7, line 24.  
Following: "abuse"  
Insert: "and neglect"
- 35) Page 8, line 1.  
Following: "abuse"  
Insert: "and neglect"
- 36) Page 8, line 2.  
Following: "\$2"  
Insert: "..., \$5..., \$10..., or more ... (indicate amount)"
- 37) Page 8, line 3.  
Following: "abuse"  
Insert: "and neglect"  
Following: "Montana."  
Strike: "Check"  
Insert: "On a joint return, check"
- 38) Page 8, line 5.  
Following: "\$2"  
Insert: "..., \$5..., \$10..., or more ... (indicate amount)"

39) Page 9.  
Following: line 5  
Insert: "(3) Money received under this section must be deposited in the children's trust fund account, created under [section 1], after the department of revenue has deducted the amount necessary for the department to administer this section.

NEW SECTION. Section 10. Deduction for contributions to the child abuse and neglect prevention program. A taxpayer filing an individual tax return who does not elect to take the standard deduction provided for in 15-30-122, may, in computing net income, claim a deduction for the payment of a contribution to the child abuse and neglect prevention program as follows:

(1) If the taxpayer paid a contribution in the taxable year for which the return is filed, he may deduct the amount of the contribution paid during that year, unless the amount was deducted as provided in subsection (2).

(2) If the taxpayer encloses a check or other order to pay money as a contribution with the timely filing of a tax return, in accordance with 15-30-144, he may elect to take a deduction for the amount of the contribution and apply the deduction in the taxable year for which he is filing the return.

NEW SECTION. Section 11. Deposit of deductible contributions.

(1) All money received under [section 10] must be deposited in the children's trust fund account established in [section 1].



(2) The department of revenue shall immediately forward for deposit in the children's trust fund account all checks and other order of payment made as contributions under [section 10]. The department may make no deductions for administrative expenses in the handling of such direct payments to the child abuse and neglect prevention program."

Renumber: subsection section.

40) Page 8. lines 7 through 9.

Strike: line 7 through "5" on line 9.

Insert: "(1) Section 2 is intended to be codified as an integral part of Title 2, Chapter 15, and the provisions of Title 2, chapter 15, apply to section 2."

41) Page 8, line 9.

Following: "5."

Strike: "SECTION 7 IS"

Insert: "(2) Sections 9 and 11 are"

42) Page 8, line 11.

Following: "TO"

Strike: "SECTION 7"

Insert: "sections 9 through 11"

Amendment to Senate Bill No. 19

1. Page 8.

Following: line 11

Insert: "NEW SECTION. Section 9. Termination date. This act  
terminates on January 1, 1988."

AMENDMENTS TO STATEMENT OF INTENT - SENATE BILL NO. 19

- 1) Page 1, line 3.  
Strike: line 3 in its entirety
- 2) Page 1, lines 5 and 6  
Following: "Section"  
Strike: "2"  
Insert: "3"  
Following: "the"  
Strike: "department of social and rehabilitation services"  
Insert: "Montana children's trust fund board"
- 3) Page 1, line 7.  
Following: "abuse"  
Insert: "and neglect"
- 4) Page 1, line 17.  
Following: "abuse"  
Insert: "and neglect"

10/2/2011

10/2/2011

amendment  
yes  
DPPA  
10/2/2011

10/2/2011  
Graduation

Mr. Hansen

motion  
amendable yes  
yes

Table yes

3-20-85

SB 14

YES - All AMEND-  
ments AS handed  
out.

YES on Bill

NO on Table

Bob excellent

HUMAN SERVICES

NO YES



*The Big Sky Country*

MONTANA HOUSE OF REPRESENTATIVES

Yes on amend to  
Child trust

Yes on bill

No on a Table!

Kearon

Bud

Yes on Amend 15

Yes on Bill

Yes on Table

Childress Trust

Bo

3/28/85

## 1 SENATE BILL NO. 19

2 INTRODUCED BY LYNCH, WALDRON, BERGENE,

3 JACOBSON, KEENAN, HAFLEY, STIMATZ,

4 CHRISTIAENS, NEUMAN, REGAN, ECK, TOWE,

5 KOLSTAD, B. BROWN, HAGER, STEPHENS, CRIPPEN

6  
7 A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING AND  
8 FUNDING A CHILD ABUSE AND NEGLECT PREVENTION PROGRAM;  
9 GRANTING RULEMAKING AUTHORITY; ~~REQUIRING-MANDATORY-FINES-FOR~~  
10 ~~CERTAIN-OFFENSES-AGAINST--CHILDREN;~~ AND AMENDING SECTIONS  
11 SECTION SECTIONS 15-30-121 AND 25-1-201 AND-50-15-201, MCA."  
12

13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

14 NEW SECTION. Section 1. ~~Childrens~~<sup>+</sup> CHILDREN'S trust  
15 fund account. There is a ~~childrens~~<sup>+</sup> CHILDREN'S trust fund  
16 account in the state special revenue fund in the state  
17 treasury. The money in the account is allocated to the  
18 ~~department--of--social--and--rehabilitation-services~~ MONTANA  
19 CHILDREN'S TRUST FUND BOARD, PROVIDED FOR IN [SECTION 2],  
20 for funding services and activities under and payment of  
21 administrative costs of the child abuse AND NEGLECT  
22 prevention program provided for in [section 2 3].

23 NEW SECTION. SECTION 2. MONTANA CHILDREN'S TRUST FUND  
24 BOARD. (1) THERE IS A MONTANA CHILDREN'S TRUST FUND BOARD,  
25 CONSISTING OF SEVEN MEMBERS APPOINTED BY THE GOVERNOR AND

1 SERVING 3-YEAR TERMS. TWO BOARD MEMBERS MUST BE CHOSEN FROM  
 2 STATE GOVERNMENT AGENCIES INVOLVED IN EDUCATION AND SOCIAL  
 3 WORK RELATING TO CHILDREN. THE GOVERNOR SHALL ENSURE  
 4 GEOGRAPHIC DISTRIBUTION OF APPOINTEES.

5 (2) THE BOARD IS ALLOCATED TO THE DEPARTMENT OF SOCIAL  
 6 AND REHABILITATION SERVICES FOR ADMINISTRATIVE PURPOSES  
 7 ONLY, AS PROVIDED IN 2-15-121.

8 NEW SECTION. Section 3. Child abuse AND NEGLECT  
 9 prevention program. (1) The department--of--social---and  
 10 rehabilitation-services MONTANA CHILDREN'S TRUST FUND BOARD,  
 11 PROVIDED FOR IN [SECTION 2], shall use the money in the  
 12 childrens' CHILDREN'S trust fund account established by  
 13 [section 1] to fund services and activities operated by  
 14 nonprofit PRIVATE OR PUBLIC community-based educational and  
 15 service organizations attempting-to-prevent, WHICH SERVICES  
 16 AND ACTIVITIES RELATE SOLELY TO THE PREVENTION OF child  
 17 abuse AND NEGLECT. The-services-and-activities-funded-may  
 18 include-but-are-not-limited-to-programs-relating-to:

19 (a)--counseling-for-children-and-adults;

20 (b)--educational-classes,--discussions,--speeches,--and  
 21 printed-material;

22 (c)--prenatal---and---postnatal--care--and--raising--of  
 23 children;

24 (d)--child-development;

25 (e)--mental-and-physical-health-care;



1       ~~{f}--alcohol-and-drug-abuse;~~  
 2       ~~{g}--special-needs-of-certain-children;-such-as--gifted~~  
 3       ~~or-retarded-children;AND~~  
 4       ~~{h}--day-care-centers;-and~~  
 5       ~~{H}--DAY-CARE-CENTERS;-AND~~  
 6       ~~{i}{H}{I}--sexual-abuse-~~

7       (2) In administering the child abuse AND NEGLECT  
 8       prevention program, the department BOARD shall:

9       (a) develop a state plan, priorities for funded  
 10       services and activities, and criteria for the receipt of  
 11       program funds;

12       (b) monitor the expenditure of funds by organizations  
 13       receiving funds under this section;

14       (c) evaluate the effectiveness of services and  
 15       activities funded under this section; and

16       (d) adopt rules necessary to implement this section  
 17       and [sections 3 4 and 4 5].

18       NEW SECTION. Section 4. Gifts and grants to program.  
 19       The ~~department-of-social-and-rehabilitation-services~~ MONTANA  
 20       CHILDREN'S TRUST FUND BOARD may accept contributions, gifts,  
 21       and grants, in money or otherwise, to the child abuse AND  
 22       NEGLECT prevention program. Monetary gifts, contributions,  
 23       and grants must, upon receipt, be paid into the ~~childrens~~  
 24       CHILDREN'S trust fund account established by [section 1].

25       NEW SECTION. Section 5. Program costs. The costs

1 incurred by the department--of--social--and--rehabilitation  
 2 services MONTANA CHILDREN'S TRUST FUND BOARD in  
 3 administering the child abuse AND NEGLECT prevention program  
 4 must be paid for with money from the childrens' CHILDREN'S  
 5 trust fund account established by [section 1]. The  
 6 department BOARD shall keep costs to a minimum and use  
 7 existing office space, personnel, equipment, and supplies OF  
 8 THE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES to the  
 9 extent possible.

10 NEW-SECTION.---Section-5.---Mandatory-fine--for--offenses  
 11 against--children---disposition-of-fine.---(1)-If-the-victim  
 12 was-under-18-years-of-age,--the-court-must,--if--defendant--is  
 13 able--to-pay-it,--impose-a-fine-as-the-sentence-or-as-part-of  
 14 the-sentence--imposed--upon--a--conviction--under--45-5-103,  
 15 45-5-104,---45-5-201---through--45-5-203,--45-5-301--through  
 16 45-5-303,45-5-502-through-45-5-504,45-5-622,45-5-623,--or  
 17 45-5-625.

18 (2)---The--court--must,--if-defendant-is-able-to-pay-it,  
 19 impose-a-fine-as-the-sentence-or-as--part--of--the--sentence  
 20 imposed-upon-a-conviction-under:

21 (a)---45-5-304,--if--a--person-under-18-years-of-age-was  
 22 taken,--enticed,--or-withheld-from-lawful-custody;

23 (b)---45-5-505,--if-a-person-under-18-years--of--age--was  
 24 involved-in-the-deviate-sexual-relations;

25 (c)---45-5-507,--if--the--offense--was--committed-with-a

person-under-18-years-of-age;

(d)--45-5-603, if the prostitution of a person under 18 years of age was compelled or promoted or such person was compelled to promote prostitution;

(e)--45-5-621, if the person to whom the support was due was under 18 years of age; or

(f)--45-9-101 or 45-9-112, if the transaction was with a person under 18 years of age.

(3)--All money obtained from fines required by this section must be deposited in the children's trust fund account established by [section 1].

NEW SECTION. SECTION 6. NONSUPPLANTATION OF FUNDS.  
FUNDS DEPOSITED IN THE CHILDREN'S TRUST FUND ACCOUNT MAY BE  
USED ONLY FOR THE PROGRAM AUTHORIZED IN [SECTION 3] AND MAY  
NOT BE USED TO PAY THE EXPENSES OF ANY OTHER PROGRAM OR  
SERVICE ADMINISTERED IN WHOLE OR IN PART BY THE DEPARTMENT  
OF SOCIAL AND REHABILITATION SERVICES.

Section 7. Section 25-1-201, MCA, is amended to read:

"25-1-201. Fees of clerk of district court. (1) The clerk of the district court shall collect the following fees:

(a) at the commencement of each action or proceeding, from the plaintiff or petitioner, \$25; for filing a complaint in intervention, from the intervenor, \$25; and for filing a petition for dissolution of marriage, an additional

1 fee of \$25 ~~\$35~~ \$30;

2 (b) from each defendant or respondent, on his  
3 appearance, \$15;

4 (c) on the entry of judgment, from the prevailing  
5 party, \$10;

6 (d) for preparing copies of papers on file in his  
7 office, 25 cents per page;

8 (e) for each certificate, with seal, 50 cents;

9 (f) for oath and jurat, with seal, 50 cents;

10 (g) for administering oath, 25 cents;

11 (h) for taking depositions, per folio, 20 cents;

12 (i) for filing and docketing a transcript of judgment  
13 or abstract of judgment from all other courts, \$5;

14 (j) for issuing an execution or order of sale on a  
15 foreclosure of a lien, \$2;

16 (k) for transmission of records or files or transfer  
17 of a case to another court, \$5;

18 (l) for filing and entering papers received by  
19 transfer from other courts, \$10;

20 (m) for issuing a marriage license, ~~\$30~~ \$40 \$30;

21 (n) on the filing of an application for informal,  
22 formal, or supervised probate or for the appointment of a  
23 personal representative or the filing of a petition for the  
24 appointment of a guardian or conservator, from the applicant  
25 or petitioner, \$35, which includes the fee for filing a will

1 for probate;

2 (o) on the filing of the items required in 72-4-303 by  
3 a domiciliary foreign personal representative of the estate  
4 of a nonresident decedent, \$35;

5 (p) for filing a declaration of marriage without  
6 solemnization, \$30.

7 (2) Except as provided in ~~subsection~~ SUBSECTIONS (3)  
8 AND (4), 32% of all fees collected by the clerk of the  
9 district court must be deposited in and credited to the  
10 general fund of the county. The remaining portion of the  
11 fees must be remitted to the state to be deposited as  
12 provided in 19-5-404.

13 (3) In the case of a fee collected for issuing a  
14 marriage license or filing a declaration of marriage without  
15 solemnization, \$14 must be deposited in and credited to the  
16 state general fund, \$6.40 must be deposited in and credited  
17 to the county general fund, ~~\$10-MUST-BE-DEPOSITED-IN-AND~~  
18 ~~CREDITED-TO-THE-CHILDREN'S-TRUST-FUND-ACCOUNT-ESTABLISHED-BY~~  
19 ~~{SECTION-1}~~7 and \$9.60 must be remitted to the state to be  
20 deposited as provided in 19-5-404.

21 (4) The Of the additional fee for filing a petition  
22 for dissolution of marriage, \$25 must be deposited in the  
23 state general fund and \$10 \$5 must be deposited in the  
24 childrens+ CHILDREN'S trust fund account established by  
25 [section 1]."

1           Section-7---Section-50-15-201, MCA, is amended to read:

2           "50-15-201---Birth--certificate-to-be-filed ---fee. {1}

3           Within-the--time--prescribed--by--the--department,--a--birth  
4           certificate--shall--be-filed-with-the-local-registrar-of-the  
5           district-in-which-the-birth-occurred-by:

6           {1}{a}--the--physician,--midwife,--or---other---legally  
7           authorized-person-if-the-birth-is-attended;

8           {2}{b}--one--of-the-parents-if-the-birth-is-unattended-

9           {2}--The-local-registrar-must-collect-a-\$5-fee-from-the  
10          person-filing-the-birth-certificate.-Fees-collected-must--be  
11          transmitted--every--3--months--by-the-registrar-to-the-state  
12          treasurer-for-deposit-in-the-childrens<sup>1</sup>-trust--fund--account  
13          established-by-{section-1}."

14          Section 8. Section 15-30-121, MCA, is amended to read:

15          "15-30-121. Deductions allowed in computing net  
16          income. In computing net income, there are allowed as  
17          deductions:

18          (1) the items referred to in sections 161 and 211 of  
19          the Internal Revenue Code of 1954, or as sections 161 and  
20          211 shall be labeled or amended, subject to the following  
21          exceptions which are not deductible:

22          (a) items provided for in 15-30-123;

23          (b) state income tax paid;

24          (2) federal income tax paid within the taxable year;

25          (3) child and dependent care expenses determined in

1 accordance with the provisions of section 214 of the  
2 Internal Revenue Code of 1954 that were in effect for the  
3 taxable year that began January 1, 1974, except that:

4 (a) the limitation set forth in section 214(e)(4) of  
5 the Internal Revenue Code of 1954 as that section was in  
6 effect for the taxable year that began January 1, 1974,  
7 applies only to payments made to a child of the taxpayer who  
8 is under 19 years of age at the close of the taxable year  
9 and to payments made to an individual with respect to whom a  
10 deduction is allowable under 15-30-112(5) to the taxpayer or  
11 the taxpayer's spouse;

12 (b) the limitation set forth in section 214(e)(1) of  
13 the Internal Revenue Code of 1954 as that section was in  
14 effect for the taxable year that began January 1, 1974, does  
15 not apply when the taxpayers file separately on the same  
16 form; and

17 (c) the deduction for child and dependent care  
18 expenses shall be divided equally between the taxpayers;

19 (4) in the case of an individual, political  
20 contributions determined in accordance with the provisions  
21 of section 218(a) and (b) of the Internal Revenue Code that  
22 were in effect for the taxable year ended December 31, 1978;

23 (5) that portion of expenses for organic fertilizer  
24 allowed as a deduction under 15-32-303 which was not  
25 otherwise deducted in computing taxable income;

1           (6) light vehicle license fees, as provided by  
2 61-3-532, paid during the taxable year; AND

3           (7) CONTRIBUTIONS TO THE CHILD ABUSE AND NEGLECT  
4 PROGRAM PROVIDED FOR IN [SECTION 3], SUBJECT TO THE  
5 CONDITIONS SET FORTH IN [SECTION 10]."

6           THERE IS A NEW MCA SECTION THAT READS:

7           NEW SECTION. Section 9. Voluntary checkoff for child  
8 abuse AND NEGLECT prevention program. (1) Each individual  
9 taxpayer who is required to file an income tax return under  
10 this chapter and who is entitled to a refund may contribute  
11 \$2 to the child abuse AND NEGLECT prevention program  
12 provided for in [section 2 3], by marking the appropriate  
13 box on his state income tax return.

14           (2) Each Montana state individual income tax return  
15 form must contain a provision for indicating a contribution  
16 to the child abuse AND NEGLECT prevention program in  
17 substantially the following form:

18           Child abuse AND NEGLECT prevention program. Check this  
19 box if you wish to designate \$2 ..., \$5 ..., \$10 ..., OR  
20 MORE ... (INDICATE AMOUNT) of your tax refund to help fund  
21 the child abuse AND NEGLECT prevention program in Montana.  
22 Check ON A JOINT RETURN, CHECK the corresponding box for  
23 your spouse if your spouse wishes to contribute \$2 ..., \$5  
24 ..., \$10 ..., OR MORE ... (INDICATE AMOUNT) of the refund  
25 for the same purpose.



1        (3) MONEY RECEIVED UNDER THIS SECTION MUST BE  
 2        DEPOSITED IN THE CHILDREN'S TRUST FUND ACCOUNT, CREATED  
 3        UNDER [SECTION 1], AFTER THE DEPARTMENT OF REVENUE HAS  
 4        DEDUCTED THE AMOUNT NECESSARY FOR THE DEPARTMENT TO  
 5        ADMINISTER THIS SECTION.

6        NEW SECTION. SECTION 10. DEDUCTIONS FOR CONTRIBUTIONS  
 7        TO THE CHILD ABUSE AND NEGLECT PREVENTION PROGRAM. A  
 8        TAXPAYER FILING AN INDIVIDUAL TAX RETURN WHO DOES NOT ELECT  
 9        TO TAKE THE STANDARD DEDUCTION PROVIDED FOR IN 15-30-122,  
 10       MAY, IN COMPUTING NET INCOME, CLAIM A DEDUCTION FOR THE  
 11       PAYMENT OF A CONTRIBUTION TO THE CHILD ABUSE AND NEGLECT  
 12       PREVENTION PROGRAM AS FOLLOWS:

13       (1) IF THE TAXPAYER PAID A CONTRIBUTION IN THE TAXABLE  
 14       YEAR FOR WHICH THE RETURN IS FILED, HE MAY DEDUCT THE AMOUNT  
 15       OF THE CONTRIBUTION PAID DURING THAT YEAR, UNLESS THE AMOUNT  
 16       WAS DEDUCTED AS PROVIDED IN SUBSECTION (2).

17       (2) IF THE TAXPAYER ENCLOSURES A CHECK OR OTHER ORDER TO  
 18       PAY MONEY AS A CONTRIBUTION WITH THE TIMELY FILING OF A TAX  
 19       RETURN, IN ACCORDANCE WITH 15-30-144, HE MAY ELECT TO TAKE A  
 20       DEDUCTION FOR THE AMOUNT OF THE CONTRIBUTION AND APPLY THE  
 21       DEDUCTION IN THE TAXABLE YEAR FOR WHICH HE IS FILING THE  
 22       RETURN.

23       NEW SECTION. SECTION 11. DEPOSIT OF DEDUCTIBLE  
 24       CONTRIBUTIONS. (1) ALL MONEY RECEIVED UNDER [SECTION 10]  
 25       MUST BE DEPOSITED IN THE CHILDREN'S TRUST FUND ACCOUNT

1 ESTABLISHED IN [SECTION 1].

2 (2) THE DEPARTMENT OF REVENUE SHALL IMMEDIATELY  
 3 FORWARD FOR DEPOSIT IN THE CHILDREN'S TRUST FUND ACCOUNT ALL  
 4 CHECKS AND OTHER ORDERS OF PAYMENT MADE AS CONTRIBUTIONS  
 5 UNDER [SECTION 10]. THE DEPARTMENT MAY MAKE NO DEDUCTIONS  
 6 FOR ADMINISTRATIVE EXPENSES IN THE HANDLING OF SUCH DIRECT  
 7 PAYMENTS TO THE CHILD ABUSE AND NEGLECT PREVENTION PROGRAM.

8 NEW SECTION. Section 12. Codification instruction.  
 9 Section--5-is-intended-to-be-codified-as-an-integral-part-of  
 10 Title-46,-chapter-187,-part-2,-and-the-provisions-of-Title-46  
 11 apply-to-section-5. (1) SECTION 2 IS INTENDED TO BE CODIFIED  
 12 AS AN INTEGRAL PART OF TITLE 2, CHAPTER 15, AND THE  
 13 PROVISIONS OF TITLE 2, CHAPTER 15, APPLY TO SECTION 2.

14 (2) SECTION-7-IS SECTIONS 9 THROUGH 11 ARE INTENDED TO  
 15 BE CODIFIED AS AN INTEGRAL PART OF TITLE 15, CHAPTER 30, AND  
 16 THE PROVISIONS OF TITLE 15, CHAPTER 30, APPLY TO SECTION--7  
 17 SECTIONS 9 THROUGH 11.

-End-