

SENATE BILL NO. 19

INTRODUCED BY LYNCH, WALDRON, BERGENE,
JACOBSON, KEENAN, HAFHEY, STIMATZ,
CHRISTIAENS, NEUMAN, REGAN, ECK, TOWE,
KOLSTAD, B. BROWN, HAGER, STEPHENS, CRIPPEN,
HANSEN, J. BROWN, CONNELLY, KADAS, REAM, MILES,
COHEN, QUILICI, KRUEGER, RANEY, DARKO,
HARBIN, PAVLOVICH, HART, MONTAYNE

IN THE SENATE

January 7, 1985	Introduced and referred to Committee on Public Health, Welfare and Safety.
January 8, 1985	Fiscal Note requested.
January 11, 1985	On motion by Chief Sponsor, Representatives Waldron, Bergene, and Keenan and Senators Jacobson, Haffey, Stimatz, Christiaens, Neuman, Regan, Eck, Towe, Kolstad, B. Brown, Hager, Stephens, and Crippen added as sponsors.
January 14, 1985	Fiscal Note returned.
January 25, 1985	Committee recommend bill do pass as amended. Report adopted. Statement of Intent attached.
January 26, 1985	Bill printed and placed on members' desks.
January 28, 1985	New Fiscal Note requested. Second reading, do pass as amended.
January 29, 1985	Correctly engrossed.

January 30, 1985

Third reading, passed.
Ayes, 37; Noes, 12.

Transmitted to House.

IN THE HOUSE

February 1, 1985

New Fiscal Note returned.

February 27, 1985

Introduced and referred to
Committee on Human Services and
Aging.

March 28, 1985

Committee recommend bill be
concurrred in as amended. Report
adopted.

Statement of Intent amended.

March 30, 1985

Second reading, concurrred in.

April 1, 1985

Third reading, concurrred in.

Returned to Senate with
amendments and amended Statement
of Intent.

IN THE SENATE

April 1, 1985

Received from House.

April 4, 1985

Second reading, amendments and
amended Statement of Intent
concurrred in.

April 5, 1985

On motion by Chief Sponsor, rules
suspended to add Representatives
Hansen, J. Brown, Connelly,
Kadas, Ream, Miles, Cohen,
Quilici, Krueger, Raney, Darko,
Harbin, Pavlovich, Hart, and
Montayne as sponsors. Motion
adopted. Ayes, 43; Noes, 2.

April 8, 1985

Third reading, amendments and amended Statement of Intent concurred in. Ayes, 48; Noes, 1.

Sent to enrolling.

Reported correctly enrolled.

1 SENATE BILL NO. 19
2 INTRODUCED BY LYNCH

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING AND
5 FUNDING A CHILD ABUSE PREVENTION PROGRAM; GRANTING
6 RULEMAKING AUTHORITY; REQUIRING MANDATORY FINES FOR CERTAIN
7 OFFENSES AGAINST CHILDREN; AND AMENDING SECTIONS 25-1-201
8 AND 50-15-201, MCA."

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

11 NEW SECTION. Section 1. Childrens' trust fund
12 account. There is a childrens' trust fund account in the
13 state special revenue fund in the state treasury. The money
14 in the account is allocated to the department of social and
15 rehabilitation services for funding services and activities
16 under and payment of administrative costs of the child abuse
17 prevention program provided for in [section 2].

18 NEW SECTION. Section 2. Child abuse prevention
19 program. (1) The department of social and rehabilitation
20 services shall use the money in the childrens' trust fund
21 account established by [section 1] to fund services and
22 activities operated by nonprofit community-based educational
23 and service organizations attempting to prevent child abuse.
24 The services and activities funded may include but are not
25 limited to programs relating to:

- 1 (a) counseling for children and adults;
- 2 (b) educational classes, discussions, speeches, and
3 printed material;
- 4 (c) prenatal and postnatal care and raising of
5 children;
- 6 (d) child development;
- 7 (e) mental and physical health care;
- 8 (f) alcohol and drug abuse;
- 9 (g) special needs of certain children, such as gifted
10 or retarded children;
- 11 (h) day-care centers; and
- 12 (i) sexual abuse.
- 13 (2) In administering the child abuse prevention
14 program, the department shall:
 - 15 (a) develop a state plan, priorities for funded
16 services and activities, and criteria for the receipt of
17 program funds;
 - 18 (b) monitor the expenditure of funds by organizations
19 receiving funds under this section;
 - 20 (c) evaluate the effectiveness of services and
21 activities funded under this section; and
 - 22 (d) adopt rules necessary to implement this section
23 and [sections 3 and 4].

24 NEW SECTION. Section 3. Gifts and grants to program.
25 The department of social and rehabilitation services may



-2- INTRODUCED BILL
SB 19

1 accept contributions, gifts, and grants, in money or
2 otherwise, to the child abuse prevention program. Monetary
3 gifts, contributions, and grants must, upon receipt, be paid
4 into the childrens' trust fund account established by
5 [section 1].

6 NEW SECTION. Section 4. Program costs. The costs
7 incurred by the department of social and rehabilitation
8 services in administering the child abuse prevention program
9 must be paid for with money from the childrens' trust fund
10 account established by [section 1]. The department shall
11 keep costs to a minimum and use existing office space,
12 personnel, equipment, and supplies to the extent possible.

13 NEW SECTION. Section 5. Mandatory fine for offenses
14 against children -- disposition of fine. (1) If the victim
15 was under 18 years of age, the court must, if defendant is
16 able to pay it, impose a fine as the sentence or as part of
17 the sentence imposed upon a conviction under 45-5-103,
18 45-5-104, 45-5-201 through 45-5-203, 45-5-301 through
19 45-5-303, 45-5-502 through 45-5-504, 45-5-622, 45-5-623, or
20 45-5-625.

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

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

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

3 (c) 45-5-507, if the offense was committed with a
4 person under 18 years of age;

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

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

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

12 (3) All money obtained from fines required by this
13 section must be deposited in the childrens' trust fund
14 account established by [section 1].

15 Section 6. Section 25-1-201, MCA, is amended to read:

16 "25-1-201. Fees of clerk of district court. (1) The
17 clerk of the district court shall collect the following
18 fees:

19 (a) at the commencement of each action or proceeding,
20 from the plaintiff or petitioner, \$25; for filing a
21 complaint in intervention, from the intervenor, \$25; and for
22 filing a petition for dissolution of marriage, an additional
23 fee of ~~\$25~~ \$35;

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

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

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

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

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

7 (g) for administering oath, 25 cents;

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

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

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

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

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

17 (m) for issuing a marriage license, \$30;

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

24 (o) on the filing of the items required in 72-4-303 by
 25 a domiciliary foreign personal representative of the estate

1 of a nonresident decedent, \$35;

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

4 (2) Except as provided in subsection (3), 32½ of all
 5 fees collected by the clerk of the district court must be
 6 deposited in and credited to the general fund of the county.
 7 The remaining portion of the fees must be remitted to the
 8 state to be deposited as provided in 19-5-404.

9 (3) In the case of a fee collected for issuing a
 10 marriage license or filing a declaration of marriage without
 11 solemnization, \$14 must be deposited in and credited to the
 12 state general fund, \$6.40 must be deposited in and credited
 13 to the county general fund, and \$9.60 must be remitted to
 14 the state to be deposited as provided in 19-5-404.

15 (4) The Of the additional fee for filing a petition
 16 for dissolution of marriage, \$25 must be deposited in the
 17 state general fund and \$10 must be deposited in the
 18 childrens' trust fund account established by [section 1]."

19 Section 7. Section 50-15-201, MCA, is amended to read:
 20 "50-15-201. Birth certificate to be filed -- fee. (1)
 21 Within the time prescribed by the department, a birth
 22 certificate shall be filed with the local registrar of the
 23 district in which the birth occurred by:
 24 (±)(a) the physician, midwife, or other legally
 25 authorized person if the birth is attended;

1 †2) (b) one of the parents if the birth is unattended.

2 (2) The local registrar must collect a \$5 fee from the
3 person filing the birth certificate. Fees collected must be
4 transmitted every 3 months by the registrar to the state
5 treasurer for deposit in the childrens' trust fund account
6 established by [section 1]."

7 NEW SECTION. Section 8. Codification instruction.

8 Section 5 is intended to be codified as an integral part of
9 Title 46, chapter 18, part 2, and the provisions of Title 46
10 apply to section 5.

-End-

STATE OF MONTANA

FISCAL NOTE

REQUEST NO. FNN 016-85Form BD-15

In compliance with a written request received January 8, 19 85, there is hereby submitted a Fiscal Note for Senate Bill 19 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:

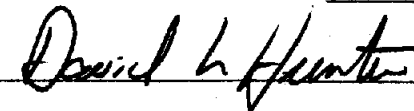
Senate Bill 19 establishes and funds a child abuse prevention program. It provides for a children's trust account with revenue sources from a filing fee on birth certificates, an additional fee for dissolution of marriage and mandatory fines for offenses against children.

ASSUMPTIONS:

1. The number of birth certificates will increase 2% per year.
2. The number of dissolution of marriages will be constant in 1986 and 1987.
3. Gifts and donations will be \$15,000 per year.
4. Administrative costs would be kept as minimal as possible.
5. Information unavailable to estimate revenue for mandatory fines, no amount estimated for this revenue.

FISCAL IMPACT:

	<u>Current Law 1986</u>	<u>Proposed Law 1986</u>	<u>Current Law 1987</u>	<u>Proposed Law 1987</u>
Birth Certificate Revenue (\$5 fee)	-0-	\$ 71,465	-0-	\$ 72,895
Marriage Dissolution Revenue (\$10 additional fee)	-0-	44,820	-0-	44,820
Gifts and donations	-0-	15,000	-0-	15,000
TOTAL REVENUE	-0-	<u>\$131,285</u>	-0-	<u>\$132,715</u>



BUDGET DIRECTOR
Office of Budget and Program Planning

Date: Jan 14, 1985

Request No. FNN 016-85
Form BD-15 page 2
(continued)

Fiscal Impact: (continued)

	<u>Current Law 1986</u>	<u>Proposed Law 1986</u>	<u>Current Law 1987</u>	<u>Proposed Law 1987</u>
Operating Expenses	-0-	\$ 3,000	-0-	\$ 3,000
Benefits and Grants	-0-	128,285	-0-	129,715
TOTAL EXPENDITURE	-0-	\$ <u>131,285</u>	-0-	\$ <u>132,715</u>

The revenue will be used to fund services and activities operated by nonprofit community based organizations to prevent child abuse. Services may include counseling for children, prenatal and postnatal care, child development, special needs and other services for children.

TECHNICAL OR MECHANICAL DEFECTS OR CONFLICTS WITH EXISTING LEGISLATION:

Section 6 subsection 2 (page 6 line 4) seems to conflict with
Section 6 subsection 4 (page 6 line 15) and Section 7 subsection 2 (page 7 line 2).

STATE OF MONTANA
FISCAL NOTE

Amended
REQUEST NO. FNN 016-85
Form BD-15

In compliance with a written request received January 28, 19 85, there is hereby submitted a Fiscal Note for Senate Bill 19 Amended 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:

Senate Bill 19 establishes and funds a child abuse prevention program through the Department of Social and Rehabilitation Services. It provides for a children's trust account with revenue sources from an additional fee on marriage licenses, an additional fee for dissolution of marriage and mandatory fines for offenses against children. This fiscal note follows the amendment by the Senate Public Health, Welfare and Safety Committee (second reading).

ASSUMPTIONS:

1. The number of marriage licenses estimated for 1986 and 1987, same as 1983: 8,092 marriage licenses.
2. The number of dissolution of marriages will be constant in 1986 and 1987.
3. Gifts and donations will be \$15,000 per year.
4. Administrative costs would be kept as minimal as possible.
5. Information unavailable to estimate revenue for mandatory fines, no amount estimated for this revenue.
6. There will be 6,630 voluntary checkoffs per year for \$2.00 each. This is commensurate with the actual number of non-game wildlife checkoffs in 1983.

David L. Hunter

BUDGET DIRECTOR
Office of Budget and Program Planning

Date: Feb 1, 1985

SB 19

AMENDED

FISCAL IMPACT:

	<u>Current Law 1986</u>	<u>Proposed Law 1986</u>	<u>Current Law 1987</u>	<u>Proposed Law 1987</u>
Marriage License Fee (\$10 Additional)	-0-	\$ 80,920	-0-	\$ 80,920
Marriage Dissolution Revenue (\$10 additional fee)	-0-	44,820	-0-	44,820
Gifts and donations	-0-	15,000	-0-	15,000
Tax Income Refund Checkoff (\$2)	-0-	13,260	-0-	13,260
 TOTAL REVENUE	 -0-	 <u>\$154,000</u>	 -0-	 <u>\$154,000</u>
 Operating Expenses	 -0-	 3,000	 -0-	 3,000
Benefits and Grants	-0-	151,000	-0-	151,000
 TOTAL EXPENDITURE	 -0-	 <u>\$154,000</u>	 -0-	 <u>\$154,000</u>

The revenue will be used to fund services and activities operated by nonprofit community based organizations to prevent child abuse. Services may include counseling for children, prenatal and postnatal care, child development, special needs and other services for children.

TECHNICAL/MECHANICAL DEFECTS:

Section 6, Subsection (3) is in conflict with Section 6, Subsection (1)(P).

APPROVED BY COMMITTEE
ON PUBLIC HEALTH, WELFARE
& SAFETY

1 STATEMENT OF INTENT

2 SENATE BILL 19

3 Senate Public Health, Welfare and Safety Committee

4

5 Section 2 requires the department of social and
6 rehabilitation services to adopt rules implementing the
7 child abuse prevention program.

8 The rules should:

9 (1) provide for an overall state plan for the program;

10 (2) develop criteria for the receipt of program funds;

11 (3) establish priorities among funded services and
12 activities;

13 (4) provide a method of monitoring the effectiveness
14 of funded services and activities and the expenditure of
15 funds from the children's trust fund account; and

16 (5) address other matters necessary to implementation
17 of the child abuse prevention program.

1 SENATE BILL NO. 19
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 4 A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING AND
 5 FUNDING A CHILD ABUSE PREVENTION PROGRAM; GRANTING
 6 RULEMAKING AUTHORITY; REQUIRING MANDATORY FINES FOR CERTAIN
 7 OFFENSES AGAINST CHILDREN; AND AMENDING SECTIONS SECTION
 8 25-1-201 AND 50-15-201, MCA."

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 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 11 NEW SECTION. Section 1. Childrens' trust fund
 12 account. There is a childrens' trust fund account in the
 13 state special revenue fund in the state treasury. The money
 14 in the account is allocated to the department of social and
 15 rehabilitation services for funding services and activities
 16 under and payment of administrative costs of the child abuse
 17 prevention program provided for in [section 2].

18 NEW SECTION. Section 2. Child abuse prevention
 19 program. (1) The department of social and rehabilitation
 20 services shall use the money in the childrens' trust fund
 21 account established by [section 1] to fund services and
 22 activities operated by nonprofit community-based educational
 23 and service organizations attempting to prevent child abuse.
 24 The services and activities funded may include but are not
 25 limited to programs relating to:

1 (a) counseling for children and adults;
 2 (b) educational classes, discussions, speeches, and
 3 printed material;
 4 (c) prenatal and postnatal care and raising of
 5 children;
 6 (d) child development;
 7 (e) mental and physical health care;
 8 (f) alcohol and drug abuse;
 9 (g) special needs of certain children, such as gifted
 10 or retarded children; AND
 11 ~~(h) day-care centers;~~ and
 12 ~~(i) sexual abuse.~~
 13 (2) In administering the child abuse prevention
 14 program, the department shall:
 15 (a) develop a state plan, priorities for funded
 16 services and activities, and criteria for the receipt of
 17 program funds;
 18 (b) monitor the expenditure of funds by organizations
 19 receiving funds under this section;
 20 (c) evaluate the effectiveness of services and
 21 activities funded under this section; and
 22 (d) adopt rules necessary to implement this section
 23 and [sections 3 and 4].
 24 NEW SECTION. Section 3. Gifts and grants to program.
 25 The department of social and rehabilitation services may

1 accept contributions, gifts, and grants, in money or
 2 otherwise, to the child abuse prevention program. Monetary
 3 gifts, contributions, and grants must, upon receipt, be paid
 4 into the childrens' trust fund account established by
 5 [section 1].

6 NEW SECTION. Section 4. Program costs. The costs
 7 incurred by the department of social and rehabilitation
 8 services in administering the child abuse prevention program
 9 must be paid for with money from the childrens' trust fund
 10 account established by [section 1]. The department shall
 11 keep costs to a minimum and use existing office space,
 12 personnel, equipment, and supplies to the extent possible.

13 NEW SECTION. Section 5. Mandatory fine for offenses
 14 against children -- disposition of fine. (1) If the victim
 15 was under 18 years of age, the court must, if defendant is
 16 able to pay it, impose a fine as the sentence or as part of
 17 the sentence imposed upon a conviction under 45-5-103,
 18 45-5-104, 45-5-201 through 45-5-203, 45-5-301 through
 19 45-5-303, 45-5-502 through 45-5-504, 45-5-622, 45-5-623, or
 20 45-5-625.

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

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

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

3 (c) 45-5-507, if the offense was committed with a
 4 person under 18 years of age;

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

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

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

12 (3) All money obtained from fines required by this
 13 section must be deposited in the childrens' trust fund
 14 account established by [section 1].

15 Section 6. Section 25-1-201, MCA, is amended to read:

16 "25-1-201. Fees of clerk of district court. (1) The
 17 clerk of the district court shall collect the following
 18 fees:

19 (a) at the commencement of each action or proceeding,
 20 from the plaintiff or petitioner, \$25; for filing a
 21 complaint in intervention, from the intervenor, \$25; and for
 22 filing a petition for dissolution of marriage, an additional
 23 fee of ~~\$25~~ \$35;

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

1 (c) on the entry of judgment, from the prevailing
 2 party, \$10;
 3 (d) for preparing copies of papers on file in his
 4 office, 25 cents per page;
 5 (e) for each certificate, with seal, 50 cents;
 6 (f) for oath and jurat, with seal, 50 cents;
 7 (g) for administering oath, 25 cents;
 8 (h) for taking depositions, per folio, 20 cents;
 9 (i) for filing and docketing a transcript of judgment
 10 or abstract of judgment from all other courts, \$5;
 11 (j) for issuing an execution or order of sale on a
 12 foreclosure of a lien, \$2;
 13 (k) for transmission of records or files or transfer
 14 of a case to another court, \$5;
 15 (l) for filing and entering papers received by
 16 transfer from other courts, \$10;
 17 (m) for issuing a marriage license, ~~\$30~~ \$40;
 18 (n) on the filing of an application for informal,
 19 formal, or supervised probate or for the appointment of a
 20 personal representative or the filing of a petition for the
 21 appointment of a guardian or conservator, from the applicant
 22 or petitioner, \$35, which includes the fee for filing a will
 23 for probate;
 24 (o) on the filing of the items required in 72-4-303 by
 25 a domiciliary foreign personal representative of the estate

1 of a nonresident decedent, \$35;
 2 (p) for filing a declaration of marriage without
 3 solemnization, \$30.
 4 (2) Except as provided in subsection SUBSECTIONS (3)
 5 AND (4), 32% of all fees collected by the clerk of the
 6 district court must be deposited in and credited to the
 7 general fund of the county. The remaining portion of the
 8 fees must be remitted to the state to be deposited as
 9 provided in 19-5-404.
 10 (3) In the case of a fee collected for issuing a
 11 marriage license or filing a declaration of marriage without
 12 solemnization, \$14 must be deposited in and credited to the
 13 state general fund, \$6.40 must be deposited in and credited
 14 to the county general fund, \$10 MUST BE DEPOSITED IN AND
 15 CREDITED TO THE CHILDREN'S TRUST FUND ACCOUNT ESTABLISHED BY
 16 [SECTION 1], and \$9.60 must be remitted to the state to be
 17 deposited as provided in 19-5-404.
 18 (4) ~~The~~ Of the additional fee for filing a petition
 19 for dissolution of marriage, \$25 must be deposited in the
 20 state general fund and \$10 must be deposited in the
 21 childrens' trust fund account established by [section 1]."
 22 ~~Section 7, Section 50-15-2017-MCA7-is-amended-to-read:~~
 23 ~~"50-15-2017--Birth-certificate-to-be-filed ---fee- {1}~~
 24 ~~Within--the--time--prescribed--by--the--department7--a-birth~~
 25 ~~certificate-shall-be-filed-with-the-local-registrar--of--the~~

1 ~~district-in-which-the-birth-occurred-by:~~
 2 ~~{1}{a}--the---physician,---midwife,---or---other---legally~~
 3 ~~authorized-person-if-the-birth-is-attended,~~
 4 ~~{2}{b}--one-of-the-parents-if-the-birth-is--unattended.~~
 5 ~~{2}--The-local-registrar-must-collect-a-\$5-fee-from-the~~
 6 ~~person--filing-the-birth-certificate.--Fees-collected-must-be~~
 7 ~~transmitted-every-3-months-by-the--registrar--to--the--state~~
 8 ~~treasurer--for--deposit-in-the-childrens'-trust-fund-account~~
 9 ~~established-by-[section-1]."~~

10 THERE IS A NEW MCA SECTION THAT READS:

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

18 (2) Each Montana state individual income tax return
 19 form must contain a provision for indicating a contribution
 20 to the child abuse prevention program in substantially the
 21 following form:

22 Child abuse prevention program. Check this box if you
 23 wish to designate \$2 of your tax refund to help fund the
 24 child abuse prevention program in Montana. Check the
 25 corresponding box for your spouse if your spouse wishes to

1 contribute \$2 of the refund for the same purpose.

2 NEW SECTION. Section 8. Codification instruction.
 3 Section 5 is intended to be codified as an integral part of
 4 Title 46, chapter 18, part 2, and the provisions of Title 46
 5 apply to section 5. SECTION 7 IS INTENDED TO BE CODIFIED AS
 6 AN INTEGRAL PART OF TITLE 15, CHAPTER 30, AND THE PROVISIONS
 7 OF TITLE 15, CHAPTER 30, APPLY TO SECTION 7.

-End-

1 STATEMENT OF INTENT

2 SENATE BILL 19

3 Senate Public Health, Welfare and Safety Committee

4
5 Section 2 requires the department of social and
6 rehabilitation services to adopt rules implementing the
7 child abuse prevention program.

8 The rules should:

- 9 (1) provide for an overall state plan for the program;
10 (2) develop criteria for the receipt of program funds;
11 (3) establish priorities among funded services and
12 activities;
13 (4) provide a method of monitoring the effectiveness
14 of funded services and activities and the expenditure of
15 funds from the children's trust fund account; and
16 (5) address other matters necessary to implementation
17 of the child abuse prevention program.

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2 INTRODUCED BY LYNCH, WALDRON, BERGENE,

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7 A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING AND
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10 OFFENSES AGAINST CHILDREN; AND AMENDING SECTIONS SECTION
11 25-1-201 AND 50-15-201, MCA."

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

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15 account. There is a childrens' trust fund account in the
16 state special revenue fund in the state treasury. The money
17 in the account is allocated to the department of social and
18 rehabilitation services for funding services and activities
19 under and payment of administrative costs of the child abuse
20 prevention program provided for in [section 2].

21 NEW SECTION. Section 2. Child abuse prevention
22 program. (1) The department of social and rehabilitation
23 services shall use the money in the childrens' trust fund
24 account established by [section 1] to fund services and
25 activities operated by nonprofit community-based educational

1 and service organizations attempting to prevent child abuse.
2 The services and activities funded may include but are not
3 limited to programs relating to:

4 (a) counseling for children and adults;

5 (b) educational classes, discussions, speeches, and
6 printed material;7 (c) prenatal and postnatal care and raising of
8 children;

9 (d) child development;

10 (e) mental and physical health care;

11 (f) alcohol and drug abuse;

12 (g) special needs of certain children, such as gifted
13 or retarded children; AND14 ~~(h) day-care centers; and~~15 (H) DAY-CARE CENTERS; AND16 ~~(i) (H) (I) sexual abuse.~~17 (2) In administering the child abuse prevention
18 program, the department shall:19 (a) develop a state plan, priorities for funded
20 services and activities, and criteria for the receipt of
21 program funds;22 (b) monitor the expenditure of funds by organizations
23 receiving funds under this section;24 (c) evaluate the effectiveness of services and
25 activities funded under this section; and

1 (d) adopt rules necessary to implement this section
2 and [sections 3 and 4].

3 NEW SECTION. Section 3. Gifts and grants to program.
4 The department of social and rehabilitation services may
5 accept contributions, gifts, and grants, in money or
6 otherwise, to the child abuse prevention program. Monetary
7 gifts, contributions, and grants must, upon receipt, be paid
8 into the childrens' trust fund account established by
9 [section 1].

10 NEW SECTION. Section 4. Program costs. The costs
11 incurred by the department of social and rehabilitation
12 services in administering the child abuse prevention program
13 must be paid for with money from the childrens' trust fund
14 account established by [section 1]. The department shall
15 keep costs to a minimum and use existing office space,
16 personnel, equipment, and supplies to the extent possible.

17 NEW SECTION. Section 5. Mandatory fine for offenses
18 against children -- disposition of fine. (1) If the victim
19 was under 18 years of age, the court must, if defendant is
20 able to pay it, impose a fine as the sentence or as part of
21 the sentence imposed upon a conviction under 45-5-103,
22 45-5-104, 45-5-201 through 45-5-203, 45-5-301 through
23 45-5-303, 45-5-502 through 45-5-504, 45-5-622, 45-5-623, or
24 45-5-625.

25 (2) The court must, if defendant is able to pay it,

1 impose a fine as the sentence or as part of the sentence
2 imposed upon a conviction under:

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

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

7 (c) 45-5-507, if the offense was committed with a
8 person under 18 years of age;

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

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

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

16 (3) All money obtained from fines required by this
17 section must be deposited in the childrens' trust fund
18 account established by [section 1].

19 Section 6. Section 25-1-201, MCA, is amended to read:
20 "25-1-201. Fees of clerk of district court. (1) The
21 clerk of the district court shall collect the following
22 fees:

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

1 filing a petition for dissolution of marriage, an additional
2 fee of ~~\$25~~ \$35;

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

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

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

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

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

11 (g) for administering oath, 25 cents;

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

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

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

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

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

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

22 (n) on the filing of an application for informal,
23 formal, or supervised probate or for the appointment of a
24 personal representative or the filing of a petition for the
25 appointment of a guardian or conservator, from the applicant

1 or petitioner, \$35, which includes the fee for filing a will
2 for probate;

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

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

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

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

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

14 THERE IS A NEW MCA SECTION THAT READS:

15 NEW SECTION. Section 7. Voluntary checkoff for child
 16 abuse prevention program. (1) Each individual taxpayer who
 17 is required to file an income tax return under this chapter
 18 and who is entitled to a refund may contribute \$2 to the
 19 child abuse prevention program provided for in [section 2],
 20 by marking the appropriate box on his state income tax
 21 return.

22 (2) Each Montana state individual income tax return
 23 form must contain a provision for indicating a contribution
 24 to the child abuse prevention program in substantially the
 25 following form:

1 Child abuse prevention program. Check this box if you
 2 wish to designate \$2 of your tax refund to help fund the
 3 child abuse prevention program in Montana. Check the
 4 corresponding box for your spouse if your spouse wishes to
 5 contribute \$2 of the refund for the same purpose.
 6 NEW SECTION. Section 8. Codification instruction.
 7 Section 5 is intended to be codified as an integral part of
 8 Title 46, chapter 18, part 2, and the provisions of Title 46
 9 apply to section 5. SECTION 7 IS INTENDED TO BE CODIFIED AS
 10 AN INTEGRAL PART OF TITLE 15, CHAPTER 30, AND THE PROVISIONS
 11 OF TITLE 15, CHAPTER 30, APPLY TO SECTION 7.

-End-

STANDING COMMITTEE REPORT

HOUSE

March 27 19 85
Page 1 of 8

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

XXXXX

REP. KEENAN
Chairman.

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Page 2 of 8

Human Services and Aging
Senate Bill No. 19

Be amended as follows:

- 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.

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.

REP. KEENAN
Chairman.

Human Services and Aging
Senate Bill No. 19

(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 23.
Following: "in the"
Strike: "childrens'"
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: "sections"
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 8.
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.

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Senate Bill No. 19

Insert: "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."
Renumber: subsequent sections.

- 27) Page 5, line 2.
Following: "\$25"
Strike: "\$35"
Insert: "\$30"
- 28) Page 5, line 21.
Following: "\$30"
Strike: "\$40"
Insert: "\$30"
- 29) Page 6, lines 18 through 20.
Following: "fund,"
Strike: remainder of line 18 through "," on line 20.
- 30) Page 6, line 24.
Following: "and"
Strike: "\$10"
Insert: "\$5"
- 31) Page 6, line 25.
Following: line 24.
Strike: "childrens"
Insert: "children's"
- 32) 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:

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Chairman.

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- (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.

- 33) Page 7, line 16.
Following: "abuse"
Insert: "and neglect"
- 34) Page 7, line 18.
Following: "contribute"
Strike: "\$2"
- 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 2.
Following: "designate"
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 8.
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 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.

REP. KEENAN
Chairman.

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 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.
(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"

KMK

BE CONCURRED IN AS AMENDED AND WITH STATEMENT OF INTENT AMENDMENTS
REP. KEENAN
Chairman.

1 STATEMENT OF INTENT

2 SENATE BILL 19

3 ~~Senate-Public-Health,-Welfare-and-Safety-Committee~~

4
5 Section 2 3 requires the ~~department--of--social--and~~
6 ~~rehabilitation--services~~ MONTANA CHILDREN'S TRUST FUND BOARD
7 to adopt rules implementing the child abuse AND NEGLECT
8 prevention program.

9 The rules should:

- 10 (1) provide for an overall state plan for the program;
- 11 (2) develop criteria for the receipt of program funds;
- 12 (3) establish priorities among funded services and
13 activities;
- 14 (4) provide a method of monitoring the effectiveness
15 of funded services and activities and the expenditure of
16 funds from the children's trust fund account; and
- 17 (5) address other matters necessary to implementation
18 of the child abuse AND NEGLECT prevention program.

1 SENATE BILL NO. 19

2 INTRODUCED BY LYNCH, WALDRON, BERGENE,

3 JACOBSON, KEENAN, HAFPEY, 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}{f}--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--{i}-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 ~~{g}--All--money--obtained--from--fines-required-by-this~~
 10 ~~section-must-be--deposited--in--the--childrens'--trust--fund~~
 11 ~~account-established-by-{section-i};~~

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}~~, 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 ~~children's 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 children's 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 MORE ...
20 (INDICATE AMOUNT) of your tax refund to help fund the child
21 abuse AND NEGLECT prevention program in Montana. CHECK ON A
22 JOINT RETURN, CHECK the corresponding box for your spouse if
23 your spouse wishes to contribute \$2 \$5 ..., \$10 ..., OR MORE
24 ... (INDICATE AMOUNT) of the refund for the same purpose.

25 (3) MONEY RECEIVED UNDER THIS SECTION MUST BE

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

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

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

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

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

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

7 NEW SECTION. Section 12. Codification instruction.
 8 ~~Section 5 is intended to be codified as an integral part of~~
 9 ~~Title 46, chapter 18, part 2, and the provisions of Title 46~~
 10 ~~apply to section 5. (1) SECTION 2 IS INTENDED TO BE CODIFIED~~
 11 ~~AS AN INTEGRAL PART OF TITLE 2, CHAPTER 15, AND THE~~
 12 ~~PROVISIONS OF TITLE 2, CHAPTER 15, APPLY TO SECTION 2.~~

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

17 NEW SECTION. SECTION 13. TERMINATION DATE. THIS ACT
 18 TERMINATES ON JANUARY 1, 1990.

-End-