

HOUSE BILL NO. 797

Introduced: 02/15/83

Referred to Committee on Human Services: 02/15/83  
Hearing: 2/21/83

On Motion Placed On 2nd Reading

2nd Reading: 02/22/83, Do Not Pass  
Bill Killed

1 *House* BILL NO. *197*  
 2 INTRODUCED BY *Devlin Mark E. Olson Switzer*  
 3 *Curtiss*  
 4 A BILL FOR AN ACT ENTITLED: *Stalin's Report Anderson Jensen*  
 5 VOLUNTARY CONTRIBUTION CHECKOFF ON STATE INCOME TAX RETURNS  
 6 FOR BATTERED CHILDREN SERVICES WHEN THE TAXPAYER IS ENTITLED  
 7 TO A REFUND; ESTABLISHING AN ACCOUNT FOR CONTRIBUTIONS."

*E. Smith*

8  
 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 Section 1. Voluntary checkoff for battered children  
 11 services. (1) Each individual taxpayer who is required to  
 12 file an income tax return under this chapter and who is  
 13 entitled to a refund may contribute to battered children  
 14 services by marking the appropriate box on the state income  
 15 tax return. A taxpayer's contribution under this section may  
 16 not exceed the amount of income tax refund due the taxpayer.

17 (2) Each Montana state individual income tax return  
 18 form must contain a provision for indicating a contribution  
 19 to battered children services in substantially the following  
 20 form:

21 Battered children services funding. Check the  
 22 appropriate blank if you wish to designate \$2..., \$5...,  
 23 \$10..., or more ... (indicate amount) of your tax refund to  
 24 help fund battered children services in Montana. On a joint  
 25 return, check the appropriate blank if your spouse wishes to

1 contribute \$2..., \$5..., \$10..., or more ... (indicate  
 2 amount) of the refund for the same purpose.

3 (3) Money received under under this section must be  
 4 deposited in the battered children account created by  
 5 [section 2].

6 Section 2. Battered children account established.  
 7 There is within the earmarked revenue fund a battered  
 8 children account. Money is payable into this account in  
 9 accordance with [section 1] for use by the department in  
 10 meeting the needs of children who have received actual  
 11 physical abuse.

12 Section 3. Codification instruction. (1) Section 1 is  
 13 intended to be codified as an integral part of Title 15,  
 14 chapter 30, and the provisions of Title 15, chapter 30,  
 15 apply to section 1.

16 (2) Section 2 is intended to be codified as an  
 17 integral part of Title 41, chapter 3, and the provisions of  
 18 Title 41, chapter 3, apply to section 2.

-End-

## STATE OF MONTANA

REQUEST NO. 438-83

## FISCAL NOTE

Form BD-15

In compliance with a written request received February 16, 19 83, there is hereby submitted a Fiscal Note for House Bill 797 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA).

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

House Bill 797 provides for a voluntary contribution checkoff on state income tax returns for battered children services when the taxpayer is entitled to a refund; and establishes an account for contributions.

ASSUMPTIONS:

- 1) The proposed income tax refund checkoff for battered children services funding would necessitate increased expenditures by the Department of Revenue amounting to \$1,000 annually for forms and instructions, \$1,370 annually for data processing production costs, and \$3,400 for data processing development costs during FY84.
- 2) It is not possible to predict the amount of contributions for battered children services which would proceed from the proposed income tax refund checkoff.

FISCAL IMPACT:

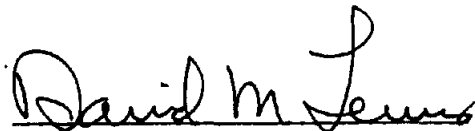
	<u>FY84</u>	<u>FY85</u>
Operating Expenses		
Under Current Law	-0-	-0-
Under Proposed Law	<u>\$5,770</u>	<u>\$2,370</u>
Estimated Increase	<u>\$5,770</u>	<u>\$2,370</u>

COMMENTS:

Approximately \$72,000 per year of federal funds provide for 29 child abuse grants per year.

The Department of Social and Rehabilitation Services may need to adopt rules to carry out the administration and purposes of this grant.

FISCAL NOTE 16: M/1



BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 2-20-83

On motion taken from Human  
Services Committee, as amended  
and referred to second reading

HOUSE BILL NO. 797

INTRODUCED BY DEVLIN, MARKS, ELLISON, SWITZER,  
CURTISS, STOBIE, WINSLOW, RYAN, UNDERDAL,  
KEYSER, R. JENSEN, SEIFERT, SWIFT, E. SMITH

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR A  
VOLUNTARY CONTRIBUTION CHECKOFF ON STATE INCOME TAX RETURNS  
FOR BATTERED-CHILDREN CHILD ABUSE AND NEGLECT PREVENTION AND  
INTERVENTION SERVICES WHEN THE TAXPAYER IS ENTITLED TO A  
REFUND; ESTABLISHING AN-ACCOUNT A CHILDREN'S TRUST FUND FOR  
CONTRIBUTIONS."

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

Section 1. Voluntary checkoff for--battered--children  
services ID--ESTABLISH--A--CHILDREN'S--TRUST--FUND. (1) Each  
individual taxpayer who is required to file an income tax  
return under this chapter and who is entitled to a refund  
may contribute to battered-children-services THE CHILDREN'S  
TRUST FUND by marking the appropriate box on the state  
income tax return. A taxpayer's contribution under this  
section may not exceed the amount of income tax refund due  
the taxpayer.

(2) Each Montana state individual income tax return  
form must contain a provision for indicating a contribution  
to battered-children-services THE CHILDREN'S TRUST FUND in

substantially the following form:

Battered--children--services--funding CHILDREN'S TRUST  
FUND. Check the appropriate blank if you wish to designate  
\$2...., \$5...., \$10...., or more ... (indicate amount) of your  
tax refund to help--fund--battered--children--services THE  
CHILDREN'S TRUST FUND in Montana. On a joint return, check  
the appropriate blank if your spouse wishes to contribute  
\$2...., \$5...., \$10...., or more ... (indicate amount) of the  
refund for the same purpose.

(3) Money received under under this section must be  
deposited in the battered-children CHILDREN'S TRUST account  
created by [section 2].

Section 2. Battered-children-account CHILDREN'S TRUST  
FUND established. There is within the earmarked revenue fund  
a battered-children-account CHILDREN'S TRUST FUND. Money is  
payable into this account FUND in accordance with [section  
1] for use ALLOCATION by the department OF SOCIAL AND  
REHABILITATION SERVICES ID--LOCAL CHILD ABUSE AND NEGLECT  
PREVENTION AND INTERVENTION PROGRAMS in meeting the needs of  
children who have-received-actual-physical-abuse ARE ABUSED  
OR NEGLECTED AS DEFINED IN 41-3-102.

THERE IS A NEW MCA SECTION THAT READS:

Section 3. Child abuse and neglect prevention and  
intervention grant program. There is a grant program  
established within the department of social and

1 rehabilitation services for the allocation of grant money to  
2 local child abuse and neglect prevention and intervention  
3 programs.

4 ~~THERE IS A NEW MCA SECTION THAT READS:~~

5 Section 4. Duties of the department -- rules. The  
6 department:

7 (1) may use state funds as a match for federal funds  
8 if required;

9 (2) may spend no more than 5% of the appropriated  
10 funds for administrative costs of the program;

11 (3) may conduct research and compile statistics  
12 relating to abused and neglected children and their  
13 families;

14 (4) shall accept federal funds that may be available  
15 for use in carrying out the provisions of this part; and

16 (5) shall adopt rules necessary to carry out the  
17 purposes of this part.

18 ~~THERE IS A NEW MCA SECTION THAT READS:~~

19 Section 5. Authorized grantees -- criteria for grants.

20 (1) The department may award child abuse and neglect  
21 prevention and intervention grants only to programs which  
22 are locally controlled. Grants may be awarded to  
23 governmental or nongovernmental agencies or persons.

24 (2) Child abuse and neglect prevention and  
25 intervention grants are to be awarded on the following

1 basis:

2 (a) demonstrated needs;

3 (b) project merit;

4 (c) community support;

5 (d) administrative design; and

6 (e) efficiency of administration.

7 ~~THERE IS A NEW MCA SECTION THAT READS:~~

8 Section 6. Authorized services and programs of  
9 grantees. Grants may be awarded to government and  
10 nongovernment agencies or persons for prevention and  
11 intervention programs for abused and neglected children and  
12 their families. Such programs may include but are not  
13 limited to:

14 (1) preventing child abuse and neglect;

15 (2) preventing out-of-home placement of abused and  
16 neglected children when possible;

17 (3) providing in-home services to families;

18 (4) providing services to abused and neglected  
19 children and their families;

20 (5) building and strengthening self-help groups which  
21 address child abuse and neglect issues;

22 (6) training which will enhance the capabilities of  
23 agencies, families, and communities in the prevention and  
24 treatment of child abuse and neglect.

25 ~~THERE IS A NEW MCA SECTION THAT READS:~~

1 Section 7. Review and award of grants. (1) Grant  
2 applications submitted in accordance with rules adopted to  
3 carry out the purposes of this part will be reviewed and  
4 awards made by a committee created by the department which  
5 must include two members who are not employees of the  
6 department.

7 (2) The services authorized in subsection (1) may be  
8 provided on a regional basis by a local child abuse and  
9 neglect prevention or intervention program within the  
10 regional boundaries established by the department if  
11 authorized to do so by the review committee.

12 THERE IS A NEW MCA SECTION THAT READS:

13 Section 8. Funding. (1) Revenue from the children's  
14 trust fund provided in [sections 1 and 2] is the source of  
15 funding for the child abuse and neglect prevention and  
16 intervention grant program.

17 (2) Twenty percent of the operational costs of a child  
18 abuse and neglect prevention and intervention grant program  
19 must come from the local community served by the grant. The  
20 local contribution may include in-kind contributions.

21 [HERE IS A NEW MCA SECTION THAT READS:]

22 Section 9. Rulemaking authority. The department of  
23 revenue may adopt rules to implement the provisions of  
24 [section 1].

25 Section 10. Codification instruction. (1) Section

1 ~~SECTIONS 1 to AND 2~~ ARE intended to be codified as an  
2 integral part of Title 15, chapter 30, and the provisions of  
3 Title 15, chapter 30, apply to section ~~SECTIONS 1 AND 2~~.

4 (2) Section ~~SECTIONS 2 to THROUGH 8~~ ARE intended to be  
5 codified as an integral part of Title 41, chapter 3, and the  
6 provisions of Title 41, chapter 3, apply to section ~~SECTIONS~~  
7 ~~2 THROUGH 8~~.

-End-