

MINUTES OF THE MEETING

PUBLIC HEALTH, WELFARE AND SAFETY COMMITTEE

March 30, 1977

The thirty-fifth meeting of the Senate Public Health, Welfare and Safety Committee was called to order in Room 405 of the State Capitol Building by Chairman Stan Stephens on Wednesday, March 30, at approximately 11:00 A.M.

ROLL CALL: All members of the Committee were present, with the exception of Senator Roberts who was excused for this meeting.

CONSIDERATION OF HOUSE BILL 627: Chairman Stephens introduced Representative Baeth from Libby, sponsor of HB627. Representative Baeth addressed the Committee and explained what is proposed for the alcohol beverage industry, as well as the alcoholic program, in this piece of legislation. The sponsor said alcohol is one of the major health problems in the State, it now affects 56,000 citizens. Each alcoholic has a direct adverse affect on 46 people. Prior to 1974, alcoholism was termed a mental illness - after that, it was termed a disease and the state program was moved to Galen. That institution estimates the number of patients for 1977 at 3,460. HB627 will raise funds to keep the alcoholic program going as it is today. As it is now, it affects only about 22 counties but it is hoped the program can be expanded to help 56, as well as put a Center in Eastern Montana. For every \$1 invested in this program, the State will realize \$3. First, it will decrease crime, secondly, it will decrease auto accidents, third, it will decrease medical and welfare expense, and fourth, it will increase productivity. Representative Baeth thinks his bill is one of the most important bills to come before the legislature.

Ron Spurlin, Legislative Coordinator for Alcohol Programs in Montana, which is a loose consortium of alcohol programs around the State numbering approximately 20. Mr. Spurlin handed out to the Committee members an extensive report on the needs of the program developed by local program people around the State (see Exhibit "A"). The budget figures reported in this book have been given to the Department of Institutions who now has a budget worked up.

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Curt Chisholm, Department of Institutions, said his Department is supportive of passage of HB627, but would like to propose amendments. This is a major editing job, but in terms of the organizational structure mandated by the legislature. It should be edited to substitute "Department" for the word, "Division". We feel this is a little contrary, Chisholm said, to the direction we took in executive reorganization a few years back - we would like authority vested in the Department which could be delegated then to whatever administrative entity we create in alcohol/drug programming. The Department director also wanted Chisholm to tell the Committee they are in process now of examining administrative and creating a division of alcohol and drug services at the present time. They, however, do not want to have any autonomous division within their Department. Also proposed changes in areas of bill dealing with revenue earmarked for program - they want a reversion clause to designate any counties' monies not used or specifically allocated at the end of the year. Messrs. Murray and Coubine were present to answer questions.

Senator Thiessen spoke next in support of the bill but would like to see amending on page 30, lines 6 - 9 regarding division of additional tax (cities and towns' portion went from 3/4 to 3/10. Under this, they would be getting exactly the same as they are getting now; they should be getting a bigger share.)

Greg McCurdy, Director, Government Affairs, Montana Assn. Cities and Counties, said in 1975 the legislature decriminalized alcoholism - now it falls to the legislature to fund that major change in emphasis and this bill is a step in that direction. His association supports funding from the "use" fee bill proposes - as for the city-county thing, it's important to assure a program's coordination and funding. They don't care which entity gets the money - but a highly fragmented funding would adversely affect the program. They have a few concerns about language where it says "treatment rehabilitation prevention of alcohol as approved by the State". Cautioned that this be achieved without lots of rules and regulations on the part of any given department of state government. Don't let it become a bureaucratic red tape proposition. Strongly supports bill.

Don Mizner, Montana League Cities and Towns, spoke neither in support nor opposition, but offered amendments regarding allocations of monies. Mizner explained the amendments in detail. (See Exhibits "B" and "C".)

Al Sampson, Montana State Firemen's Association, supports the bill because they have a large percentage of alcohol-related fires and they realize the value of alcoholic program. His group does have concern, however, regarding any potential reduction of monies the cities-counties are now receiving.

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The numerous opponents' testimony began with Mr. Bob Durke of the Montana Tavern Association introducing himself and then introducing Maurie Druhl, Portland, who is the Northwest Director of the Distilled Spirits Council of the U.S.

Mr. Druhl said his people have no basic disagreement with state's alcoholic program per se but they object to its financing. Why is alcoholism not financed as are other health problems in Montana? This bill ties problem to a specific product. Earmarked funds do not permit public scrutiny. When they figure a markup in the U.S., it's figured on a \$40 a case cost - the markup in Montana at the present time is 40% markup, plus 21% tax - that comes to \$67.76. The proposed formula in this bill would be 31% tax, that's 14% rather than 10% tax. It's the fourth highest price on liquor in the U.S. (Washington, Oregon, Pennsylvania and Montana). The package stores in Montana would have highest prices in U.S. Similar proposed legislation in neighboring states has been killed, tabled, or put in interim committee (Alaska).

Jack Peterson, Montana Beer Wholesalers Association, said they do not oppose bill's concept but their Association opposes tax on one industry to take care of a disease that affects society as a whole. Drew Committee's attention to fiscal note regarding new money for State; this bill calls for earmarking \$6,184,100. They feel the beer industry has nothing to do with drug problems. There is no justification for this kind of tax. Where is the money going? Is the legislature going to write a check for \$6.1 million earmarked to these agencies and bureaucrats? Tax on a barrel of beer is \$12.25, \$9.00 federal, \$3.25 state, or 30 percent of a barrel's cost, that is \$1.00 per case. A can of beer will have to go up; Montana will become the highest taxed beer per barrel of any of its sister states: Idaho, \$4.65; Washington \$1.50; Wyoming, \$.62; Oregon, \$1.95 and Utah, \$3.10. Family members included in alcoholic care is objected to, on basis of cost. Also, if this money is earmarked, how would it get into private non-profit organizations that are doing the work with alcoholics? The Supreme Court said that even though the person or corporation expected to use the funds for a valid public purpose, Article 5, Section 35, forbids its donation to an instrumentality not under the absolute control of the state. If the instrumentality is not under the control of the state, neither is its expenditure of funds. The beer wholesalers do not disagree with the concept of treating alcoholics, they feel that is the obligation of society as a whole and it should be taken out of the general fund.

Tom Clavin, representing explained what happens, price-wise, to a quart of vodka when it comes into the State of Montana - \$.76 is the initial cost plus \$2.10 federal tax, making the cost to the State \$2.86 - the State adds 6% freight (the State at that point makes \$1.05) the markup of 31%; the 21% tax is an additional \$.83 - the State

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nets \$1.88 from the bottle of vodka, the federal government realizes \$2.10; the overall composite of the total markup, what you pay for a vottle of vodka, from what we sell it to the State, excluding taxes, is 631%. The retail price of \$4.80 as compared to what we sold it for (\$.76) excluding taxes, is 631%. Under this HB627, it would increase it to 684% - \$5.20 a quart. There is a bill in Congress right now to increase the alcohol tax, which means \$1.00 per quart of 80-proof vodka. If this bill goes through, the 31% tax would amount to \$1.65 per quart multiplied by quarts sold last year, would bring the State \$12,960,000 - that does not include the markup of the State, just the State.

Of the open states, Minnesota has highest prices in the nation - \$13.17 per case. Montana compares to that with its price of \$33.36 per case. The average state tax on all open states is \$7.92 per case. (See Exhibit "D").

John Risken, representing the United States Brewers Association, asked the Chairman if he could submit written testimony within 24 hours. (See Exhibit "E").

Bob Durkee, Montana Tavern Association, said the industry's greatest concern is the cost per bottle to the consumer compared to the surrounding states. They are afraid HB627 will force people to go out of state purchase goods. Montana is now over Idaho, price-wise, by \$.50 per bottle.

Don Larson, of the Montana Tavern Association, and manager of a local restaurant, testified next, saying his Association strongly opposes HB627 on the grounds that it would force higher prices on consumers, at least \$0.05 per mixed drink and beer. This would mean more persons would drink at home and not frequent bars. This bill would increase the risk of illicit liquor operations in the state.

Curtis Lee, Yellowstone Tavern Association, said he thought the proponents of this legislation are encouraging the use of alcohol in order to finance alcoholism programs, and added that this is a problem for society and not just consumers. (See Exhibit "F")

Bob Copoticino, Montana Beer Wholesalers Association, Butte, testified in opposition to the bill, saying that last year "they" paid over \$400,000 in state and federal government beer taxes which were passed on to the consumer. Beer has become a household necessity. If this bill is passed, kids will be able to get marijuana cheaper than beer. He feels his industry is being discriminated against.

Phil Strobe, representing said an examination of the administrative budget would show that HB627 was not included in and was not considered by the administration at the time they put their budget together. HB627 is a product of a few who probably look forward to an opportunity to adjoin the administration in some capacity with these substantial

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funds that would be generated by tripling the tax. I assure you that if the bill is killed in its entirety, that the present law does provide that there is a 5% tax on liquor, that money will continue to be there. (See Exhibit "G")

Representative Baeth closed, with the following remarks. Mr. Baeth said he is opposed to changing the wording in the bill, as proposed on the Department of Institutions amendments (see Exhibit " "). Family members are not included in funding now, he feels they should be included in the counseling so they know how to care for the alcoholic in the family - they do not know what the cost would be for that portion of the program, it is not going to be very much. Chamber of Commerces are for the bill.

Ron Spurlin, representing A.P.M. spoke briefly in support of the bill. Beer right now is cheaper than a soft drink, so that does not bear weight that marijuana will be cheaper. They are aware that the liquor industry has done some very good things in the area of alcoholism.

That ended the testimony.

Questions from the Committee covered the following:

1) Review of the figures of the amounts of money going into the budget now and what the bill changes. Mr. Jim Haubein, Department of Institutions, responded to this request for figures.

At 5% last year, there were \$2,029,000 in liquor tax; \$406,000 went to the general fund; \$406,000 went to the counties; \$1,217,000 to the cities. Of the beer tax (\$3.25 barrel) \$2,736,000 was total; \$1,473,000 went to the general fund; \$1,263,000 went to the cities.)

a) At 15%, the liquor tax would bring in \$6,087,000; of that, \$2,029,000 would go to earmarked fund; \$2,435,000 to local government alcohol programs; \$406,000 go to counties; \$1,217,000 would still go to the cities.

b) At 15%, the beer tax would bring in approximately \$4 million; \$1,263,000 general fund; \$1,473,000 would go to the earmarked fund; \$1,263,000 would go to the cities.

2) About \$6 million, roughly, would be going to the alcohol programs under HB627.

3) But, presently, the money goes to the general fund and the present beer and alcohol tax will produce \$1,879,000 - expenditures are \$1,854,000.

4) If it's a disease, why is it not treated under Blue Cross, Blue Shield? Answer: there has been extreme difficulty in qualifying alcohol programs. Galen does enjoy third party payments; the care unit in Butte does; certain hospital units for detoxification does. Union policies cover more than any others.

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5) The cost of the alcohol program at Galen is estimated at \$993,000 in fiscal 1978.

6) Earmarking seems to be a stumbling block in this bill.

7) AA program is not duplicating this program or vice versa -

The hearing was concluded on HOUSE BILL 627, with NO ACTION being taken at this time.

ADJOURNMENT: With no further business at this time, Chairman Stephens adjourned the meeting.

A handwritten signature in dark ink, appearing to read 'S. Stephens', is written over a horizontal line.

STAN STEPHENS, Chairman

ROLL CALL

PUBLIC HEALTH, WELFARE AND SAFETY COMMITTEE

45th LEGISLATIVE SESSION - 1977

DATE: 3/30

[illegible]

TESTIFYING

NAME:

REPRESENTING:

ON BILL #

SUPPORT,
OPPOSE OR
AMEND?

(Please leave any prepared statement with Secretary)

Bob Durkee	MONT TAVERN		OPPOSE
MAURIE DIRUHL	DISCUS		OPPOSE
JOHN RISKIN	USTA		OPPOSE
LENN L PETERSON	MONT Bee! Wholesalers	627	OPPOSE
John Peterson	"	"	OPPOSE
John Watten	"	"	"
Joe McGinnis	Mont League & B	627	OPPOSE
Joseph H. McCurdy	Mont. Gen. of Counties	627	Support/Amend
Will Ranson	M.T.A	627	opposed
Frank Spurline	A P M	627	
Eric Carlsson	Mont. Gen. of Counties	627	OPPOSE
Joe Stroppe			
Joe Lee	Yellowstone?		
Doc McClarin	Alpha Ind	627	
Jim Hansen	Dept of Insh.	627	

DATE 3-30-77COMMITTEE ON Public HealthBILL NO. HB-627

VISITOR'S REGISTER

NAME	REPRESENTING	Check One	
		Support	Oppose
Robert Zucconi	Zepher's Dist		X
Larry Rogers	Rogers Dist		X
Earl Shuman Jr	Earl's Dist		X
Leon J. Measely	Rudys		X
Bob Andolt	Self		X
Jimmy Snow	Coors of Missouri		X
John W. Deane			X
Rep William R. Baeth	Spanaway 627	X	
Don W. Wagner	North League C 84		X
	Clinton		
Donald W. Larson			
Efrem Schlenker	Bogerman		
Lars Mickelson	"		
Elizabeth Wallock	"		
Mrs. Evans	"		
Jessie Carpenter	"		
Andel Durnford	"		
Mr Robert D. Watt	Missouri	X	
Janis Davis	Marketta	X	
Ellison	Bogerman St		
Barbara Mackie	Bogerman, Eld		
Oliver Bradford	" "		
Marge Garner	" "		
Barbara Pugh	Bogerman St		

MAVIZICE E. DRUH

30 MAR 77

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(503) 292-1348

DISCOS

HB 627

SUPPORT?

AMEND?

OPPOSE?

COMMENTS:

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

JOHN L. PETERSON

2/2/75

27 W. Broadway St. - BUTTE

792 4617

Malaya Beer Wholesaler's Assoc.

HB 627

SUPPORT?

AMEND?

OPPOSE?

COMMENTS :

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME:

Curtis E. Lee

DATE:

3/30/77

ADDRESS:

Billings

PHONE:

656-4801

REPRESENTING WHOM?

Yellowstone Tavern Assoc.

APPEARING ON WHICH PROPOSAL:

413 627

DO YOU:

SUPPORT?

AMEND?

OPPOSE?

X

COMMENTS:

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

ALCOHOLISM PROGRAMS OF MONTANA

Background material in support of H.R. 627

Sen. Bill Norman

Presented to the Forty-fifth Legislative Assembly

Submitted by:

Alcoholism Programs of Montana

Ron Spurlin, Legislative Coordinator

Helena, Montana 59601

E X H I B I T "B"

HB 627

Problems when state only approves treatment center.

Same units do not meet fire safty regulations of building codes in the cities and towns, state agencies will not enforce improvements. Complaints are registered with the city or county who, under the present language, have no jurisdiction or review process, and cannot do any thing about improving the program, state agency will not enforce requests of cities and counties.

Under present Bill without amendments there is no access for the public to review the budgets nor input into the tax.

Many legislators have expressed the need for controll of and publishing of all city and county budgets in the newspaper, that their be a review process for the public and a meeting held to provide for protests.

Unless the amendments are included in HB 627, there is not review process or access to the budget process at the local level.

Local government elected by the people must use the ballot process for additional taxing authority for use of other sources of taxes at the local level.

This bill does not provide for any budget review by the elected officials at the local level or state level. It ~~only~~ provides for an accounting after it has been spent by an annual report. and a progress report to each legislative session. It encourages regionalism without review by the citizens or local elected officials, and takes away from the voters the right for representation by election for government. in ~~other words~~. It provides for non elected beaurocrates spending of tax dollars without public imput.

Local elected officials have asked and introduced bills in this legislature to fund necessities and mandated expenses at the local level that would benefit all of the citizens of Montana in all the counties, cities and towns. Some of which have been killed to date others are doomed to be studied or reduced or killed. Yet ~~they~~ bill provides millions of dollars for the benefit of only a part of the population and without any approval process at the local level.

I sinerely request that the amendments offered be included in the bill.

E X H I B I T "C"

HOUSE BILL 627

Amend page 28, line 20 by adding the following language:

(6) All programs and grants must be reviewed and approved by the governing body of the unit of local government in which the program is to be operated.

Renumber (6) to (7).

Further amend page 29, line 8, by restoring the stricken number and percent (5%)

Amend line 14 by restoring the number (5%). Strike 15%.

Amend line 17 by restoring the number (5%). Strike 15%.

Amend line 18 by restoring the number (4/5)

Amend line 19 by striking the words two-thirds.

Amend line 21 by restoring the number (1/5) and striking the words one-third.

Amend page 30, line 7 by restoring the number ($\frac{1}{4}$) and striking the words seven-tenths.

Amend line 9 by restoring number ($\frac{3}{4}$) and striking words three-tenths.

Amend line 16 by adding the following language:

There shall be an additional tax of 10% of the retail selling price on all liquor so sold and delivered. Said tax shall be charged and collected on all liquor brought into the state and taxed by the Department of Revenue. The Department of Revenue shall retain 40% of the additional license tax and distribute the remaining 60% to the county treasurers in the same proportions as the $\frac{4}{5}$ of the revenues in Section 4-1-401 and distributed. The county treasurer shall deposit this amount in a fund within the county for the treatment, rehabilitation and prevention of alcoholism as approved by the Board of County Commissioners and the State of Montana.

Strike the language on line 16 through line 22.

Amend line 23 by striking the words one-third and adding the words - of the 40% retained by the state, 59% of the licensed tax on liquor shall be deposited with the State Treasurer to the credit of the Division of Alcohol and Drug Dependency.

The HIGHEST STATE LIQUOR TAX in the U.S. is PAID by The People of MINNESOTA

\$4.39

Per [†]
Gallon

State	Gallonage Tax	State	Gallonage Tax
Minnesota	\$ 4.39	North Dakota	\$ 2.50
Massachusetts	4.05	Rhode Island	2.50
Alaska	4.00	Indiana	2.28
Oklahoma	4.00	Delaware	2.25
Tennessee	4.00	Colorado	2.16
Florida	3.75	California	2.00
Georgia	3.75	District of Columbia	2.00
New York	3.25	Illinois	2.00
South Dakota	3.05	Missouri	2.00
New Jersey	2.80	Texas	2.00
South Carolina	2.72	Nebraska	2.00
Wisconsin	2.60	Kentucky	1.92
Arizona	2.50	Nevada	1.90
Arkansas	2.50	Kansas	1.50
Connecticut	2.50	Maryland	1.50
Louisiana	2.50	New Mexico	1.50

* Each of the tax rates is a state's basic per-gallon excise tax. Some states have additional case taxes which are excluded from these figures.

Hawaii does not have a "volume" excise tax. It does have a 20% ad valorem tax. All other States are State Monopoly Operations and figures are not comparable.

† Figures compiled as of July 1, 1976 by Economic Research Division, DISCUS.

THE AVERAGE STATE LIQUOR TAX IS NOW \$2.64

average - \$7.92 per case

13.17
per case num
33.36 - Mont.

E X H I B I T "E"

STATEMENT ON BEHALF OF THE UNITED STATES BREWERS ASSOCIATION,
INC., IN OPPOSITION TO HB 627

I am John H. Risken, attorney at law, Helena, Montana, and a registered lobbyist for the United States Brewers Association, the headquarters of which are in Washington, D. C. The brewer members of the Association produce approximately 90% of the beer sold in the United States, and a number of these brewers do business in Montana through Montana Beer Wholesalers.

First of all, I would like to call your attention to the fact that the brewing industry is one of the most taxed and regulated of all businesses in the United States. As to taxes, there is first a \$9 per barrel tax paid to the Federal Government. In Montana, the total present tax is \$3.25. Of this latter amount \$1.50 goes to the general fund. \$1.50 is divided between the incorporated cities and towns, supposedly for the purposes designated in the statutes. The remaining 25¢ is for the purposes set forth in the bill, HB 627. This additional quarter was attached a few years ago, and it has generated a large amount of money. From the testimony at the recent hearing, it is not clear what has been done with this money, other than administrative expenses.

HB 627 would increase the tax by another \$1.50 on beer, and would increase the tax on liquor from 5% to 15% of the retail price. On the face of it, this would seem to be excessive and inequitable.

This additional request for funds from a State agency is, in fact, a selective sales tax. It singles out one part of industry to support what is a problem of society as a whole.

If I were a proponent of this bill I would be a little embarrassed about the funding. The success of this program is dependent entirely on the very thing that makes the program necessary...the sale of liquor. In effect, the proponents of this legislation are encouraging the use of alcoholic products, which causes alcoholism, in order to finance the program to cure alcoholism. Their slogan could very well be "lets create an alcoholic in order to cure one". You wouldn't have to stretch the imagination too far to imagine the experts cautioning each other not to be too effective lest the funds run out.

It doesn't speak too well for this sort of program when people become overjoyed when the liquor stores have an unusually good day. It may have created a few more alcoholics but it sure gave the fund a great lift.... or can you imagine the consternation when we have a legal holiday and the liquor stores are closed.

This kind of program deserves something better than that kind of attitude. At least it deserves a better kind of funding. You may think for the moment that the product which causes alcoholism should bear the entire cost but if you are sincere enough about what you are doing and believe in it enough you should be willing to pay your fair share of the cost. Lets admit it.....this is a problem for society....not just the consumers.



NAME Phil Strope Bill No. HB 627
 ADDRESS Box 874, HELENA DATE 3.3.17
 WHOM DO YOU REPRESENT MTA
 SUPPORT OPPOSE ✓ AMEND

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

HB 627 triples tax on alcohol to provide a new state division and fund private health care centers.

HB 627 was not included within governor's budget, it creates a government within government. It earmarks funds for specific programs contrary to legislative policy.

HB 627 violates the concept and purpose of executive reorganization. It sets no requirement for the new people that will be hired to run the program. There is no check on how money is spent.

If HB 627 ~~passes~~ does not pass the general fund will still get the 5% tax revenue.

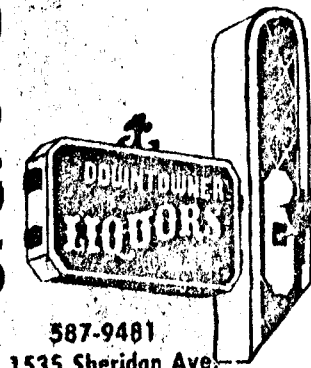
Phil Strope

Attention Wyomingites LIQUOR SALE

Montanans, Know your liquor laws...

5th Jacques Bonnet COGNAC 5 ⁰⁰	\$2.10	5th Walkers DELUXE 6 ⁵⁰	\$5.10
5th Gordons VODKA 5 ⁶⁰	\$4.35	Qt. Fleischmann's PREFERRED 5 ⁰⁰	\$5.10
5th Cutty Sark SCOTCH 9 ³⁰	\$7.45	5th Lord Calvert CANDIAN 6 ³⁵	\$4.95
Qt. Fleischmann's GIN 5 ⁸⁰	\$4.45	5th JIM BEAM 5 ⁸⁰	\$4.65
5th Beacardi BRANDY 5 ⁸⁵	\$4.65	COORS or BUDWEISER 5 ⁸⁰	\$6.45
5th Christian Brothers BRANDY 6 ⁴⁰	\$5.00	MICHELOB 7 ⁵⁵	\$7.55

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TY SARK 5THS

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CARDI RUM

CRISTIAN BROS BRANDY

ALKERS DELUXE

RD CALVERT

M BEAM

(*)	4.35	5.05	.51	5.60	(*)	1.25
8.80	7.45	8.45	.85	9.30	.50	1.85
(*)	4.45	5.25	.53	5.80	(*)	1.35
5.50	4.65	5.30	.53	5.85	.35	1.20
6.00	5.00	5.80	.58	6.40	.40	1.40
6.15	5.10	5.90	.59	6.50	.35	1.40
5.90	4.95	5.75	.58	6.35	.45	1.40
5.60	4.65	5.25	.53	5.80	.20	1.15

*) IDAHO DOES NOT PURCHASE ANY QUARTS.

**) ROUNDED OFF TO NEXT 5¢