

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

March 27 19 85

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

DORRASSY

.....
Chairman.

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 15-30-101 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"

Human Services and Aging
Senate Bill No. 19

- 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 5.
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:

Human Services and Aging
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.

Reamner: 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"

Human Services and Aging
Senate Bill No. 19

38) Page 8, line 7.
Following: "designate"
Strike: "22"
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: "22"
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 to 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.

Human Services and Aging
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: "3"

Insert: "2"

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, consistin
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: lnes 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.
Follownig: "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 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.
- 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"

Amendment
1/23/2018

Amendment
YES
DPPA
1/23/2018

Hypoc
Brodsky

M. Hansen

motion on Amended Yes

TABLE Yes

3-20-85

SB 14

YES - ALL AMENDMENTS AS HANDLED OUT.

YES ON Bill

NO ON TABLE

Bob - excellent

HUMAN RIGHTS

ADJMS



The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

3/28/85

Yes on amend to
Child trust

Yes on bill

No on a Table!

Kerran

Bud

Yes on Amend/5

Yes on Bill

Yes on Table

Child's trust

Bo

1 SENATE BILL NO. 19

2 INTRODUCED BY LYNCH, WALDRON, BERGENE,

3 JACOBSON, KEENAN, HAFHEY, 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+~~ CHILDREN'S trust
 15 fund account. There is a ~~childrens+~~ 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

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

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

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

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

9 (3)--All--money--obtained--from--fines-required-by-this
 10 section-must-be-deposited--in--the--childrens--trust--fund
 11 account-established-by-[section-1];

12 NEW SECTION. SECTION 6. NONSUPPLANTATION OF FUNDS.

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

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

19 "25-1-201. Fees of clerk of district court. (1) The
 20 clerk of the district court shall collect the following
 21 fees:

22 (a) at the commencement of each action or proceeding,
 23 from the plaintiff or petitioner, \$25; for filing a
 24 complaint in intervention, from the intervenor, \$25; and for
 25 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' 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 ENCLOSSES 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-