

CHAPTER NO. 711

HOUSE BILL NO. 844

INTRODUCED BY MEYER

IN THE HOUSE

February 16, 1979	Introduced and referred to Committee on Taxation.
March 26, 1979	Intent statement attached.
	Committee recommend bill do pass as amended. Report adopted.
March 27, 1979	Printed and placed on members' desks.
	Second reading, do pass as amended.
	Correctly engrossed.
	Third reading, passed. Transmitted to second house.

IN THE SENATE

March 27, 1979	Introduced and referred to Committee on Finance and Claims.
April 17, 1979	Committee recommend bill and Statement of Intent be concurred in as amended. Report adopted.
April 18, 1979	Second reading, concurred in as amended.
	On motion rules suspended. Bill placed on Calendar for third reading this day.
	Third reading, concurred in as amended.

IN THE HOUSE

April 20, 1979

Returned from second house.
Concurred in as amended.

Second reading, amendments
adopted.

Third reading, amendments adopted.
Sent to enrolling.

Reported correctly enrolled.

House BILL NO. 844

Meyer

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE
5 LAWS RELATING TO ALCOHOLISM TREATMENT PROGRAMS AND THE
6 DISTRIBUTION OF REVENUES FROM THE LIQUOR LICENSE TAX
7 PROCEEDS; AMENDING SECTIONS 16-1-404, 16-1-409, 53-24-103,
8 53-24-104, 53-24-108, 53-24-203, 53-24-204, 53-24-207, AND
9 53-24-303. MCA"

10

12 Section 1. Section 53-24-103, MCA, is amended to read:
13 "53-24-103. Definitions. For purposes of this chapter,
14 the following definitions apply:

15 (1) "Alcoholic" means a person who habitually lacks
16 self-control as to the use of alcoholic beverages or uses
17 alcoholic beverages to the extent that his health is
18 substantially impaired or endangered or his social or
19 economic function is substantially disrupted.

20 (2) "Approved private treatment facility" means a
21 private nonprofit agency, receiving public funds (whose sole
22 function is the treatment, rehabilitation, and prevention of
23 alcoholism and drug dependence) meeting the standards
24 prescribed in 53-24-208(1) and approved under 53-24-203.

(3) "Approved public treatment facility" means a

1 treatment agency operating under the direction and control
2 of the department or providing treatment under this chapter
3 through a contract with the department as a state agency and
4 approved under 53-24-208.

7 (5) "Family member" is the spouse, mother, father,
8 child, or member of the household of an alcoholic whose life
9 has been affected by the actions of the alcoholic and may
10 require treatment.

11 (6) "Incapacitated by alcohol" means that a person, as
12 a result of the use of alcohol, is unconscious or has his
13 judgment otherwise so impaired that he is incapable of
14 realizing and making a rational decision with respect to his
15 need for treatment.

16 (7) "Incompetent person" means a person who has been
17 adjudged incompetent by the district court.

18 (8) "Intoxicated person" means a person whose mental
19 or physical functioning is substantially impaired as a
20 result of the use of alcohol.

21 (9) "Prevention" has meaning on four levels; these
22 are:

23 (a) education to provide information to the school
24 children and general public relating to alcohol dependence
25 and alcoholism, treatment, and rehabilitative services and

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1 to reduce the consequences of life experiences acquired by
 2 contact with an alcoholic;

3 (b) early detection and recovery from the illness
 4 before lasting emotional or physical damage, or both, have
 5 occurred;

6 (c) if lasting emotional or physical damage, or both,
 7 have occurred, to arrest the illness before full disability
 8 has been reached;

9 (d) the provision of facility requirements to meet
 10 division program standards and improve public accessibility
 11 for services.

12 (10) "Treatment" means the broad range of emergency,
 13 outpatient, intermediate, and inpatient services and care,
 14 including diagnostic evaluation, medical, psychiatric,
 15 psychological, and social service care, vocational
 16 rehabilitation, and career counseling, which may be extended
 17 to alcoholics, intoxicated persons, and family members."

18 Section 2. Section 53-24-104, MCA, is amended to read:

19 "53-24-104. Deposit of funds from federal or private
 20 sources with state treasurer. Funds available to the
 21 department from federal or private sources for use in
 22 alcohol and drug dependence prevention, treatment, and
 23 control programs shall be deposited with the state treasurer
 24 to the account of the department in the federal and private
 25 revenue fund. Funds received by the department under this

1 section shall be allocated to the counties on the same basis
 2 as liquor and beer tax revenue when not in conflict with
 3 federal or private laws or federal regulations."

4 Section 3. Section 53-24-108, MCA, is amended to read:
 5 "53-24-108. Utilization of funds generated by taxation
 6 on alcoholic beverages. (1) Revenue generated by 16-1-404,
 7 16-1-406, and 16-1-408 for to state approved programs whose
 8 sole function is the treatment, rehabilitation, and
 9 prevention of alcoholism may be distributed in either of the
 10 following manners:

11 (a) as payment of fees for alcoholism services
 12 provided by state-approved alcoholism programs, certified
 13 ~~alcoholism--counselors--licensed--physicians--and--licensed~~
 14 ~~hospitals;~~ and

15 (b) as grants to persons operating state-approved
 16 alcoholism programs.

17 (2) No person operating a state-approved alcoholism
 18 program may be required to provide matching funds as a
 19 condition of receiving a grant under subsection (1) of this
 20 section.

21 (3) In addition to funding received under this
 22 section, a person operating a state-approved alcoholism
 23 program may accept gifts, bequests, or the donation of
 24 services or money for the treatment, rehabilitation, or
 25 prevention of alcoholism.

1 (4) No person receiving funding under this section to
 2 support operation of a state-approved alcoholism program may
 3 refuse alcoholism treatment, rehabilitation, or prevention
 4 services to a person solely because of that person's
 5 inability to pay for those services.

6 (5) A grant made under this section is subject to the
 7 following conditions:

8 (a) The grant application must contain an estimate of
 9 all program income, including income from earned fees,
 10 gifts, bequests, donations, and grants from other than state
 11 sources during the period for which grant support is sought.

12 (b) Whenever, during the period of grant support,
 13 program income exceeds the amount estimated in the grant
 14 application, the amount of the excess shall be reported to
 15 the grantor.

16 (c) The excess shall be used by the grantee under the
 17 terms of the grant in accordance with one or a combination
 18 of the following options:

19 (i) use for any purpose that furthers the objectives
 20 of the legislation under which the grant was made; or

21 (ii) deduction-from-total-project--costs--to--determine
 22 the--net--costs-on-which-the-grantor's-share-of-the-costs-is
 23 based--to allow program growth through the expansion of
 24 services or for capital expenditures necessary to improve
 25 facilities where services are provided.

1 (6) Revenue generated by 16-1-404, 16-1-406, and
 2 16-1-408 for the treatment, rehabilitation, and prevention
 3 of alcoholism which has not been encumbered for those
 4 purposes by the counties of Montana or the department shall
 5 be returned to the state's general earmarked revenue fund
 6 for the treatment, rehabilitation, and prevention of
 7 alcoholism within 30 days after the close of each fiscal
 8 year."

9 Section 4. Section 53-24-203, MCA, is amended to read:
 10 "53-24-203. Duties Powers and duties of department.
 11 (1) The department shall may:

12 (a) plan, promote, and assist in the support of
 13 alcoholism and drug dependence prevention, treatment, and
 14 control programs;

15 (b) conduct, sponsor, and support research,
 16 investigations, and studies, including evaluation of all
 17 phases of alcoholism and drug dependence;

18 (c) assist approved programs in the development of
 19 educational and training programs relative to alcoholism and
 20 drug dependence and carry on programs to assist the public
 21 and technical and professional groups in becoming fully
 22 informed about alcoholism and drug dependence;

23 (d) promote, develop, and assist, financially and
 24 otherwise, alcoholism public and private alcohol and drug
 25 dependence programs administered by other state agencies.

1 ~~to eat---government---agencies,---and---private---nonprofit~~
 2 ~~organizations-and-agencies the department;~~

3 ~~to~~~~will~~ encourage and promote effective use of
 4 facilities, resources, and funds in the planning and conduct
 5 of programs and activities for prevention, treatment, and
 6 control, ~~and prevention~~ of ~~alcoholism~~ alcohol and drug
 7 dependence and, in this respect, cooperate with and utilize
 8 to the maximum possible extent the resources and services of
 9 federal, state, and local agencies;

10 ~~to~~~~will~~ develop, encourage, and foster statewide
 11 regional, and local plans and programs for the prevention of
 12 alcoholism and treatment of alcoholics and intoxicated
 13 persons in cooperation with public and private agencies,
 14 organizations, and individuals and provide technical
 15 assistance and consultation services for these purposes;

16 12. The department shall:

17 (a) encourage planning for the greatest utilization of
 18 funds by discouraging duplication of services, encouraging
 19 efficiency of services through existing programs, and
 20 encouraging rural counties to form multicounty districts or
 21 contract with urban programs for services;

22 ~~to~~~~will~~ (b) coordinate the efforts and enlist the
 23 assistance of all public and private agencies,
 24 organizations, and individuals interested in ~~treatment~~ and
 25 prevention of alcoholism and treatment of alcoholics and

1 ~~intoxicated persons;~~
 2 ~~to~~~~will~~ cooperate with the board of pardons in
 3 establishing and conducting programs to provide treatment
 4 for alcoholics and intoxicated persons in or on parole from
 5 penal institutions;

6 ~~to~~~~will~~ cooperate with the state board of education,
 7 the superintendent of public instruction, schools, police
 8 departments, courts, and other public and private agencies,
 9 organizations, and individuals in establishing awareness
 10 programs for the prevention of alcoholism and treatment of
 11 alcoholics and intoxicated persons and preparing curriculum
 12 materials thereon for use at all levels of education;
 13 ~~to~~~~will~~ prepare, publish, evaluate, and disseminate
 14 educational material dealing with the nature and effects of
 15 alcohol;

16 ~~to~~~~will~~ develop and implement, as an integral part of
 17 treatment programs, an educational program for use in the
 18 treatment of alcoholics and intoxicated persons, which
 19 program shall include the dissemination of information
 20 concerning the nature and effects of alcohol;

21 ~~to~~~~will~~ organize and foster training programs for all
 22 persons engaged in treatment of alcoholics and intoxicated
 23 persons;

24 (a) distribute funds to approved programs according to
 25 the allocation for distribution as provided for in 16-1-404;

1 (13) sponsor and encourage research into the causes and
 2 nature of alcoholism and treatment of alcoholics and
 3 intoxicated persons and serve as a clearinghouse for
 4 information relating to alcoholism

5 (14) specify uniform methods for keeping
 6 statistical information by public and private agencies,
 7 organizations, and individuals and collect and make
 8 available relevant statistical information, including number
 9 of persons treated, frequency of admission and readmission,
 10 and frequency and duration of treatment;

11 (15) advise the governor in the preparation of a
 12 comprehensive plan for treatment of alcoholics and
 13 intoxicated persons for inclusion in the state's
 14 comprehensive health plan;

15 (16) review all state health, welfare, and
 16 treatment plans to be submitted for federal funding under
 17 federal legislation and advise the governor on provisions to
 18 be included relating to alcoholism and intoxicated persons;

19 (k) provide ongoing training of approved program
 20 personnel

21 (17) assist in the development of and cooperate with
 22 alcohol education and treatment programs for employees of
 23 state and local governments, businesses and industries in
 24 the state;

25 (18) utilize the support and assistance of

1 interested persons in the community, particularly recovered
 2 alcoholics, to encourage alcoholics to voluntarily undergo
 3 treatment;

4 (19) cooperate with the department of justice in
 5 establishing and conducting programs designed to deal with
 6 the problem of persons operating motor vehicles while
 7 intoxicated;

8 (20) encourage general hospitals and other
 9 appropriate health facilities to admit without
 10 discrimination alcoholics and intoxicated persons and to
 11 provide them with adequate and appropriate treatment;

12 (21) encourage all health and disability insurance
 13 programs to include alcoholism as a covered illness; and
 14 (22) submit to the governor an annual report
 15 covering the activities of the department.

16 Section 5. Section 53-24-204, MCA, is amended to read:
 17 "53-24-204. Powers of department. To carry out
 18 this chapter, the department may:

19 (1) accept gifts, grants, and donations of money
 20 and property from public and private sources;

21 (2) enter into contracts;
 22 (3) acquire and dispose of property;
 23 (4) plan, establish, and maintain treatment programs
 24 as necessary or desirable;
 25 (5) coordinate its activities and cooperate with

1 alcoholism--programs--in--this--and--other--states--and--make
 2 contracts--and--other-joint-or-cooperative-arrangements-with
 3 states--local--or-private-agencies-in-this-and--other--states
 4 for--the-treatment-of-alcoholics-and-intoxicated-persons-and
 5 for-the-common-advancement-of-alcoholism--programs;
 6 ~~(6)~~--do-other-acts-and-things-necessary--or--convenient
 7 to-execute-the-authority-expressly-granted-to-it-and
 8 ~~(7)~~--provide--treatment--facilities--for--alcoholics
 9 intoxicated-persons--and--family-members.
 10 ~~(2)~~ To carry out this chapter, the department shall:
 11 ~~(a)~~ approve treatment programs as provided for in
 12 53-24-208;
 13 ~~(b)~~ prepare an annual state plan for the delivery of
 14 treatment services;
 15 ~~(c)~~ provide for and conduct statewide service system
 16 evaluations;
 17 ~~(d)~~ distribute state and federal funds to the counties
 18 for approved treatment programs in accordance with the
 19 provisions of 16-1-604;
 20 ~~(e)~~ plan in conjunction with approved programs and
 21 provide for training of program personnel delivering
 22 services to alcoholics;
 23 ~~(f)~~ establish criteria to be used for the development
 24 of new programs; and
 25 ~~(g)~~ certify and establish standards for the

1 certification of alcoholism and drug dependence counselors"
 2 Section 6. Section 53-24-207, MCA, is amended to read:
 3 ~~"53-24-207. Comprehensive program for treatment. (1)~~
 4 The department shall establish a comprehensive and
 5 coordinated program for the treatment of alcoholics,
 6 intoxicated persons, and family members.
 7 ~~(2)~~ The program shall include:
 8 ~~(a)~~ emergency treatment provided by a facility
 9 affiliated with or part of the medical service of a general
 10 hospital;
 11 ~~(b)~~ inpatient treatment;
 12 ~~(c)~~ intermediate treatment; and
 13 ~~(d)~~ outpatient and follow-up treatment; and
 14 ~~(e)~~ follow-up services for the purpose of determining
 15 whether additional treatment is needed.
 16 ~~(3)~~ Treatment services for family members of
 17 alcoholics are secondary to the development of
 18 detoxification services and services for the treatment and
 19 rehabilitation of alcoholics.
 20 ~~(4)~~ The department shall provide for adequate and
 21 appropriate treatment for alcoholics and intoxicated persons
 22 admitted under 53-24-301 through 53-24-304. Treatment may
 23 not be provided at a correctional institution--except--for
 24 inmates.
 25 ~~(5)~~ All appropriate public and private resources

1 shall be coordinated with and utilized in the program if
 2 possible.

3 ~~5-161~~ The department shall prepare, publish, and
 4 distribute annually a list of all approved public and
 5 private treatment facilities.*

6 Section 7. Section 53-24-303, MCA, is amended to read:
 7 "53-24-303. Treatment and services for intoxicated
 8 persons and persons incapacitated by alcohol. (1) An
 9 intoxicated person may come voluntarily to an approved
 10 public treatment facility for emergency treatment. A person
 11 who appears to be intoxicated in a public place and to be in
 12 need of help, if he consents to the proffered help, may be
 13 assisted to his home, an approved public treatment facility,
 14 an approved private treatment facility, or other health
 15 facility by the police.

16 (2) A person who appears to be incapacitated by
 17 alcohol shall be taken into protective custody by the police
 18 and forthwith brought to an approved public treatment
 19 facility for emergency treatment. If no approved public
 20 treatment facility is readily available, he shall be taken
 21 to an emergency medical service customarily used for
 22 incapacitated persons. The police, in detaining the person
 23 and in taking him to an approved public treatment facility,
 24 are taking him into protective custody and shall make every
 25 reasonable effort to protect his health and safety. In

1 taking the person into protective custody, the detaining
 2 officer may take reasonable steps to protect himself. No
 3 entry or other record may be made to indicate that the
 4 person taken into custody under this section has been
 5 arrested or charged with a crime.

6 (3) A person who comes voluntarily or is brought to an
 7 approved public treatment facility ~~shall~~ ~~may~~ be examined by
 8 a licensed physician ~~as soon as possible~~. He may then be
 9 admitted as a patient or referred to another health
 10 facility. The referring approved public treatment facility
 11 shall arrange for his transportation.

12 (4) A person who by medical examination is found to be
 13 incapacitated by alcohol at the time of his admission or to
 14 have become incapacitated at any time after his admission
 15 may not be detained at the facility once he is no longer
 16 incapacitated by alcohol or, if he remains incapacitated by
 17 alcohol, for more than 48 hours after admission as a patient
 18 unless he is committed under 53-24-304. A person may consent
 19 to remain in the facility as long as the physician in charge
 20 believes appropriate.

21 (5) A person who is not admitted to an approved public
 22 treatment facility and is not referred to another health
 23 facility may be taken to his home. If he has no home, the
 24 approved public treatment facility shall assist him in
 25 obtaining shelter.

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1 (6) If a patient is admitted to an approved public
 2 treatment facility, his family or next of kin shall be
 3 notified as promptly as possible. If an adult patient who is
 4 not incapacitated requests that there be no notification,
 5 his request shall be respected."

6 Section 8. Section 16-1-404, MCA, is amended to read:
 7 "16-1-404. License tax on liquor -- amount --
 8 distribution of proceeds. (1) The department is hereby
 9 authorized and directed to charge, receive, and collect at
 10 the time of sale and delivery of any liquor under any
 11 provisions of the laws of the state of Montana a license tax
 12 of 10% of the retail selling price on all liquor sold and
 13 delivered. Said tax shall be charged and collected on all
 14 liquor brought into the state and taxed by the department.
 15 The retail selling price shall be computed by adding to the
 16 cost of said liquor the state markup as designated by the
 17 department. Said 10% license tax shall be figured in the
 18 same manner as the state excise tax and shall be in addition
 19 to said state excise tax. The department shall retain in a
 20 separate account the amount of such 10% license tax so
 21 received. Two-thirds-of-these-revenues-shall-be-distributed
 22 to-the-counties-according-to-the-amount-of-liquor-purchased
 23 in--each--county--One-third--of--these--revenues--shall--be
 24 retained-by-the-state. Thirty percent of these revenues
 25 shall be allocated to the counties to be distributed to the

1 incorporated cities and towns, as provided in subsection
 2 (2). The remaining revenues shall be deposited in the
 3 unmarked revenue fund to the credit of the department of
 4 institutions for the treatment, rehabilitation, and
 5 prevention of alcoholism. Provided, however, in the case of
 6 purchases of liquor by a retail liquor licensee for use in
 7 his business, the department shall make such regulations as
 8 are necessary to apportion that proportion of license tax so
 9 generated to the county where the licensed establishment is
 10 located, for use as provided in 16-1-405. The department
 11 shall pay quarterly to each county treasurer the proportion
 12 of the license tax due each county to be allocated to the
 13 incorporated cities and towns of the county and to the
 14 department of institutions for the treatment,
 15 rehabilitation, and prevention of alcoholism.

16 (2) The--county--treasurer--of--each--county--shall--retain
 17 50%--of--said--license--tax--and--shall--within--30--days--aff--
 18 receipt--thereof--apportion--the--remaining--50%--thereof--to--the
 19 treasurers--of--the--incorporated--cities--and--towns--within--his
 20 county--said--apportionment--to--be--based--in--each--instance--upon
 21 the--proportion--which--the--gross--sale--of--liquor--in--such
 22 incorporated--city--or--town--bears--to--the--gross--sale--of--liquor
 23 in--all--of--the--incorporated--cities--and--towns--in--his--county--
 24 The license tax proceeds allocated to the county shall be
 25 distributed by the county treasurer to the incorporated

1 cities and towns within 30 days of receipt from the
 2 department. The distribution of funds to the cities and
 3 towns shall be based on the proportion that the gross sale
 4 of liquor in each city or town is to the gross sale of
 5 liquor in all of the cities and towns of the county.

6 (3) Of the 50% of the tax retained by the county, the
 7 county treasurer shall deposit six-sevenths of this amount
 8 in a fund within the county for the treatment,
 9 rehabilitation, and prevention of alcoholism as approved by
 10 the state of Montana. The remaining one-seventh of the
 11 funds shall be retained in the county treasury for use by
 12 that county. The license tax proceeds that are allocated to
 13 the department of institutions for the treatment,
 14 rehabilitation, and prevention of alcoholism shall be
 15 credited quarterly to the department of institutions. Ten
 16 percent of the proceeds allocated to the department of
 17 institutions shall be used for the administration of the
 18 alcohol and drug abuse division of the department. The
 19 remaining proceeds shall be distributed to the counties in
 20 the following manner:

21 (a) Eighty-five percent shall be allocated according
 22 to the proportion of each county's population to the state's
 23 population according to the most recent United States
 24 census.

25 (b) Fifteen percent shall be allocated according to

1 the proportion of the county's land area to the state's land
 2 area.

3 "47--The--one-third--of--the--license--tax--on--liquor
 4 retained--by--the--state--shall--be--deposited--with--the--state
 5 treasurer--to--the--credit--of--the--department--of--institutions
 6 each--quarter--for--the--treatment--rehabilitation--and
 7 prevention--of--alcoholism--as--approved--by--the--state."

8 Section 9. Section 16-1-408, MCA, is amended to read:
 9 "16-1-408. Additional tax. (1) An additional tax of \$1
 10 per barrel is levied and imposed as provided by 16-1-406,
 11 and such additional tax is also to be levied and imposed at
 12 the same rate upon beer manufactured within the state. The
 13 additional tax of \$1 is to be deposited, notwithstanding
 14 16-1-305 and 16-1-410 or any other provision, with the state
 15 treasurer to the credit of the department of institutions
 16 each quarter for the treatment, rehabilitation, and
 17 prevention of alcoholism as approved by the state.

18 (2) The proceeds of the additional tax shall be
 19 allocated to the counties on the same basis as the license
 20 tax proceeds provided for in [subsection (3) of section 8]."

21 NEW SECTION. Section 10. Contract for services
 22 required. Revenue generated from 16-1-404 and 16-1-409 and
 23 any other revenue that is allocated to the counties for the
 24 purpose of treatment, rehabilitation, and prevention of
 25 alcoholism shall be contracted for services by the counties

1 to state-approved alcoholism programs. The contracts will be
2 developed jointly by the counties and the department of
3 institutions. The department of institutions shall monitor
4 and give final approval to contracts based on compliance
5 with department standards, administrative rules, and state
6 law.

-End-

HB 844

STATE OF MONTANA

REQUEST NO. 420-79

FISCAL NOTE

Form BD-15

In compliance with a written request received Feb. 23, 1979, there is hereby submitted a Fiscal Note for House Bill 844 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly. 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:

This proposed bill revises the laws relating to alcoholism treatment programs and the distribution of revenues from the liquor license tax proceeds.

ASSUMPTIONS:

1. The Department of Revenue forecast of receipts attributable to alcoholic beverages for the 80-81 biennium is the basis for comparison.
2. The Alcohol Program at Galen will be funded from the State General Fund.
3. The Department of Justice DWI lab will be funded from the State General Fund.
4. The Glasgow Residential Alcohol Program will be funded with funds routed to the various counties in Eastern Montana.

FISCAL IMPACT:

Revenue Impact:

	<u>FY80</u>	<u>FY81</u>
Liquor License Tax under current law	\$3.769M	\$3.946M
under proposed law	<u>3.769M</u>	<u>3.946M</u>
Estimated Impact	<u>\$ 0</u>	<u>\$ 0</u>

Beer Tax

under current law	\$3.405M	\$3.557M
under proposed law	<u>3.405M</u>	<u>3.557M</u>
Estimated Impact	<u>\$ 0</u>	<u>\$ 0</u>

Total Revenue

under current law	\$7.174M	\$7.503M
under proposed law	<u>7.174M</u>	<u>7.503M</u>
Estimated Impact	<u>\$ 0</u>	<u>\$ 0</u>

Fund Information: (distribution of revenue)

General Fund

under current law	\$1.277M	\$1.334M
under proposed law	<u>1.277M</u>	<u>1.334M</u>
	<u>\$ 0</u>	<u>\$ 0</u>

Richard A. Daugler for
BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 3/7/79

STATE OF MONTANA

REQUEST NO. 420-79 (cont'd)

FISCAL NOTE

Form BD-15

In compliance with a written request received _____, 19_____, there is hereby submitted a Fiscal Note for _____ pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly.

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.

State Alcoholism Program

under current law	\$2.107M	\$2.204M
under proposed law	<u>0.264M</u>	<u>0.276M</u>
Estimated Decrease	<u>(\$1.843M)</u>	<u>(\$1.928M)</u>

Counties' Alcoholism Program

under current law	\$1.077M	\$1.127M
under proposed law	<u>3.225M</u>	<u>3.375M</u>
Estimated Increase	<u>\$2.148M</u>	<u>\$2.248M</u>

Counties' Law Enforcement Programs

under current law	\$0.180M	\$0.189M
under proposed law	<u>0</u>	<u>0</u>
Estimated Decrease	<u>(\$0.180M)</u>	<u>(\$0.189M)</u>

Cities & Towns Law Enforcement Programs

under current law	\$2.533M	\$2.649M
under proposed law	<u>2.408M</u>	<u>2.518M</u>
Estimated Decrease	<u>(\$0.125M)</u>	<u>(\$0.131M)</u>

EFFECT ON LOCAL GOVERNMENTS:

County programs for the treatment, rehabilitation and prevention of alcoholism would receive in excess of \$2 million more income annually under the proposed law than under continuation of the present manner of distribution.

The local government law enforcement share of alcoholic beverage receipts would be reduced by about \$300,000 annually.

EXPENDITURE IMPACT:

The reduction in revenues dedicated to state alcoholism programs will necessitate the State General Fund to fund the following.

	<u>FY80</u>	<u>FY81</u>
Galen Hospital Alcohol Program	\$1,141,838	\$1,244,199
Dept. of Justice - DWI lab	<u>85,998</u>	<u>73,932</u>
	<u>\$1,227,836</u>	<u>\$2,318,131</u>
		BUDGET DIRECTOR
		Office of Budget and Program Planning

Date: _____

1 STATEMENT OF INTENT RE: HB 844

2

3

4 A statement of intent is required for this bill because
5 it delegates authority to the Department of Institutions.

6 Section 12 requires each county to submit a countywide
7 plan to the department for the treatment, rehabilitation,
8 and prevention of alcoholism and gives the department the
9 authority to approve or disapprove of each plan.

10 It is intended that the rules adopted by the department
11 with regard to the plans will:

12 (1) provide the procedure for the submission of the
13 plan including the general format and the type of
14 information needed by the department to evaluate the plan;
15 and

16 (2) outline the criteria that the department will use
17 in approving or disapproving a plan.

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Approved by Committee
on Taxation

10
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
12 Section 1. Section 53-24-103, MCA, is amended to read:
13 "53-24-103. Definitions. For purposes of this chapter,
14 the following definitions apply:

15 (1) "Alcoholic" means a person who habitually--packs
16 self-control--as--to--the--use--of--alcoholic--beverages--or--uses
17 alcoholic--beverages--to--the--extent--that--his--health--is
18 substantially--impaired--or--endangered--or--his--society--or
19 economic--function--is--substantially--disrupted. HAS A CHRONIC
20 ILLNESS OR DISORDER OF BEHAVIOR CHARACTERIZED BY REPEATED
21 DRINKING OF ALCOHOLIC BEVERAGES TO THE EXTENT THAT IT
22 ENDANGERS THE HEALTH, INTERPERSONAL RELATIONSHIPS, OR
23 ECONOMIC FUNCTION OF THE INDIVIDUAL OR PUBLIC HEALTH,
24 WELFARE, OR SAFETY.

25 (2) "Approved private treatment facility" means a

1 private nonprofit OR LOCAL GOVERNMENT agency, receiving
2 public funds (whose sole function is the treatment,
3 rehabilitation and prevention of alcoholism and drug
4 dependence) meeting the standards prescribed in 53-24-208(1)
5 and approved under 53-24-208.

6 (3) "Approved public treatment facility" means a
7 treatment agency operating under the direction and control
8 of the department or providing treatment under this chapter
9 through a contract with the department as a state agency and
10 approved under 53-24-208.

11 (4) "Department" means the department of institutions
12 provided for in 2-15-2301.

13 (5) "Family member" is the spouse, mother, father,
14 child, or member of the household of an alcoholic whose life
15 has been affected by the actions of the alcoholic and may
16 require treatment.

17 (6) "Incapacitated by alcohol" means that a person, as
18 a result of the use of alcohol, is unconscious or has his
19 judgment otherwise so impaired that he is incapable of
20 realizing and making a rational decision with respect to his
21 need for treatment.

22 (7) "Incompetent person" means a person who has been
23 adjudged incompetent by the district court.

24 (8) "Intoxicated person" means a person whose mental
25 or physical functioning is substantially impaired as a

1 result of the use of alcohol.

2 (9) "Prevention" has meaning on four levels; these
3 are:

4 (a) education to provide information to the school
5 children and general public relating to alcohol dependence
6 and alcoholism, treatment, and rehabilitative services and
7 to reduce the consequences of life experiences acquired by
8 contact with an alcoholic;

9 (b) early detection and recovery from the illness
10 before lasting emotional or physical damage, or both, have
11 occurred;

12 (c) if lasting emotional or physical damage, or both,
13 have occurred, to arrest the illness before full disability
14 has been reached;

15 (d) the provision of facility requirements to meet
16 division program standards and improve public accessibility
17 for services.

18 (10) "Treatment" means the broad range of emergency,
19 outpatient, intermediate, and inpatient services and care,
20 including diagnostic evaluation, medical, psychiatric,
21 psychological, and social service care, vocational
22 rehabilitation, and career counseling, which may be extended
23 to alcoholics, intoxicated persons, and family members."

24 Section 2. Section 53-24-104, MCA, is amended to read:

25 "53-24-104. Deposit of funds from federal or private

1 sources with state treasurer. Funds available to the
2 department from federal or private sources for use in
3 alcohol and drug dependence prevention, treatment, and
4 control programs shall be deposited with the state treasurer
5 to the account of the department in the federal and private
6 revenue fund. Funds received by the department under this
7 section shall be allocated to the counties on the same basis
8 as liquor and beer tax revenue when not in conflict with
9 federal or private laws or federal regulations."

10 Section 3. Section 53-24-108, MCA, is amended to read:
11 "53-24-108. Utilization of funds generated by taxation
12 on alcoholic beverages. (1) Revenue generated by 16-1-404,
13 16-1-406, and 16-1-408 for to state approved programs whose
14 sole function is the treatment, rehabilitation, and
15 prevention of alcoholism may be distributed in either of the
16 following manners:

17 (a) as payment of fees for alcoholism services
18 provided by state-approved alcoholism programs, certified
19 alcoholism counselors, licensed physicians, and licensed
20 hospitals; and

21 (b) as grants to persons operating state-approved
22 alcoholism programs.

23 (2) No person operating a state-approved alcoholism
24 program may be required to provide matching funds as a
25 condition of receiving a grant under subsection (1) of this

1 section.

2 (3) In addition to funding received under this
 3 section, a person operating a state-approved alcoholism
 4 program may accept gifts, bequests, or the donation of
 5 services or money for the treatment, rehabilitation, or
 6 prevention of alcoholism.

7 (4) No person receiving funding under this section to
 8 support operation of a state-approved alcoholism program may
 9 refuse alcoholism treatment, rehabilitation, or prevention
 10 services to a person solely because of that person's
 11 inability to pay for those services.

12 (5) A grant made under this section is subject to the
 13 following conditions:

14 (a) The grant application must contain an estimate of
 15 all program income, including income from earned fees,
 16 gifts, bequests, donations, and grants from other than state
 17 sources during the period for which grant support is sought.

18 (b) Whenever, during the period of grant support,
 19 program income exceeds the amount estimated in the grant
 20 application, the amount of the excess shall be reported to
 21 the grantor.

22 (c) The excess shall be used by the grantee under the
 23 terms of the grant in accordance with one or a combination
 24 of the following options:

25 (i) use for any purpose that furthers the objectives

1 of the legislation under which the grant was made; or
 2 (ii) deduction--from--total--project--costs--to--determine
 3 the--net--costs--on--which--the--grantor's--share--of--the--costs--is
 4 based--to--allow--program--growth--through--the--expansion--of
 5 services--or--for--capital--expenditures--necessary--to--improve
 6 facilities--where--services--are--provided.

7 (6) Revenue generated by 16-1-404, 16-1-406, and
 8 16-1-408 for the treatment, rehabilitation, and prevention
 9 of alcoholism which has not been encumbered for those
 10 purposes by the counties of Montana or the department shall
 11 be returned to the state's general earmarked revenue fund
 12 for the treatment, rehabilitation, and prevention of
 13 alcoholism within 30 days after the close of each fiscal
 14 year."

15 Section 4. Section 53-24-203, MCA, is amended to read:
 16 "53-24-203. Duties Powers and duties of department.
 17 (1) The department shall:

18 (1) plan, promote, and assist in the support of
 19 alcoholism and drug dependence prevention, treatment, and
 20 control programs;

21 (2) conduct, sponsor, and support research,
 22 investigations, and studies, including evaluations of all
 23 phases of alcoholism and drug dependence;

24 (3) assist approved programs in the development of
 25 educational and training programs relative to alcoholism and

1 drug dependence and carry on programs to assist the public
 2 and technical and professional groups in becoming fully
 3 informed about alcoholism and drug dependence;

4 ~~official~~ promote, develop, and assist, financially and
 5 otherwise, alcoholism public and private alcohol and drug
 6 dependence programs administered by other--state--agencies,
 7 local----government----agencies----and---private---nonprofit
 8 organizations-and-agencies the department;

9 ~~official~~ encourage and promote effective use of
 10 facilities, resources, and funds in the planning and conduct
 11 of programs, and activities for prevention, treatment, and
 12 controls_and_prevention of alcoholism alcohol and drug
 13 dependence and, in this respect, cooperate with and utilize
 14 to the maximum possible extent the resources and services of
 15 federal, state, and local agencies;

16 ~~(6)--develop---encourage---and---foster----statewide~~
 17 ~~regionally-and-local-plans-and-programs-for-the-prevention-of~~
 18 ~~alcoholism--and--treatment--of--alcoholics--and--intoxicated~~
 19 ~~persons-in-cooperation-with--public--and--private--agencies,~~
 20 ~~organizations,---and---individuals---and--provide--technical~~
 21 ~~assistance-and-consultation-services-for-these-purposes~~

22 12. The department shall:

23 (a) encourage planning for the greatest utilization of
 24 funds by discouraging duplication of services, encouraging
 25 efficiency of services through existing programs, and

1 ~~encouraging_rural_counties_to_form_multicounty_districts--or~~
 2 ~~contract_with_urban_programs_for_services;~~
 3 ~~official~~ coordinate the efforts and enlist the
 4 assistance of all public and private agencies,
 5 organizations, and individuals interested in treatment_and
 6 prevention of alcoholism and--treatment--of--alcoholics--and
 7 intoxicated-persons;

8 ~~(b)--cooperate---with---the---board---of---pardons---in~~
 9 ~~establishing-and-conducting-programs--to--provide--treatment~~
 10 ~~for--alcoholics-and-intoxicated-persons-in-or-on-parole-from~~
 11 ~~penal-institutions~~

12 (c) COOPERATE WITH THE BOARD OF PARDONS IN
 13 ESTABLISHING AND CONDUCTING PROGRAMS TO PROVIDE TREATMENT
 14 FOR ALCOHOLICS AND INTOXICATED PERSONS IN OR ON PAROLE FROM
 15 PENAL INSTITUTIONS;

16 ~~official~~ cooperate with the state board of education,
 17 the superintendent of public instruction, schools, police
 18 departments, courts, and other public and private agencies,
 19 organizations, and individuals in establishing awareness
 20 programs for-the-prevention-of-alcoholism-and--treatment--of
 21 alcoholics--and--intoxicated-persons-and-preparing-curriculum
 22 materials-thereon-for-use-at-all-levels-of-education;

23 ~~official~~ prepare--publish--evaluate--and disseminate
 24 educational material dealing with the nature and effects of
 25 alcohol;

1 ~~1~~ develop and implement, as an integral part
 2 of treatment programs, an educational program for use in the
 3 treatment of alcoholics and intoxicated persons, which
 4 program shall include the dissemination of information
 5 concerning the nature and effects of alcohol;

6 ~~2~~ organize and foster training programs for
 7 all persons engaged in treatment of alcoholics and
 8 intoxicated persons;

9 ~~3~~ distribute funds to approved programs according
 10 to the allocation for distribution as provided for in
 11 16-1-404;

12 ~~4~~ sponsor and encourage research into the causes and
 13 nature of alcoholism and treatment of alcoholics and
 14 intoxicated persons and serve as a clearinghouse for
 15 information relating to alcoholism

16 ~~5~~ specify uniform methods for keeping
 17 statistical information by public and private agencies,
 18 organizations, and individuals and collect and make
 19 available relevant statistical information, including number
 20 of persons treated, frequency of admission and readmission,
 21 and frequency and duration of treatment;

22 ~~6~~ advise the governor in the preparation of a
 23 comprehensive plan for treatment of alcoholics and
 24 intoxicated persons for inclusion in the state's
 25 comprehensive health plan;

1 ~~7~~ 8 review all state health, welfare, and
 2 treatment plans to be submitted for federal funding under
 3 federal legislation and advise the governor on provisions to
 4 be included relating to alcoholism and intoxicated persons;
 5 ~~9~~ 10 provide ongoing training of approved program
 6 personnel;

7 ~~11~~ 12 assist in the development of, and cooperate with,
 8 alcohol education and treatment programs for employees of
 9 state and local governments, businesses, and industries in
 10 the state;

11 ~~13~~ 14 utilize the support and assistance of
 12 interested persons in the community, particularly recovered
 13 alcoholics, to encourage alcoholics to voluntarily undergo
 14 treatment;

15 ~~16~~ 17 cooperate with the department of justice in
 16 establishing and conducting programs designed to deal with
 17 the problem of persons operating motor vehicles while
 18 intoxicated;

19 ~~18~~ 20 encourage general hospitals and other
 20 appropriate health facilities, to admit without
 21 discrimination alcoholics and intoxicated persons and to
 22 provide them with adequate and appropriate treatment;

23 ~~21~~ 22 encourage all health and disability
 24 insurance programs to include alcoholism as a covered
 25 illness; and

1 ~~(22)~~⁽¹⁾ submit to the governor an annual report
 2 covering the activities of the department.

3 Section 5. Section 53-24-204, MCA, is amended to read:
 4 "53-24-204. Powers of department. (1) To carry out
 5 this chapter, the department may:

6 ~~(1)~~ accept gifts, grants, and donations of money
 7 and property from public and private sources;

8 ~~(2)~~⁽¹⁾ enter into contracts;

9 ~~(3)~~⁽¹⁾ acquire and dispose of property;

10 ~~(4)~~--~~plan~~--~~establish~~--~~and~~--~~maintain~~--~~treatment~~--~~programs~~
 11 ~~as~~--~~necessary~~--~~or~~--~~desirable~~;

12 ~~(5)~~--~~coordinate~~--~~its~~--~~activities~~--~~and~~--~~cooperate~~--~~with~~
 13 ~~alcoholism~~--~~programs~~--~~in~~--~~this~~--~~and~~--~~other~~--~~states~~--~~and~~--~~make~~
 14 ~~contracts~~--~~and~~--~~other~~--~~joint~~--~~or~~--~~cooperative~~--~~arrangements~~--~~with~~
 15 ~~states~~--~~local~~--~~or~~--~~private~~--~~agencies~~--~~in~~--~~this~~--~~and~~--~~other~~--~~states~~
 16 ~~for~~--~~the~~--~~treatment~~--~~of~~--~~alcoholics~~--~~and~~--~~intoxicated~~--~~persons~~--~~and~~
 17 ~~for~~--~~the~~--~~common~~--~~advancement~~--~~of~~--~~alcoholism~~--~~programs~~;

18 ~~(6)~~--~~do~~--~~other~~--~~acts~~--~~and~~--~~things~~--~~necessary~~--~~or~~--~~convenient~~
 19 ~~to~~--~~execute~~--~~the~~--~~authority~~--~~expressly~~--~~granted~~--~~to~~--~~it~~--~~and~~

20 ~~(7)~~--~~provide~~--~~treatment~~--~~facilities~~--~~for~~--~~alcoholics~~--~~and~~
 21 ~~intoxicated~~--~~persons~~--~~and~~--~~family~~--~~members~~;

22 ~~(21)~~ To carry out this chapter, the department shall:
 23 ~~(a)~~ approve treatment programs as provided for in
 24 53-24-208;

25 ~~(b)~~ prepare an annual state plan for the delivery of

1 treatment services
 2 ~~(c)~~ provide for and conduct statewide service system
 3 evaluations
 4 ~~(d)~~ distribute state and federal funds to the counties
 5 for approved treatment programs in accordance with the
 6 provisions of 16-1-404
 7 ~~(e)~~ plan in conjunction with approved programs and
 8 provide for training of program personnel delivering
 9 services to alcoholics
 10 ~~(f)~~ establish criteria to be used for the development
 11 of new programs;

12 ~~(g)~~ certify and establish standards for the
 13 certification of alcoholism and drug dependence counselors."

14 Section 6. Section 53-24-207, MCA, is amended to read:
 15 "53-24-207. Comprehensive program for treatment. (1)
 16 The department shall establish a comprehensive and
 17 coordinated program for the treatment of alcoholics,
 18 intoxicated persons, and family members.

19 (2) The program shall include:
 20 (a) emergency treatment provided by a facility
 21 affiliated with or part of the medical service of a general
 22 hospital;
 23 (b) inpatient treatment;
 24 (c) intermediate treatment; and
 25 (d) outpatient and follow-up treatment; and

1 161 follow-up services for the purpose of determining
 2 whether additional treatment is needed.

3 (3) Treatment services for family members of
 4 alcoholics are secondary to the development of
 5 detoxification services and services for the treatment and
 6 rehabilitation of alcoholics.

7 f37161 The department shall provide for adequate and
 8 appropriate treatment for alcoholics and intoxicated persons
 9 admitted under 53-24-301 through 53-24-304. Treatment--may
 10 not--be--provided--at--a--correctional--institution--except--for
 11 inmates.

12 f47151 All appropriate public and private resources
 13 shall be coordinated with and utilized in the program if
 14 possible.

15 f57161 The department shall prepare, publish, and
 16 distribute annually a list of all approved public and
 17 private treatment facilities."

18 Section 7. Section 53-24-303, MCA, is amended to read:
 19 "53-24-303. Treatment and services for intoxicated
 20 persons and persons incapacitated by alcohol. (1) An
 21 intoxicated person may come voluntarily to an approved
 22 public treatment facility for emergency treatment. A person
 23 who appears to be intoxicated in a public place and to be in
 24 need of help, if he consents to the proffered help, may be
 25 assisted to his home, an approved public treatment facility,

1 an approved private treatment facility, or other health
 2 facility by the police.

3 (2) A person who appears to be incapacitated by
 4 alcohol shall be taken into protective custody by the police
 5 and forthwith brought to an approved public treatment
 6 facility for emergency treatment. If no approved public
 7 treatment facility is readily available, he shall be taken
 8 to an emergency medical service customarily used for
 9 incapacitated persons. The police, in detaining the person
 10 and in taking him to an approved public treatment facility,
 11 are taking him into protective custody and shall make every
 12 reasonable effort to protect his health and safety. In
 13 taking the person into protective custody, the detaining
 14 officer may take reasonable steps to protect himself. No
 15 entry or other record may be made to indicate that the
 16 person taken into custody under this section has been
 17 arrested or charged with a crime.

18 (3) A person who comes voluntarily or is brought to an
 19 approved public treatment facility shall may be examined by
 20 a licensed physician as-soon-as-possible. He may then be
 21 admitted as a patient or referred to another health
 22 facility. The referring approved public treatment facility
 23 shall arrange for his transportation.

24 (4) A person who by medical examination is found to be
 25 incapacitated by alcohol at the time of his admission or to

1 have become incapacitated at any time after his admission
 2 may not be detained at the facility once he is no longer
 3 incapacitated by alcohol or, if he remains incapacitated by
 4 alcohol, for more than 48 hours after admission as a patient
 5 unless he is committed under 53-24-304. A person may consent
 6 to remain in the facility as long as the physician in charge
 7 believes appropriate.

8 (5) A person who is not admitted to an approved public
 9 treatment facility and is not referred to another health
 10 facility may be taken to his home. If he has no home, the
 11 approved public treatment facility shall assist him in
 12 obtaining shelter.

13 (6) If a patient is admitted to an approved public
 14 treatment facility, his family or next of kin shall be
 15 notified as promptly as possible. If an adult patient who is
 16 not incapacitated requests that there be no notification,
 17 his request shall be respected."

18 Section 8. Section 16-1-404, NCA, is amended to read:
 19 "16-1-404. License tax on liquor -- amount --
 20 distribution of proceeds. (1) The department is hereby
 21 authorized and directed to charge, receive, and collect at
 22 the time of sale and delivery of any liquor under any
 23 provisions of the laws of the state of Montana a license tax
 24 of 10% of the retail selling price on all liquor sold and
 25 delivered. Said tax shall be charged and collected on all

1 liquor brought into the state and taxed by the department.
 2 The retail selling price shall be computed by adding to the
 3 cost of said liquor the state markup as designated by the
 4 department. Said 10% license tax shall be figured in the
 5 same manner as the state excise tax and shall be in addition
 6 to said state excise tax. The department shall retain in a
 7 separate account the amount of such 10% license tax so
 8 received. Two-thirds-of-these-revenues-shall-be-distributed
 9 to--the-counties-according-to-the-amount-of-liquor-purchased
 10 in--each--county--One-third--of--these--revenues--shall--be
 11 retained---by--the--states. Thirty EXCEPT AS PROVIDED IN
 12 SUBSECTION (4), THIRTY percent of these revenues shall be
 13 allocated to the counties to be distributed to the
 14 incorporated cities and towns as provided in subsection
 15 (2). The remaining revenues shall be deposited in the
 16 earmarked revenue fund to the credit of the department of
 17 institutions for the treatment, rehabilitation, and
 18 prevention of alcoholism. Provided, however, in the case of
 19 purchases of liquor by a retail liquor licensee for use in
 20 his business, the department shall make such regulations as
 21 are necessary to apportion that proportion of license tax so
 22 generated to the county where the licensed establishment is
 23 located, for use as provided in 16-1-405. The department
 24 shall pay quarterly to each county treasurer the proportion
 25 of the license tax due each county to be allocated to the

1 incorporated cities and towns of the county and to the
 2 department of institutions for the treatment,
 3 rehabilitation, and prevention of alcoholism. THE COUNTY MAY
 4 RETAIN UP TO 5% OF THIS MONEY.

5 (2) The county treasurer of each county shall retain
 6 50% of said license tax and shall --within-- 30--days-- after
 7 receipt--thereof-- apportion the remaining 50% thereof to the
 8 treasurers of the incorporated cities and towns --within-- his
 9 county, said apportionment to be based in each instance upon
 10 the proportion which the gross sale of liquor in such
 11 incorporated city or town bears to the gross sale of liquor
 12 in all of the incorporated cities and towns in his county.
 13 The license tax proceeds allocated to the county shall be
 14 distributed by the county treasurer to the incorporated
 15 cities and towns within 30 days of receipt from the
 16 department. The distribution of funds to the cities and
 17 towns shall be based on the proportion that the gross sale
 18 of liquor in each city or town is to the gross sale of
 19 liquor in all of the cities and towns of the county.

20 (3) Of the 50% of the tax retained by the county -- the
 21 county treasurer shall deposit six-sevenths of this amount
 22 in a fund --within-- the county -- for -- the treatment,
 23 rehabilitation, and prevention of alcoholism as approved by
 24 the state of Montana -- the remaining one-seventh of the
 25 funds shall be retained in the county treasury for use by

1 that county. The license tax proceeds that are allocated to
 2 the department of institutions for the treatment,
 3 rehabilitation, and prevention of alcoholism shall be
 4 credited quarterly to the department of institutions. Ten
 5 percent of the proceeds allocated to the department of
 6 institutions shall be used for the administration of the
 7 alcohol and drug abuse division of the department -- the
 8 remaining proceeds THE LICENSE TAX PROCEEDS ALLOCATED TO THE
 9 DEPARTMENT MAY NOT BE USED FOR THE COSTS OF ADMINISTRATION.
 10 ADMINISTRATIVE COSTS OF THE ALCOHOL AND DRUG ABUSE DIVISION
 11 OF THE DEPARTMENT MUST BE PAID FROM APPROPRIATIONS MADE BY
 12 THE LEGISLATURE FOR THAT PURPOSE. THE MONEY shall be
 13 distributed to the counties in the following manner:

14 (a) Eighty-five percent shall be allocated according
 15 to the proportion of each county's population to the state's
 16 population according to the most recent United States
 17 census.

18 (b) Fifteen percent shall be allocated according to
 19 the proportion of the county's land area to the state's land
 20 area.

21 (c) The one-third of the license tax on liquor
 22 retained by the state shall be deposited with the state
 23 treasurer to the credit of the department of institutions
 24 each quarter -- for -- the treatment, rehabilitation, and
 25 prevention of alcoholism as approved by the state.

~~151 FOR THE 1979-1981 BIENNIUM, \$100,000 OF THE
2 LICENSE TAX IS ALLOCATED EACH YEAR TO THE DEPARTMENT TO BE
3 DISTRIBUTED AS PROVIDED FOR IN [SECTION 11]. THE ALLOCATION
4 TO THE DEPARTMENT UNDER THIS SECTION MUST BE MADE BEFORE THE
5 LICENSE TAX REVENUES ARE DISTRIBUTED TO THE COUNTIES AND THE
6 STATE AS PROVIDED IN SUBSECTION 11.]~~

Section 9. Section 16-1-408, MCA, is amended to read:

~~"16-1-408. Additional tax. 111 An additional tax of \$1 per barrel is levied and imposed as provided by 16-1-406, and such additional tax is also to be levied and imposed at the same rate upon beer manufactured within the state. The additional tax of \$1 is to be deposited, notwithstanding 16-1-306 and 16-1-410 or any other provision, with the state treasurer to the credit of the department of institutions each quarter for the treatment, rehabilitation, and prevention of alcoholism as approved by the state.~~

~~121 The proceeds of the additional tax shall be allocated to the counties on the same basis as the license tax proceeds provided for in [subsection (3) of section 8].~~

~~NEW SECTION~~ Section 10. Contract for services required. Revenue generated from 16-1-404 and 16-1-408 and any other revenue that is allocated to the counties for the purpose of treatment, rehabilitation, and prevention of alcoholism shall be contracted for services by the counties to state-approved alcoholism programs. The contracts will be

1 developed jointly by the counties and the department of
2 institutions. The department of institutions shall monitor
3 and give final approval to contracts based on compliance
4 with department standards, administrative rates, and state
5 laws.

6 SECTION 11. SECTION 53-24-208, MCA, IS AMENDED TO
7 READ:

8 ~~"53-24-208. Facility standards. (1) The department shall establish standards for approved treatment facilities that must be met for a treatment facility to be approved as a public or private treatment facility and fix the fees to be charged for the required inspections. The standards may concern only the health standards to be met and standards of treatment to be afforded patients.~~

15 ~~121 Facilities applying for approval must demonstrate a local need currently exists for proposed services and that the proposed services do not duplicate existing local services.~~

19 ~~131 The department shall periodically inspect approved public and private treatment facilities at reasonable times and in a reasonable manner.~~

22 ~~131 The department shall maintain a list of approved public and private treatment facilities.~~

24 ~~141 Each approved public and private treatment facility shall, on request, file with the department data,~~

1 statistics, schedules, and information the department
 2 reasonably requires. An approved public or private treatment
 3 facility that without good cause fails to furnish any data,
 4 statistics, schedules, or information as requested or files
 5 fraudulent returns thereof shall be removed from the list of
 6 approved treatment facilities.

7 ~~151161~~ The department, after holding a hearing in
 8 accordance with the Montana Administrative Procedure Act,
 9 may suspend, revoke, limit, or restrict an approval or
 10 refuse to grant an approval for failure to meet its
 11 standards.

12 ~~16171~~ A district court may restrain any violation of
 13 this section, review any denial, restriction, or revocation
 14 of approval, and grant other relief required to enforce its
 15 provisions.

16 ~~17181~~ Upon petition of the department and after a
 17 hearing held upon reasonable notice to the facility, a
 18 district court may issue a warrant to the department
 19 authorizing it to enter and inspect at reasonable times and
 20 examine the books and accounts of any approved public or
 21 private treatment facility refusing to consent to inspection
 22 or examination by the department or which the department has
 23 reasonable cause to believe is operating in violation of
 24 this chapter."

25 SECTION 12a. THERE IS A NEW MCA SECTION THAT BEADS:

1 Temporary aid to certain county programs. (1) The
 2 department shall distribute the money allocated to it under
 3 16-1-404(4) to county programs that show an income decrease
 4 from 1978-1979 levels as a result of the percentage formula
 5 in [section 8].

6 (2) A county seeking assistance under this section
 7 must submit a request, approved by the board of county
 8 commissioners, to the department of institutions.

9 (3) The department shall establish criteria for
 10 apportioning the money among the counties; however, no more
 11 than \$10,000 may be distributed to any one county. Payments
 12 of aid must be made quarterly to the county.

13 (4) A program located in a county with a population of
 14 20,000 or more may not receive aid under this section.

15 SECTION 13a. THERE IS A NEW MCA SECTION THAT BEADS:

16 County plan to be submitted to department. (1) By
 17 January 1, 1980, each county must submit to the department a
 18 comprehensive countywide plan for the treatment,
 19 rehabilitation, and prevention of alcoholism.

20 (2) The plan must have been approved by the board of
 21 county commissioners and must contain information regarding
 22 existing nonprofit and local government programs within the
 23 county. The plan must also contain information regarding the
 24 current and future needs of the county for the treatment,
 25 rehabilitation, and prevention of alcoholism.

1 (3) The department shall approve or disapprove the
2 countywide plan. If the department disapproves a plan, the
3 county may submit another plan to the department.

4 (4) (a) After December 31, 1979, no money may be
5 distributed to a county by the department for the treatment,
6 rehabilitation, and prevention of alcoholism if the county
7 has not submitted a plan as required by subsection (1).

8 (b) After June 30, 1980, no money may be distributed
9 to a county by the department for the treatment,
10 rehabilitation, and prevention of alcoholism if a county
11 plan has not been approved by the department.

12 (5) The department may adopt rules regarding the
13 submission, approval, and disapproval of plans.

-End-

STATEMENT OF INTENT RE: HB 844

A statement of intent is required for this bill because it delegates authority to the Department of Institutions.

6 Section ~~12~~ 13 requires each county to submit a
7 countywide plan to the department for the treatment,
8 rehabilitation, and prevention of alcoholism and gives the
9 department the authority to approve or disapprove of each
10 plan.

It is intended that the rules adopted by the department with regard to the plans will:

(1) provide the procedure for the submission of the plan including the general format and the type of information needed by the department to evaluate the plan; and

(2) outline the criteria that the department will use in approving or disapproving a plan.

IN EXERCISING ITS DISCRETION IN THE DISTRIBUTION OF FUNDS UNDER 53-24-206, THE DEPARTMENT SHALL DISTRIBUTE THE FUNDS TO PROMOTE THE PURPOSES OF TITLE 53, CHAPTER 24, AND TO INSURE THE VIABILITY AND CONTINUED OPERATION OF APPROVED PROGRAMS THAT CAN DEMONSTRATE THE NEED FOR FUNDING IN EXCESS OF FUNDS THAT WOULD BE AVAILABLE UNDER THE ALLOCATION FORMULA OF 53-24-206(3)(A).

1 STATEMENT OF INTENT RE: HB 844

2

3

4 A statement of intent is required for this bill because
5 it delegates authority to the Department of Institutions.

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11 It is intended that the rules adopted by the department
12 with regard to the plans will:

13 (1) provide the procedure for the submission of the
14 plan including the general format and the type of
15 information needed by the department to evaluate the plan;
16 and

17 (2) outline the criteria that the department will use
18 in approving or disapproving a plan.

HB 844

HOUSE BILL NO. 844
INTRODUCED BY MEYER

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE
5 LAWS RELATING TO ALCOHOLISM TREATMENT PROGRAMS AND THE
6 DISTRIBUTION OF REVENUES FROM THE LIQUOR LICENSE TAX
7 PROCEEDS; AMENDING SECTIONS 16-1-404, 16-1-408, 53-24-103,
8 53-24-104, 53-24-108, 53-24-203, 53-24-204, 53-24-207,
9 53-24-208, AND 53-24-303, MCA."

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

12 Section 1. Section 53-24-103, MCA, is amended to read:

13 **53-24-103. Definitions.** For purposes of this chapter,

14 the following definitions apply:

15 (1) "Alcoholic" means a person who habitually--lacks
16 self-control--as--to--the--use--of--alcoholic--beverages--or--uses
17 alcoholic--beverages--to--the--extent--that--his--health--is
18 substantially--impaired--or--endangered--or--his--society--or
19 economic--function--is--substantially--disrupted. HAS_A_CHRONIC
20 ILLNESS_OR_DISORDER_OF_BEHAVIOR_CHARACTERIZED_BY_REPEATABLE
21 DRINKING_OF_ALCOHOLIC_BEVERAGES_TO_THE_EXTENT THAT_IT
22 ENDANGERS THE HEALTH, INTERPERSONAL RELATIONSHIPS, OR
23 ECONOMIC FUNCTION OF THE INDIVIDUAL OR PUBLIC HEALTH
24 WELFARE, OR SAFETY.

(2) "Approved private treatment facility" means a

1 private nonprofit OR LOCAL GOVERNMENT agency, receiving
2 public funds (whose sole function is the treatment,
3 rehabilitation, and prevention of alcoholism and drug
4 dependence) meeting the standards prescribed in 53-24-208(1)
5 and approved under 53-24-208.

6 (3) "Approved public treatment facility" means a
7 treatment agency operating under the direction and control
8 of the department or providing treatment under this chapter
9 through a contract with the department as a state agency and
10 approved under 53-24-208.

11 (4) "Department" means the department of institutions
12 provided for in 2-15-2301.

13 (5) "Family member" is the spouse, mother, father,
14 child, or member of the household of an alcoholic whose life
15 has been affected by the actions of the alcoholic and may
16 require treatment.

17 (6) "Incapacitated by alcohol" means that a person, as
18 a result of the use of alcohol, is unconscious or has his
19 judgment otherwise so impaired that he is incapable of
20 realizing and making a rational decision with respect to his
21 need for treatment.

22 (7) "Incompetent person" means a person who has been
23 adjudged incompetent by the district court.

(8) "Intoxicated person" means a person whose mental or physical functioning is substantially impaired as a

1 result of the use of alcohol.

2 (9) "Prevention" has meaning on four levels; these
3 are:

4 (a) education to provide information to the school
5 children and general public relating to alcohol dependence
6 and alcoholism, treatment, and rehabilitative services and
7 to reduce the consequences of life experiences acquired by
8 contact with an alcoholic;

9 (b) early detection and recovery from the illness
10 before lasting emotional or physical damage, or both, have
11 occurred;

12 (c) if lasting emotional or physical damage, or both,
13 have occurred, to arrest the illness before full disability
14 has been reached;

15 (d) the provision of facility requirements to meet
16 division program standards and improve public accessibility
17 for services.

18 (10) "Treatment" means the broad range of emergency,
19 outpatient, intermediate, and inpatient services and care,
20 including diagnostic evaluation, medical, psychiatric,
21 psychological, and social service care, vocational
22 rehabilitation, and career counseling, which may be extended
23 to alcoholics, intoxicated persons, and family members."

24 Section 2. Section 53-24-104, MCA, is amended to read:
25

"53-24-104. Deposit of funds from federal or private

1 sources with state treasurer. Funds available to the
2 department from federal or private sources for use in
3 alcohol and drug dependence prevention, treatment, and
4 control programs shall be deposited with the state treasurer
5 to the account of the department in the federal and private
6 revenue fund. ~~Funds received by the department under this~~
~~section shall be allocated to the counties on the same basis~~
~~as liquor and beer tax revenue when not in conflict with~~
~~federal or private laws or federal regulations."~~

10 Section 3. Section 53-24-108, MCA, is amended to read:
11 "53-24-108. Utilization of funds generated by taxation
12 on alcoholic beverages. (1) Revenue generated by 16-1-404,
13 16-1-406, and 16-1-408 for to state approved programs whose
14 sole function is the treatment, rehabilitation, and
15 prevention of alcoholism may be distributed in either of the
16 following manners:

17 (a) as payment of fees for alcoholism services
18 provided by state-approved alcoholism programs, certified
19 alcoholism counselors, licensed physicians, and licensed
20 hospitals; and

21 (b) as grants to persons operating state-approved
22 alcoholism programs.

23 (2) No person operating a state-approved alcoholism
24 program may be required to provide matching funds as a
25 condition of receiving a grant under subsection (1) of this

1 section.

2 (3) In addition to funding received under this
 3 section, a person operating a state-approved alcoholism
 4 program may accept gifts, bequests, or the donation of
 5 services or money for the treatment, rehabilitation, or
 6 prevention of alcoholism.

7 (4) No person receiving funding under this section to
 8 support operation of a state-approved alcoholism program may
 9 refuse alcoholism treatment, rehabilitation, or prevention
 10 services to a person solely because of that person's
 11 inability to pay for those services.

12 (5) A grant made under this section is subject to the
 13 following conditions:

14 (a) The grant application must contain an estimate of
 15 all program income, including income from earned fees,
 16 gifts, bequests, donations, and grants from other than state
 17 sources during the period for which grant support is sought.

18 (b) Whenever, during the period of grant support,
 19 program income exceeds the amount estimated in the grant
 20 application, the amount of the excess shall be reported to
 21 the grantor.

22 (c) The excess shall be used by the grantee under the
 23 terms of the grant in accordance with one or a combination
 24 of the following options:

25 (i) use for any purpose that furthers the objectives

1 of the legislation under which the grant was made; or
 2 (ii) deduction--from--total--project--costs--to--determine
 3 the net costs on which the grantor's share of the costs is
 4 based to allow program growth through the expansion of
 5 services or for capital expenditures necessary to improve
 6 facilities where services are provided.

7 (6) Revenue generated by 16-1-404, 16-1-406, and
 8 16-1-408 for the treatment, rehabilitation, and prevention
 9 of alcoholism which has not been encumbered for those
 10 purposes by the counties of Montana or the department shall
 11 be returned to the state's general ~~marked~~ revenue fund
 12 for the treatment, rehabilitation, and prevention of
 13 alcoholism within 30 days after the close of each fiscal
 14 year."

15 Section 4. Section 53-24-203, MCA, is amended to read:
 16 "53-24-203. Duties Powers and Duties of department.
 17 (1) The department shall may:

18 (a) plan, promote, and assist in the support of
 19 alcoholism and drug dependence prevention, treatment, and
 20 control programs;

21 (b) conduct, sponsor, and support research,
 22 investigations, and studies, including evaluation of all
 23 phases of alcoholism and drug dependence;

24 (c) assist approved programs in the development of
 25 educational and training programs relative to alcoholism and

1 drug dependence and carry on programs to assist the public
 2 and technical and professional groups in becoming fully
 3 informed about alcoholism and drug dependence;

4 ~~441~~ promote, develop and assist, financially and
 5 otherwise, alcoholism public and private alcohol and drug
 6 dependence programs administered by other--state--agencies,
 7 local---government---agencies---and---private---nonprofit
 8 organizations-and-agencies ~~the department~~;

9 ~~441~~ encourage and promote effective use of
 10 facilities, resources, and funds in the planning and conduct
 11 of programs and activities for prevention, treatment, and
 12 controls_and_prevention of alcoholism alcohol and drug
 13 dependence and, in this respect, cooperate with and utilize
 14 to the maximum possible extent the resources and services of
 15 federal, state, and local agencies;

16 ~~441~~--develop---encourage---and---foster---statewide
 17 regional---and---local---plans---and---programs---for---the---prevention---of
 18 alcoholism---and---treatment---of---alcoholics---and---intoxicated
 19 persons---in---cooperation---with---public---and---private---agencies,
 20 organizations,---and---individuals---and---provide---technical
 21 assistance---and---consultation---services---for---these---purposes;

22 ~~441~~ 121 The department shall:

23 ~~441~~ (a) encourage planning for the greatest utilization of
 24 funds by discouraging duplication of services; encouraging
 25 efficiency of services through existing programs; and

1 encouraging rural counties to form multicounty districts or
 2 contract with urban programs for services;

3 ~~441~~ coordinate the efforts and enlist the
 4 assistance of all public and private agencies,
 5 organizations, and individuals interested in treatment_and
 6 prevention of alcoholism and--treatment--of--alcoholics--and
 7 intoxicated-persons;

8 ~~441~~--cooperate---with---the---board---of---pardons---in
 9 establishing-and-conducting-programs---to---provide---treatment
 10 for--alcoholics-and-intoxicated-persons-in-or-on-parole-from
 11 penal-institutions;

12 ~~441~~ 121 COOPERATE WITH THE BOARD OF PARDONS IN
 13 ESTABLISHING AND CONDUCTING PROGRAMS TO PROVIDE TREATMENT
 14 FOR ALCOHOLICS AND INTOXICATED PERSONS IN OR ON PAROLE FROM
 15 PENAL INSTITUTIONS;

16 ~~441~~ cooperate with the state board of education,
 17 the superintendent of public instruction, schools, police
 18 departments, courts, and other public and private agencies,
 19 organizations, and individuals in establishing awareness
 20 programs for-the-prevention-of-alcoholism-and--treatment--of
 21 alcoholics--and--intoxicated--persons--and--preparing--curriculum
 22 materials--thereon--for--use--at--all--levels--of--education;

23 ~~441~~ ~~441~~ prepare--publish--evaluate--and disseminate
 24 educational material dealing with the nature and effects of
 25 alcohol;

1 ~~shall~~ develop and implement, as an integral part
 2 of treatment programs, an educational program for use in the
 3 treatment of alcoholics and intoxicated persons, which
 4 program shall include the dissemination of information
 5 concerning the nature and effects of alcohol;

6 ~~shall~~ organize and foster training programs for
 7 all persons engaged in treatment of alcoholics and
 8 intoxicated persons;

9 ~~shall~~ distribute funds to approved programs according
 10 to the allocation for distribution as provided for in
 11 16-1-404i

12 ~~shall~~ sponsor and encourage research into the causes and
 13 nature of alcoholism and treatment of alcoholics and
 14 intoxicated persons and serve as a clearinghouse for
 15 information relating to alcoholism

16 ~~shall~~ specify uniform methods for keeping
 17 statistical information by public and private agencies,
 18 organizations, and individuals and collect and make
 19 available relevant statistical information, including number
 20 of persons treated, frequency of admission and readmission,
 21 and frequency and duration of treatment;

22 ~~shall~~ advise the governor in the preparation of a
 23 comprehensive plan for treatment of alcoholics and
 24 intoxicated persons for inclusion in the state's
 25 comprehensive health plan;

1 ~~shall~~ review all state health, welfare, and
 2 treatment plans to be submitted for federal funding under
 3 federal legislation and advise the governor on provisions to
 4 be included relating to alcoholism and intoxicated persons;
 5 ~~shall~~ provide ongoing training of approved program
 6 personnel;

7 ~~shall~~ assist in the development of and cooperate with
 8 alcohol education and treatment programs for employees of
 9 state and local governments, businesses and industries in
 10 the state;

11 ~~shall~~ utilize the support and assistance of
 12 interested persons in the community, particularly recovered
 13 alcoholics, to encourage alcoholics to voluntarily undergo
 14 treatment;

15 ~~shall~~ cooperate with the department of justice in
 16 establishing and conducting programs designed to deal with
 17 the problem of persons operating motor vehicles while
 18 intoxicated;

19 ~~shall~~ encourage general hospitals and other
 20 appropriate health facilities to admit without
 21 discrimination alcoholics and intoxicated persons and to
 22 provide them with adequate and appropriate treatment;

23 ~~shall~~ encourage all health and disability
 24 insurance programs to include alcoholism as a covered
 25 illness; and

1 **127f101** submit to the governor an annual report
 2 covering the activities of the department.

3 Section 5. Section 53-24-204, MCA, is amended to read:
 4 "53-24-204. Powers of department. (1) To carry out
 5 this chapter, the department may:

6 **111** accept gifts, grants, and donations of money
 7 and property from public and private sources;

8 **121b1** enter into contracts;

9 **137f1c1** acquire and dispose of property;

10 **147**--plan--establish--and-maintain-treatment-programs
 11 as-necessary-or-desirable;

12 **157**--coordinate--its--activities--and--cooperate--with
 13 alcoholism--programs--in--this--and--other--states--and--make
 14 contracts--and--other--joint--or--cooperative--arrangements--with
 15 states--to--or--private--agencies--in--this--and--other--states
 16 for--the--treatment--of--alcoholics--and--intoxicated--persons--and
 17 for--the--common--advancement--of--alcoholism--programs;

18 **167**--do--other--acts--and--things--necessary--or--convenient
 19 to--execute--the--authority--expressly--granted--to--it--and
 20 **177**--provide--treatment--facilities--for--alcoholics--
 21 intoxicated--persons--and--family--members;

22 **121**. To carry out this chapter, the department shall:
 23 **1a1** approve treatment programs as provided for in
 24 53-24-208;

25 **1b1** prepare an annual state plan for the delivery of

1 **1 treatment services;**
 2 **1c1** provide for and conduct statewide service system
 3 evaluations;
 4 **1d1** distribute state and federal funds to the counties
 5 for approved treatment programs in accordance with the
 6 provisions of 16-1-404;

7 **1e1** plan in conjunction with approved programs and
 8 provide for training of program personnel delivering
 9 services to alcoholics;

10 **1f1** establish criteria to be used for the development
 11 of new programs; and

12 **1g1** certify and establish standards for the
 13 certification of alcoholism and drug dependence counselors."

14 Section 6. Section 53-24-207, MCA, is amended to read:
 15 "53-24-207. Comprehensive program for treatment. (1)
 16 The department shall establish a comprehensive and
 17 coordinated program for the treatment of alcoholics,
 18 intoxicated persons, and family members.

19 (2) The program shall include:

20 (a) emergency treatment provided by a facility
 21 affiliated with or part of the medical service of a general
 22 hospital;

23 (b) inpatient treatment;

24 (c) intermediate treatment; and

25 (d) outpatient and follow-up treatment; and

1 ~~to follow-up services for the purpose of determining~~
 2 ~~whether additional treatment is needed.~~

3 ~~(3) Treatment services for family members of~~
 4 ~~alcoholics are secondary to the development of~~
 5 ~~detoxification services and services for the treatment and~~
 6 ~~rehabilitation of alcoholics.~~

7 ~~t37141~~ The department shall provide for adequate and
 8 appropriate treatment for alcoholics and intoxicated persons
 9 admitted under 53-24-301 through 53-24-304. Treatment--may
 10 not--be--provided--at--a--correctional--institution--except--for
 11 inmates.

12 ~~t47151~~ All appropriate public and private resources
 13 shall be coordinated with and utilized in the program if
 14 possible.

15 ~~t57161~~ The department shall prepare, publish, and
 16 distribute annually a list of all approved public and
 17 private treatment facilities."

18 Section 7. Section 53-24-303, MCA, is amended to read:
 19 "53-24-303. Treatment and services for intoxicated
 20 persons and persons incapacitated by alcohol. (1) An
 21 intoxicated person may come voluntarily to an approved
 22 public treatment facility for emergency treatment. A person
 23 who appears to be intoxicated in a public place and to be in
 24 need of help, if he consents to the proffered help, may be
 25 assisted to his home, an approved public treatment facility,

1 an approved private treatment facility, or other health
 2 facility by the police.

3 (2) A person who appears to be incapacitated by
 4 alcohol shall be taken into protective custody by the police
 5 and forthwith brought to an approved public treatment
 6 facility for emergency treatment. If no approved public
 7 treatment facility is readily available, he shall be taken
 8 to an emergency medical service customarily used for
 9 incapacitated persons. The police, in detaining the person
 10 and in taking him to an approved public treatment facility,
 11 are taking him into protective custody and shall make every
 12 reasonable effort to protect his health and safety. In
 13 taking the person into protective custody, the detaining
 14 officer may take reasonable steps to protect himself. No
 15 entry or other record may be made to indicate that the
 16 person taken into custody under this section has been
 17 arrested or charged with a crime.

18 (3) A person who comes voluntarily or is brought to an
 19 approved public treatment facility ~~shall~~ may be examined by
 20 a licensed physician ~~as soon as possible~~. He may then be
 21 admitted as a patient or referred to another health
 22 facility. The referring approved public treatment facility
 23 shall arrange for his transportation.

24 (4) A person who by medical examination is found to be
 25 incapacitated by alcohol at the time of his admission or to

1 have become incapacitated at any time after his admission
 2 may not be detained at the facility once he is no longer
 3 incapacitated by alcohol or, if he remains incapacitated by
 4 alcohol, for more than 48 hours after admission as a patient
 5 unless he is committed under 53-24-304. A person may consent
 6 to remain in the facility as long as the physician in charge
 7 believes appropriate.

8 (5) A person who is not admitted to an approved public
 9 treatment facility and is not referred to another health
 10 facility may be taken to his home. If he has no home, the
 11 approved public treatment facility shall assist him in
 12 obtaining shelter.

13 (6) If a patient is admitted to an approved public
 14 treatment facility, his family or next of kin shall be
 15 notified as promptly as possible. If an adult patient who is
 16 not incapacitated requests that there be no notification,
 17 his request shall be respected."

18 Section 8. Section 16-1-404, MCA, is amended to read:
 19 "16-1-404. License tax on liquor -- amount --
 20 distribution of proceeds. (1) The department is hereby
 21 authorized and directed to charge, receive, and collect at
 22 the time of sale and delivery of any liquor under any
 23 provisions of the laws of the state of Montana a license tax
 24 of 10% of the retail selling price on all liquor sold and
 25 delivered. Said tax shall be charged and collected on all

1 liquor brought into the state and taxed by the department.
 2 The retail selling price shall be computed by adding to the
 3 cost of said liquor the state markup as designated by the
 4 department. Said 10% license tax shall be figured in the
 5 same manner as the state excise tax and shall be in addition
 6 to said state excise tax. The department shall retain in a
 7 separate account the amount of such 10% license tax so
 8 received. Two-thirds-of-these-revenues-shall-be-distributed
 9 to-the-counties-according-to-the-amount-of-liquor-purchased
 10 in-each-county---One-third--of--these--revenues--shall--be
 11 retained--by--the--states ~~thirty~~ EXCEPT AS PROVIDED IN
 12 SUBSECTION (4). ~~THIRTY~~ percent of these revenues shall be
 13 allocated to the counties to be distributed to the
 14 incorporated cities and towns as provided in subsection
 15 (2). The remaining revenues shall be deposited in the
 16 earmarked revenue fund to the credit of the department of
 17 institutions for the treatment, rehabilitation, and
 18 prevention of alcoholism. Provided, however, in the case of
 19 purchases of liquor by a retail liquor licensee for use in
 20 his business, the department shall make such regulations as
 21 are necessary to apportion that proportion of license tax so
 22 generated to the county where the licensed establishment is
 23 located, for use as provided in 16-1-405. The department
 24 shall pay quarterly to each county treasurer the proportion
 25 of the license tax due each county to be allocated to the

1 incorporated cities and towns of the county, and to the
 2 department of institutions for the treatment,
 3 rehabilitation and prevention of alcoholism. THE COUNTY MAY
 4 RETAIN UP TO 5% OF THIS MONEY

5 (2) The county treasurer of each county shall retain
 6 5% of said license tax and shall, within 30 days after
 7 receipt thereof, apportion the remaining 95% thereof to the
 8 treasurers of the incorporated cities and towns within his
 9 county, said apportionment to be based in each instance upon
 10 the proportion which the gross sale of liquor in such
 11 incorporated city or town bears to the gross sale of liquor
 12 in all of the incorporated cities and towns in his county.
 13 The license tax proceeds allocated to the county shall be
 14 distributed by the county treasurer to the incorporated
 15 cities and towns within 30 days of receipt from the
 16 department. The distribution of funds to the cities and
 17 towns shall be based on the proportion that the gross sale
 18 of liquor in each city or town is to the gross sale of
 19 liquor in all of the cities and towns of the county.

20 (3) Of the 5% of the tax retained by the county, the
 21 county treasurer shall deposit six-sevenths of this amount
 22 in a fund within the county for the treatment,
 23 rehabilitation and prevention of alcoholism as approved by
 24 the state of Montana. The remaining one-seventh of the
 25 funds shall be retained in the county treasury for use by

1 that county. The license tax proceeds that are allocated to
 2 the department of institutions for the treatment,
 3 rehabilitation and prevention of alcoholism shall be
 4 credited quarterly to the department of institutions. Ten
 5 percent of the proceeds allocated to the department of
 6 institutions shall be used for the administration of the
 7 alcohol and drug abuse division of the department. The
 8 remaining proceeds THE LICENSE TAX PROCEEDS ALLOCATED TO THE
 9 DEPARTMENT MAY NOT BE USED FOR THE ADMINISTRATION
 10 ADMINISTRATIVE COSTS OF THE ALCOHOL AND DRUG ABUSE DIVISION
 11 OF THE DEPARTMENT MUST BE PAID FROM APPROPRIATIONS MADE BY
 12 THE LEGISLATURE FOR THAT PURPOSE FROM THE EARMARKED REVENUE
 13 FUND. THE MONEY THE LEGISLATURE MAY APPROPRIATE A PORTION OF
 14 THE LICENSE TAX PROCEEDS TO SUPPORT ALCOHOL PROGRAMS. THE
 15 REMAINDER shall be distributed to the counties in the
 16 following manner:

17 (a) Eighty-five percent shall be allocated according
 18 to the proportion of each county's population to the state's
 19 population according to the most recent United States
 20 census.

21 (b) Fifteen percent shall be allocated according to
 22 the proportion of the county's land area to the state's land
 23 areas.

24 (c) One-third of the license tax on liquor
 25 retained by the state shall be deposited with the state

1 treasurer-to-the-credit-of-the--department--of--institutions
 2 each---quarter---for---the--treatment--rehabilitation--and
 3 prevention-of-alcoholism-as-approved-by-the-state

4 141 FOR THE 1979-1981 BIENNIUM, \$100,000 OF THE
 5 LICENSE TAX IS ALLOCATED EACH YEAR TO THE DEPARTMENT TO BE
 6 DISTRIBUTED AS PROVIDED FOR IN [SECTION 11 12]. THE
 7 ALLOCATION TO THE DEPARTMENT UNDER THIS SECTION SUBSECTION
 8 must be made before the license tax revenues are distributed
 9 to the counties and the state as provided in subsection (1).
 10 151 A COUNTY MAY RETAIN UP TO 5% OF THE MONEY
 11 ALLOCATED TO IT UNDER SUBSECTION 131.

12 Section 9. Section 16-1-408, MCA, is amended to read:
 13 "16-1-408. Additional tax. 111 An additional tax of \$1
 14 per barrel is levied and imposed as provided by 16-1-406,
 15 and such additional tax is also to be levied and imposed at
 16 the same rate upon beer manufactured within the state. The
 17 additional tax of \$1 is to be deposited, notwithstanding
 18 16-1-306 and 16-1-410 or any other provision, with the state
 19 treasurer to the credit of the department of institutions
 20 each quarter for the treatment, rehabilitation, and
 21 prevention of alcoholism as approved by the state.

22 121 The proceeds of the additional tax shall be
 23 allocated to the counties on the same basis as the license
 24 tax proceeds provided for in [subsection 131 of section 8]."

25 NEW SECTION Section 10. Contract for services

1 required. Revenue generated from 16-1-404 and 16-1-408 and
 2 any other revenue that is allocated to the counties for the
 3 purpose of treatment, rehabilitation, and prevention of
 4 alcoholism shall be contracted for services by the counties
 5 to state-approved alcoholism programs. The contracts will be
 6 developed jointly by the counties and the department of
 7 institutions. The department of institutions shall monitor
 8 and give final approval to contracts based on compliance
 9 with department standards, administrative rules, and state
 10 laws.

11 SECTION 11. SECTION 53-24-208, MCA, IS AMENDED TO
 12 READ:

13 "53-24-208. Facility standards. (1) The department
 14 shall establish standards for approved treatment facilities
 15 that must be met for a treatment facility to be approved as
 16 a public or private treatment facility and fix the fees to
 17 be charged for the required inspections. The standards may
 18 concern only the health standards to be met and standards of
 19 treatment to be afforded patients.

20 121 Facilities applying for approval must demonstrate
 21 a local need currently exists for proposed services and that
 22 the proposed services do not duplicate existing local
 23 services.

24 121 The department shall periodically inspect
 25 approved public and private treatment facilities at

1 reasonable times and in a reasonable manner.

2 ~~t37151~~ The department shall maintain a list of
3 approved public and private treatment facilities.

4 ~~t47151~~ Each approved public and private treatment
5 facility shall, on request, file with the department data,
6 statistics, schedules, and information the department
7 reasonably requires. An approved public or private treatment
8 facility that without good cause fails to furnish any data,
9 statistics, schedules, or information as requested or files
10 fraudulent returns thereof shall be removed from the list of
11 approved treatment facilities.

12 ~~t57161~~ The department, after holding a hearing in
13 accordance with the Montana Administrative Procedure Act,
14 may suspend, revoke, limit, or restrict an approval or
15 refuse to grant an approval for failure to meet its
16 standards.

17 ~~t67171~~ A district court may restrain any violation of
18 this section, review any denial, restriction, or revocation
19 of approval, and grant other relief required to enforce its
20 provisions.

21 ~~t77181~~ Upon petition of the department and after a
22 hearing held upon reasonable notice to the facility, a
23 district court may issue a warrant to the department
24 authorizing it to enter and inspect at reasonable times and
25 examine the books and accounts of any approved public or

1 private treatment facility refusing to consent to inspection
2 or examination by the department or which the department has
3 reasonable cause to believe is operating in violation of
4 this chapter."

5 SECTION 12. THERE IS A NEW MCA SECTION THAT READS:
6 Temporary aid to certain county programs. (1) The
7 department shall distribute the money allocated to it under
8 16-1-404(4) to county programs that show an income decrease
9 from 1978-1979 levels as a result of the percentage formula
10 in [section 8].

11 (2) A county seeking assistance under this section
12 must submit a request, approved by the board of county
13 commissioners, to the department of institutions.

14 (3) The department shall establish criteria for
15 apportioning the money among the counties; however, no more
16 than \$10,000 may be distributed to any one county. Payments
17 of aid must be made quarterly to the county.

18 (4) A program located in a county with a population of
19 20,000 or more may not receive aid under this section.

20 SECTION 13. THERE IS A NEW MCA SECTION THAT READS:
21 County plan to be submitted to department. (1) By
22 January 1, 1980, each county must submit to the department a
23 comprehensive countywide plan for the treatment,
24 rehabilitation, and prevention of alcoholism.

25 (2) The plan must have been approved by the board of

1 county commissioners and must contain information regarding
2 existing nonprofit and local government programs within the
3 county. The plan must also contain information regarding the
4 current and future needs of the county for the treatment,
5 rehabilitation, and prevention of alcoholism.

6 (3) The department shall approve or disapprove the
7 countywide plan. If the department disapproves a plan, the
8 county may submit another plan to the department.

9 (4) (a) After December 31, 1979, no money may be
10 distributed to a county by the department for the treatment,
11 rehabilitation, and prevention of alcoholism if the county
12 has not submitted a plan as required by subsection (1).

13 (b) After June 30, 1980, no money may be distributed
14 to a county by the department for the treatment,
15 rehabilitation, and prevention of alcoholism if a county
16 plan has not been approved by the department.

17 (5) The department may adopt rules regarding the
18 submission, approval, and disapproval of plans.

-End-

1 STATEMENT OF INTENT RE: HB 844

4 A statement of intent is required for this bill because
5 it delegates authority to the Department of Institutions.

6 Section ~~12~~ 13 requires each county to submit a
7 countywide plan to the department for the treatment,
8 rehabilitation, and prevention of alcoholism and gives the
9 department the authority to approve or disapprove of each
10 plan.

11 It is intended that the rules adopted by the department
12 with regard to the plans will:

13 (1) provide the procedure for the submission of the
14 plan including the general format and the type of
15 information needed by the department to evaluate the plan;
16 and

17 (2) outline the criteria that the department will use
18 in approving or disapproving a plan.

19 IN EXERCISING ITS DISCRETION IN THE DISTRIBUTION OF
20 FUNDS UNDER 53-24-206, THE DEPARTMENT SHALL DISTRIBUTE THE
21 FUNDS TO PROMOTE THE PURPOSES OF TITLE 53, CHAPTER 24, AND
22 TO INSURE THE VIABILITY AND CONTINUED OPERATION OF APPROVED
23 PROGRAMS THAT CAN DEMONSTRATE THE NEED FOR FUNDING IN EXCESS
24 OF FUNDS THAT WOULD BE AVAILABLE UNDER THE ALLOCATION
25 FORMULA OF 53-24-206(3)(A).

1 IN EXERCISING ITS DISCRETION IN THE DISTRIBUTION OF
2 FUNDS UNDER 53-24-206, THE DEPARTMENT SHALL DISTRIBUTE THE
3 FUNDS TO PROMOTE THE PURPOSES OF TITLE 53, CHAPTER 24, AND
4 TO INSURE THE VIABILITY AND CONTINUED OPERATION OF APPROVED
5 PROGRAMS THAT CAN DEMONSTRATE THE NEED FOR FUNDING IN EXCESS
6 OF FUNDS THAT WOULD BE AVAILABLE UNDER THE ALLOCATION FORMULA
7 OF 53-24-206(3)(A).

HOUSE BILL NO. 844

INTRODUCED BY MEYER

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE
5 LAWS RELATING TO ALCOHOLISM TREATMENT PROGRAMS AND THE
6 DISTRIBUTION OF REVENUES FROM THE LIQUOR LICENSE TAX
7 PROCEEDS; AMENDING SECTIONS 16-1-404, 16-1-408, 53-24-103,
8 53-24-104, 53-24-108, 53-24-203, 53-24-204, AND 53-24-206
9 53-24-207, THROUGH 53-24-208, AND 53-24-303, MCA, AND
10 REPEALING SECTION 53-24-203, MCA."

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

13 Section 1. Section 53-24-103, MCA, is amended to read:
14 "53-24-103. Definitions. For purposes of this chapter,
15 the following definitions apply:

16 (1) "Alcoholic" means a person who habitually lacks
17 self-control-as-to-the-use-of-alcoholic-beverages--or--uses
18 alcoholic-beverages--to--the--extent--that--his--health--is
19 substantially--impaired--or--endangered--or--his--social--or
20 economic--function--is--substantially--disrupted. HAS A CHRONIC
21 ILLNESS OR DISORDER OF BEHAVIOR CHARACTERIZED BY REPEATED
22 DRINKING OF ALCOHOLIC BEVERAGES TO THE EXTENT THAT IT
23 ENDANGERS THE HEALTH, INTERPERSONAL RELATIONSHIPS, OR
24 ECONOMIC FUNCTION OF THE INDIVIDUAL OR PUBLIC HEALTH,
25 WELFARE, OR SAFETY.

1 (2) "Approved private PRIVATE treatment facility" means a private PRIVATE nonprofit ~~OR--EAT--GOVERNMENT~~ agency, receiving public funds (whose sole function is the treatment, rehabilitation, and prevention of alcoholism and drug dependence) meeting the standards prescribed in 53-24-208(1) and approved under 53-24-208.

2 (3) "Approved public treatment facility" means: ~~OR~~ a treatment agency operating under the direction and control of the department ~~or-providing--treatment--under this--chapter--through--a--contract--with--the--department as a state agency~~ and approved under 53-24-208*vi* ~~OR~~

3 *(B) A TREATMENT AGENCY OPERATING UNDER THE DIRECTION AND CONTROL OF A LOCAL GOVERNMENT AND APPROVED UNDER 53-24-208a.*

4 (4) "Department" means the department of institutions provided for in 2-15-2301.

5 (5) "Family member" is the spouse, mother, father, child, or member of the household of an alcoholic whose life has been affected by the actions of the alcoholic and may require treatment.

6 (6) "Incapacitated by alcohol" means that a person, as a result of the use of alcohol, is unconscious or has his judgment otherwise so impaired that he is incapable of realizing and making a rational decision with respect to his need for treatment.

1 (7) "Incompetent person" means a person who has been
2 adjudged incompetent by the district court.

3 (8) "Intoxicated person" means a person whose mental
4 or physical functioning is substantially impaired as a
5 result of the use of alcohol.

6 (9) "Prevention" has meaning on four levels; these
7 are:

8 (a) education to provide information to the school
9 children and general public relating to alcohol dependence
10 and alcoholism, treatment, and rehabilitative services and
11 to reduce the consequences of life experiences acquired by
12 contact with an alcoholic;

13 (b) early detection and recovery from the illness
14 before lasting emotional or physical damage, or both, have
15 occurred;

16 (c) if lasting emotional or physical damage, or both,
17 have occurred, to arrest the illness before full disability
18 has been reached;

19 (d) the provision of facility requirements to meet
20 division program standards and improve public accessibility
21 for services.

22 (10) "Treatment" means the broad range of emergency,
23 outpatient, intermediate, and inpatient services and care,
24 including diagnostic evaluations, medical, psychiatric,
25 psychological, and social service care, vocational

1 rehabilitation, and career counseling, which may be extended
2 to alcoholics, intoxicated persons, and family members."

3 Section 2. Section 53-24-104, MCA, is amended to read:
4 "53-24-104. Deposit of funds from federal or private
5 sources with state treasurer. Funds available to the
6 department from federal or private sources for use in
7 alcohol and drug dependence prevention, treatment and
8 control programs shall be deposited with the state treasurer
9 to the account of the department in the federal and private
10 revenue funds. Funds received by the department under this
11 section shall be allocated to the counties on the same basis
12 as liquor and beer tax revenue when not in conflict with
13 federal or private laws or federal regulations."

14 Section 2. Section 53-24-108, MCA, is amended to read:
15 "53-24-108. Utilization of funds generated by taxation
16 on alcoholic beverages. (1) Revenue generated by 16-1-404,
17 16-1-406, and 16-1-408 for to state approved programs whose
18 state function is the treatment, rehabilitation, and
19 prevention of alcoholism may be distributed in either of the
20 following manners:

21 (a) as payment of fees for alcoholism services
22 provided by state-approved alcoholism programs, certified
23 alcoholism counselors, licensed physicians, and licensed
24 hospitals, CERTIFIED ALCOHOLISM COUNSELORS, LICENSED
25 PHYSICIANS, AND LICENSED HOSPITALS; and

1 (b) as grants to persons operating state-approved
 2 alcoholism programs.

3 (2) No person operating a state-approved alcoholism
 4 program may be required to provide matching funds as a
 5 condition of receiving a grant under subsection (1) of this
 6 section.

7 (3) In addition to funding received under this
 8 section, a person operating a state-approved alcoholism
 9 program may accept gifts, bequests, or the donation of
 10 services or money for the treatment, rehabilitation, or
 11 prevention of alcoholism.

12 (4) No person receiving funding under this section to
 13 support operation of a state-approved alcoholism program may
 14 refuse alcoholism treatment, rehabilitation, or prevention
 15 services to a person solely because of that person's
 16 inability to pay for those services.

17 (5) A grant made under this section is subject to the
 18 following conditions:

19 (a) The grant application must contain an estimate of
 20 all program income, including income from earned fees,
 21 gifts, bequests, donations, and grants from other than state
 22 sources during the period for which grant support is sought.

23 (b) Whenever, during the period of grant support,
 24 program income exceeds the amount estimated in the grant
 25 application, the amount of the excess shall be reported to

1 the grantor.

2 (c) The excess shall be used by the grantee under the
 3 terms of the grant in accordance with one or a combination
 4 of the following options:

5 (i) use for any purpose that furthers the objectives
 6 of the legislation under which the grant was made; or
 7 (ii) ~~deduction-from-total-project--costs--to--determine
 8 the--net--costs-on-which-the-grantor's-share-of-the-costs-is
 9 based~~ to allow program growth through the expansion of
 10 services or for capital expenditures necessary to improve
 11 facilities where services are provided.

12 (6) Revenue generated by 16-1-404, 16-1-406, and
 13 16-1-408 for the treatment, rehabilitation, and prevention
 14 of alcoholism which has not been encumbered for those
 15 purposes by the counties of Montana or the department shall
 16 be returned to the state's general ~~earmarked revenue~~ fund
 17 for the treatment, rehabilitation, and prevention of
 18 alcoholism within 30 days after the close of each fiscal
 19 year."

20 Section 43--Section 53-24-203, MCA, is amended to read:
 21 "53-24-203--Duties Powers and Duties of Department--
 22 The department shall may:
 23 (i) plan, promote, and assist in the support of
 24 alcoholism and drug dependence prevention, treatment, and
 25 control programs;

1 (2) --conduct,---sponsor,----and----support----research,
 2 investigations,---and---studies,---including--evaluation--of--stt
 3 phes--of--alcoholism--and--drug--dependences
 4 (3) (b) --assist--approved--programs--in--the--development--of
 5 educational--and--training--programs--relative--to--alcoholism--and
 6 drug--dependence--and--carry--on--programs--to--assist--the--public
 7 and--technical--and--professional--groups--in--becoming--fully
 8 informed--about--alcoholism--and--drug--dependences
 9 (4) (c) --promote,--develop,--and--assist--financially--and
 10 otherwise--alcoholism--public--and--private--alcohol--and--drug
 11 dependence--programs--administered--by--other--state--agencies,
 12 local--government--agencies,---and----private----nonprofit
 13 organizations--and--agencies the--department;
 14 (5) (d) --encourage,---and--promote--effective--use--of
 15 facilities,--resources,--and--funds--in--the--planning--and--conduct
 16 of--programs--and--activities--for--prevention,--treatment,--and
 17 control,--and--prevention--of--alcoholism--alcohol--and--drug
 18 dependence--and--in--this--respect--cooperate--with--and--utilize
 19 to--the--maximum--possible--extent--the--resources--and--services--of
 20 federal,--state,--and--local--agencies;
 21 (6) --develop,---encourage,---and--foster,--statewide,--
 22 regional,--and--local--plans--and--programs--for--the--prevention--of
 23 alcoholism--and--treatment--of--alcoholics--and--intoxicated
 24 persons--in--cooperation--with--public--and--private--agencies,
 25 organizations,--and--individuals---and---provide--technical

1 assistance--and--consultation--services--for--these--purposes;
 2 (2) the--department--shall
 3 (3) --encourage--planning--for--the--greatest--utilization--of
 4 funds--by--discouraging--duplication--of--services,--encouraging
 5 efficiency--of--services--through--existing--programs,--and
 6 encouraging--rural--counties--to--form--multicounty--districts--or
 7 contract--with--urban--programs--for--services;
 8 (4) (b) --coordinate,--the--efforts,--and--enlist,--the
 9 assistance,--of--the--public--and--private--agencies,
 10 organizations,--and--individuals--interested--in--treatment--and
 11 prevention--of--alcoholism--and--treatment--of--alcoholics--and
 12 intoxicated--persons;
 13 (5) --cooperate,--with--the--board--of--pardons--in
 14 establishing--and--conducting--programs--to--provide--treatment
 15 for--alcoholics--and--intoxicated--persons--in--or--on--parole--from
 16 penal--institutions;
 17 (6) COOPERATE--WITH--THE--BOARD--OF--PARDONS--IN
 18 ESTABLISHING--AND--CONDUCTING--PROGRAMS--TO--PROVIDE--TREATMENT
 19 FOR--ALCOHOLICS--AND--INTOXICATED--PERSONS--IN--OR--ON--PAROLE--FROM
 20 PENAL--INSTITUTIONS
 21 (7) (c) --cooperate--with--the--state--board--of--education,
 22 the--superintendent--of--public--instruction,--schools,--police
 23 departments,--courts,--and--other--public--and--private--agencies,
 24 organizations,--and--individuals--in--establishing--awareness
 25 programs--for--the--prevention--of--alcoholism--and--treatment--of

1 alcoholics-and-intoxicated-persons-and-preparing--curriculum
 2 materials-thereon-for-use-at-all-levels-of-education
 3 to-identify--and--spare--publish--evaluate--and--disseminate
 4 education-at--all--levels-dealing-with-the-nature-and-effects-of
 5 alcohol;
 6 to-develop-and-implement-as-an-integral-part
 7 of-treatment-programs--an-education--program-for-use-in-the
 8 treatment--of--alcoholics--and--intoxicated--persons--which
 9 program--shall--include--the--dissemination--of--information
 10 concerning-the-nature-and-effects-of-alcohol;
 11 to-organize--and--foster-training--programs-for
 12 all--persons--engaged--in--treatment--of--alcoholics--and
 13 intoxicated--persons;
 14 to-distribute-funds-to-approved--programs--according
 15 to--the--allocation--for--distribution--as--provided--for-in
 16 16-1-404 PROVISIONS-8F-53-24-2061
 17 to-sponsor-and-encourage-research--into-the-causes-and
 18 nature--of--alcoholism--and--treatment--of--alcoholics--and
 19 intoxicated--persons--and--serve--as--a--clearinghouse--for
 20 information--relating-to-alcoholism;
 21 to-specify--uniform--methods--for--keeping
 22 statistical--information--by--public--and--private--agencies,
 23 organizations--and--individuals--and--collect--and--make
 24 available-relevant-statistical-information--including-number
 25 of--persons-treated--frequency-of-admission-and-readmissions;

1 and-frequency-and-duration-of-treatment;
 2 to-advise-the-governor-in-the-preparation-of-a
 3 comprehensive--plan--for--treatment--of--alcoholics--and
 4 intoxicated--persons--for--inclusion--in--the--state's
 5 comprehensive--health--plan;
 6 to-review--all--state--health--welfare--and
 7 treatment--plans--to--be--submitted--for--federal--funding--under
 8 federal--legislation--and--advise--the--governor--on--provisions--to
 9 be--included--relating--to--alcoholism--and--intoxicated--persons;
 10 to-provide--ongoing--training--of--approved--program
 11 personnel;
 12 to-assist--in--the--development--of--and--cooperate--with--
 13 alcohol--education--and--treatment--programs--for--employees--of--
 14 state--and--local--governments--businesses--and--industries--in
 15 the--state;
 16 to-utilize--the--support--and--assistance--of--
 17 interested--persons--in--the--community--particularly--recovered
 18 alcoholics--to--encourage--alcoholics--to--voluntarily--undergo
 19 treatment;
 20 to-cooperate--with--the--department--of--justice--in
 21 establishing--and--conducting--programs--designed--to--deal--with
 22 the--problem--of--persons--operating--motor--vehicles--while
 23 intoxicated;
 24 to-encourage--generate--hospitals--and--other
 25 appropriate--health--facilities--to--admit--without

1 ESTABLISHING AND CONDUCTING PROGRAMS TO PROVIDE TREATMENT
 2 FOR ALCOHOLICS AND INTOXICATED PERSONS IN OR ON PAROLE FROM
 3 PENAL INSTITUTIONS."

4 SECTION 5. SECT 53-24-206, MCA, IS AMENDED TO READ:

5 "53-24-206. Receipt Administration of financial
 6 assistance authorized. (1) The department may apply for and
 7 receive grants, allotments, or allocations of funds or other
 8 assistance for purposes pertaining to the problems of
 9 alcohol and drug dependence or related social problems under
 10 laws and rules of the United States, any other state, or any
 11 private organization.

12 (2) The department may cooperate with any other
 13 government agency or private organization in programs on
 14 alcohol and drug dependence ~~OR~~ related social problems. In
 15 carrying out cooperative programs, the department may make
 16 grants of financial assistance to government agencies and
 17 private organizations under terms and conditions agreed
 18 upon.

19 (3) (a) In administering proceeds derived from the
 20 liquor license tax or the beer license tax, the department
 21 shall distribute 80% of the available money to the counties
 22 for use by approved programs in the following manner:

23 (i) Eighty-five percent shall be allocated according
 24 to the proportion of each county's population to the state's
 25 population according to the most recent United States

1 census.

2 (ii) Fifteen percent shall be allocated according to
 3 the proportion of the county's land area to the state's land
 4 area.

5 (iii) The remainder of the money shall be distributed to
 6 approved programs on a discretionary basis by the department
 7 to those programs that can demonstrate that:

8 (i) the program is achieving the goals and objectives
 9 mutually agreed upon by the program and the department; and
 10 (ii) the receipt of additional money would be
 11 justified.

12 (C) MONEY DISTRIBUTED UNDER SUBSECTION (3) MAY ONLY BE
 13 USED FOR PURPOSES PERTAINING TO THE PROBLEMS OF ALCOHOLISM
 14 OR RELATED SOCIAL PROBLEMS.

15 Section 6. Section 53-24-207, MCA, is amended to read:

16 "53-24-207. Comprehensive program for treatment. (1)

17 The department shall establish a comprehensive and
 18 coordinated program for the treatment of alcoholics,
 19 intoxicated persons, and family members.

20 (2) The program shall include:

21 (a) emergency treatment provided by a facility
 22 affiliated with or part of the medical service of a general
 23 hospital;

24 (b) inpatient treatment;

25 (c) intermediate treatment; and

1 (d) outpatient and-future-up treatment; and
2 (f) follow-up services for the purpose of determining
3 whether additional treatment is needed.

13 ~~444541~~ All appropriate public and private resources
14 shall be coordinated with and utilized in the program if
15 possible.

16 ~~5556151~~ The department shall prepare, publish, and
17 distribute annually a list of all approved public and
18 private treatment facilities."

19 Section-7--Section-53-24-303y-MEAy-is-amended-to-read
20 "53-24-303y--Treatment--and--services--for--intoxicated
21 persons--and--persons--incapacitated--by--alcohol--(t)--An
22 intoxicated--person--may--come--voluntarily--to--an--approved
23 public-treatment-facility-for-emergency-treatment--A--person
24 who-appears-to-be-intoxicated-in-a-public-place-and-to-be-in
25 need--of--help--if-he-consents-to-the-proffered-help--may-be

1 assisted-to-his-home-in-approved-public-treatment-facility;
2 an-approved-private--treatment--facility--or--other--health
3 facility-by-the-patients

4 t27--A--person--who--appears--to--be--incapacitated--by
5 etc
6 hot--shall--be--taken--into--protective--custody--by--the--police
7 and--forthwith--brought--to--an--approved--public--treatment
8 facility--for--emergency--treatment--if--no--approved--public
9 treatment--facility--is--readily--available--he--shall--be--taken
10 to--an--emergency--medical--service--customarily--used--for
11 incapacitated--persons--the--police--in--detaining--the--person
12 and--in--taking--him--to--an--approved--public--treatment--facility--
13 are--taking--him--into--protective--custody--and--shall--make--every
14 reasonable--effort--to--protect--his--health--and--safety--in
15 taking--the--person--into--protective--custody--the--detaining
16 officer--may--take--reasonable--steps--to--protect--himself--No
17 entry--or--other--record--may--be--made--to--indicate--that--the
18 person--taken--into--custody--under--this--section--has--been
19 arrested--or--charged--with--a--crime

19 t37--a-person-who-comes-voluntarily-or-is-brought-to-an
20 approved-public-treatment-facility-shall may be-examined--by
21 a--licensed--physician--as--soon-as--possible--He--may--then--be
22 admitted--as--a--patient--or--referred--to--another--health
23 facility--the--referring-approved-public-treatment-facility
24 shall--arrange-for-his-transportation--
25 t44--a-person-who-by-medical-examination-is-found-to-be

1 incapacitated-by-alcohol-at-the-time-of-his-admission-or--to
 2 have--become--incapacitated--at-any-time-after-his-admission
 3 may-not-be-detained-at-the-facility-once--he--is--no-longer
 4 incapacitated--by-alcohol-or--if-he-remains-incapacitated-by
 5 alcohol-for-more-than-48-hours-after-admission-as-a-patient
 6 unless-he-is-committed-under-53-24-304--A-person-may-consent
 7 to-remain-in-the-facility-as-long-as-the-physician-in-charge
 8 believes-appropriate.

9 (5)--A-person-who-is-not-admitted-to-an-approved-public
 10 treatment-facility-and-is-not--referred--to--another--health
 11 facility--may--be--taken-to-his-home--if-he-has-no-home--the
 12 approved-public--treatment--facility--shall--assist--him--in
 13 obtaining-shelter.

14 (6)--If--a--patient--is--admitted-to-an-approved-public
 15 treatment-facility--his-family--or--next--of--kin--shall--be
 16 notified-as-promptly-as-possible--if-an-adult-patient-who-is
 17 not--incapacitated--requests--that-there-be-no-notification
 18 his-request-shall-be-respected."

19 Section 7. Section 16-1-404, MCA, is amended to read:
 20 "16-1-404. License tax on liquor -- amount --
 21 distribution of proceeds. (1) The department is hereby
 22 authorized and directed to charge, receive, and collect at
 23 the time of sale and delivery of any liquor under any
 24 provisions of the laws of the state of Montana a license tax
 25 of 10% of the retail selling price on all liquor sold and

1 delivered. Said tax shall be charged and collected on all
 2 liquor brought into the state and taxed by the department.
 3 The retail selling price shall be computed by adding to the
 4 cost of said liquor the state markup as designated by the
 5 department. Said 10% license tax shall be figured in the
 6 same manner as the state excise tax and shall be in addition
 7 to said state excise tax. The department shall retain in a
 8 separate account the amount of such 10% license tax so
 9 received. Two-thirds-of-these-revenues-shall-be-distributed
 10 to-the-counties--according-to-the-amount-of-liquor--purchased
 11 in--each--county--One-third--of--these--revenues--shall--be
 12 retained--by--the--state. Thirty EXCEPT AS PROVIDED IN
 13 SECTION--(5)--THIRTY THIRTY percent of these revenues
 14 shall be allocated to the counties ACCORDING TO THE AMOUNT
 15 OF LIQUOR PURCHASED IN EACH COUNTY to be distributed to the
 16 incorporated cities and towns as provided in subsection
 17 121a FOUR AND ONE-HALF PERCENT OF THESE REVENUES SHALL BE
 18 ALLOCATED TO THE COUNTIES ACCORDING TO THE AMOUNT OF LIQUOR
 19 PURCHASED IN EACH COUNTY, AND THIS MONEY MAY BE USED FOR
 20 COUNTY PURPOSES. The remaining revenues shall be deposited
 21 in the earmarked revenue fund to the credit of the
 22 department of institutions for the treatment,
 23 rehabilitation, and prevention of alcoholism. Provided,
 24 however, in the case of purchases of liquor by a retail
 25 liquor licensee for use in his business, the department

1 shall make such regulations as are necessary to apportion
 2 that proportion of license tax so generated to the county
 3 where the licensed establishment is located, for use as
 4 provided in 16-1-405. The department shall pay quarterly to
 5 each county treasurer the proportion of the license tax due
 6 each county to be allocated to the incorporated cities and
 7 towns of the county, and to the department of institutions
 8 for the treatment, rehabilitation, and prevention of
 9 alcoholism. ~~THE COUNTY MAY RETAIN UP TO 50% OF THIS MONEY.~~
 10 (2) The county treasurer of each county shall retain
 11 50% of said license tax and shall, within 30 days after
 12 receipt thereof, apportion the remaining 50% thereof to the
 13 treasurers of the incorporated cities and towns within his
 14 county, said apportionment to be based in each instance upon
 15 the proportion which the gross sale of liquor in such
 16 incorporated city or town bears to the gross sale of liquor
 17 in all of the incorporated cities and towns in his county.
 18 The license tax proceeds allocated to the county UNDER
 19 SUBSECTION (1) FOR USE BY CITIES AND TOWNS shall be
 20 distributed by the county treasurer to the incorporated
 21 cities and towns within 30 days of receipt from the
 22 department. The distribution of funds to the cities and
 23 towns shall be based on the proportion that the gross sale
 24 of liquor in each city or town is to the gross sale of
 25 liquor in all of the cities and towns of the county.

1 (3) Of the 50% of the tax retained by the county, the
 2 county treasurer shall deposit six-sevenths of this amount
 3 in a fund within the county for the treatment,
 4 rehabilitation, and prevention of alcoholism as approved by
 5 the state of Montana. The remaining one-seventh of the
 6 funds shall be retained in the county treasury for use by
 7 that county. The license tax proceeds that are allocated to
 8 the department of institutions for the treatment,
 9 rehabilitation, and prevention of alcoholism shall be
 10 credited quarterly to the department of institutions. Ten
 11 percent of the proceeds allocated to the department of
 12 institutions shall be used for the administration of the
 13 alcohol and drug abuse division of the department. The
 14 remaining proceeds ~~THE LICENSE TAX PROCEEDS ALLOCATED TO THE~~
 15 ~~DEPARTMENT MAY NOT BE USED FOR THE COSTS OF ADMINISTRATION~~
 16 ~~ADMINISTRATIVE COSTS OF THE ALCOHOL AND DRUG ABUSE DIVISION~~
 17 ~~OF THE DEPARTMENT MUST BE PAID FROM APPROPRIATIONS MADE BY~~
 18 ~~THE LEGISLATURE FOR THAT PURPOSE FROM THE FARMER'S REVENUE~~
 19 ~~FUND THE MONEY THE LEGISLATURE MAY APPROPRIATE A PORTION OF~~
 20 ~~THE LICENSE TAX PROCEEDS TO SUPPORT ALCOHOL PROGRAMS. THE~~
 21 ~~REMAINDER shall be distributed to the counties in the~~
 22 ~~following manner AS PROVIDED IN 53-24-206.~~
 23 ~~forty-five percent shall be allocated according~~
 24 ~~to the proportion of each county's population to the state's~~
 25 ~~population according to the most recent United States~~

1 ~~census~~

2 ~~forty-five~~ ~~in~~ ~~rent~~ shall be allocated according to

3 the proportion of the county's land area to the state's land

4 areas

5 ~~one-third~~ of the license tax on liquor

6 retained by the state shall be deposited with the state

7 treasurer to the credit of the department of institutions

8 each quarter for the treatment, rehabilitation, and

9 prevention of alcoholism as approved by the states

10 ~~for the 1979-1981 Biennium \$100,000 of the~~

11 ~~license tax is allocated each year to the department to be~~

12 ~~distributed as provided for in section 123~~ ~~the~~

13 ~~allocation to the department under this section shall be~~

14 ~~made before the license tax revenues are distributed~~

15 ~~to the counties and the state as provided in subsection 11~~

16 ~~51~~ ~~A COUNTY MAY RETAIN UP TO \$10,000 OF THE MONEY~~

17 ~~ALLOCATED TO IT UNDER SUBSECTION 11~~

18 Section 9, Section 16-1-400, MCA, is amended to read:

19 "16-1-400 Additional tax ~~for~~ An additional tax of \$1

20 ~~per barrel is levied and imposed as provided by 16-1-406~~

21 ~~and such additional tax is also to be levied and imposed at~~

22 ~~the same rate upon beer manufactured within the state~~ ~~the~~

23 ~~additional tax of \$1 is to be deposited notwithstanding~~

24 ~~16-1-306 and 16-1-408 or any other provision with the state~~

25 ~~treasurer to the credit of the department of institutions~~

1 each quarter for the treatment, rehabilitation, and

2 prevention of alcoholism as approved by the states

3 ~~forty-five~~ ~~the~~ ~~proceeds of the additional tax shall be~~

4 ~~allocated to the counties on the same basis as the license~~

5 ~~tax proceeds provided for in subsection 11 of section 83~~

6 ~~NEW SECTION 10. Contract for services required~~ ~~Revenue generated from 16-1-404 and 16-1-408 and~~

7 ~~any other revenue that is allocated to the counties for the~~

8 ~~purpose of treatment, rehabilitation, and prevention of~~

9 ~~alcoholism shall be contracted for services by the counties~~

10 ~~to state approved alcoholism programs. The contracts will be~~

11 ~~developed jointly by the counties and the department of~~

12 ~~institutions. The department of institutions shall monitor~~

13 ~~and give final approval to contracts based on compliance~~

14 ~~with department standards administrative rules, and state~~

15 ~~law.~~

16 SECTION 8. SECTION 53-24-208, MCA, IS AMENDED TO READ:

17 "53-24-208. Facility standards. (1) The department

18 shall establish standards for approved treatment facilities

19 that must be met for a treatment facility to be approved as

20 a public or private treatment facility and fix the fees to

21 be charged for the required inspections. The standards may

22 concern only the health standards to be met and standards of

23 treatment to be afforded patients.

24 12. Facilities applying for approval must demonstrate

1 a local need currently exists for proposed services and that
 2 the proposed services do not duplicate existing local
 3 services.

4 ~~14131~~ The department shall periodically inspect
 5 approved public and private treatment facilities at
 6 reasonable times and in a reasonable manner.

7 ~~14151~~ The department shall maintain a list of
 8 approved public and private treatment facilities.

9 ~~14151~~ Each approved public and private treatment
 10 facility shall, on request, file with the department data,
 11 statistics, schedules, and information the department
 12 reasonably requires. An approved public or private treatment
 13 facility that without good cause fails to furnish any data,
 14 statistics, schedules, or information as requested or files
 15 fraudulent returns thereof shall be removed from the list of
 16 approved treatment facilities.

17 ~~15161~~ The department, after holding a hearing in
 18 accordance with the Montana Administrative Procedure Act,
 19 may suspend, revoke, limit, or restrict an approval or
 20 refuse to grant an approval for failure to meet its
 21 standards.

22 ~~16171~~ A district court may restrain any violation of
 23 this section, review any denial, restriction, or revocation
 24 of approval, and grant other relief required to enforce its
 25 provisions.

1 ~~17181~~ Upon petition of the department and after a
 2 hearing held upon reasonable notice to the facility, a
 3 district court may issue a warrant to the department
 4 authorizing it to enter and inspect at reasonable times and
 5 examine the books and accounts of any approved public or
 6 private treatment facility refusing to consent to inspection
 7 or examination by the department or which the department has
 8 reasonable cause to believe is operating in violation of
 9 this chapter.*

10 Section-~~12~~--There-is-a-new-MCA-section-that-reads:
 11 ~~Temporary--aid--to--certain--county--programs--17--The~~
 12 ~~department-shall-distribute-the-money-allocated-to-it--under~~
 13 ~~16-1-404(4)--to-county-programs-that-show-an-income-decrease~~
 14 ~~from-1978-1979-tlevets-as-a-result-of-the-percentage--formula~~
 15 ~~in-[section-8]~~

16 ~~18--A--county--seeking--assistance--under-this-section~~
 17 ~~must-submit-a-request--approved--by--the--board--of--county~~
 18 ~~commissioners--to-the-department-of-institutions--~~

19 ~~19--The--department--shall--establish--criteria--for~~
 20 ~~apportioning-the-money-among-the-counties--however--no--more~~
 21 ~~than--\$10,000--may--be--distributed--to--any--one--county--Payments~~
 22 ~~of--aid--must--be--made--quarterly--to--the--county--~~

23 ~~23--A--program--located--in--a--county--with--a--population--of~~
 24 ~~20,000--or--more--may--not--receive--aid--under--this--section--~~

25 SECTION 9. THERE IS A NEW MCA SECTION THAT READS:

1 County plan to be submitted to department. (1) By
2 January 1, 1980, each county must submit to the department a
3 comprehensive countywide plan for the treatment,
4 rehabilitation, and prevention of alcoholism.

5 (2) The plan must have been approved by the board of
6 county commissioners and must contain information regarding
7 existing nonprofit and local government programs within the
8 county. The plan must also contain information regarding the
9 current and future needs of the county for the treatment,
10 rehabilitation, and prevention of alcoholism.

11 (3) The department shall approve or disapprove the
12 countywide plan. If the department disapproves a plan, the
13 county may submit another plan to the department. IN
DISTRIBUTING FUNDS TO APPROVED PROGRAMS IN A COUNTY, THE
DEPARTMENT SHALL GIVE CONSIDERATION TO THE COUNTY PLAN.

16 (4) (a) After December 31, 1979, no money may be
17 distributed to a county by the department for the treatment,
18 rehabilitation, and prevention of alcoholism if the county
19 has not submitted a plan as required by subsection (1).

20 (b) After June 30, 1980, no money may be distributed
21 to a county by the department for the treatment,
22 rehabilitation, and prevention of alcoholism if a county
23 plan has not been approved by the department.

24 (5) The department may adopt rules regarding the
25 submission, approval, and disapproval of plans.

1 SECTION 10, REPEALER. SECTION 53-24-203, MCA, IS
2 REPEALED.

-End-

1 HOUSE BILL NO. 844
2 INTRODUCED BY MEYER
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE
5 LAWS RELATING TO ALCOHOLISM TREATMENT PROGRAMS AND THE
6 DISTRIBUTION OF REVENUES FROM THE LIQUOR LICENSE TAX
7 PROCEEDS; AMENDING SECTIONS 16-1-404, 16-1-408, 53-24-103,
8 53-24-104, 53-24-108, 53-24-203, 53-24-204, AND 53-24-206
9 53-24-207, THROUGH 53-24-208, AND 53-24-303, MCA; AND
10 REPEALING SECTION 53-24-203, MCA."

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

13 Section 1. Section 53-24-103, MCA, is amended to read:

14 "53-24-103. Definitions. For purposes of this chapter,

15 the following definitions apply:

16 (1) "Alcoholic" means a person who habitually lacks
17 self-control as to the use of alcoholic beverages or uses
18 alcoholic beverages to the extent that his health is
19 substantially impaired or endangered or his social or
20 economic function is substantially disrupted. HAS A CHRONIC
21 ILLNESS OR DISORDER OF BEHAVIOR CHARACTERIZED BY REPEATED
22 DRINKING OF ALCOHOLIC BEVERAGES TO THE EXTENT THAT IT
23 ENDANGERS THE HEALTH, INTERPERSONAL RELATIONSHIPS, OR
24 ECONOMIC FUNCTION OF THE INDIVIDUAL OR PUBLIC HEALTH,
25 WELFARE, OR SAFETY.

1 (2) "Approved private PRIVATE treatment facility" means a private PRIVATE nonprofit ~~OR LOCAL GOVERNMENT~~ agency, receiving public funds (whose sole function is the treatment, rehabilitation, and prevention of alcoholism and drug dependence) meeting the standards prescribed in 53-24-208(1) and approved under 53-24-208.

2 (3) "Approved public treatment facility" means:

3 (A) a treatment agency operating under the direction and control of the department or providing treatment under this chapter through a contract with the department as a state agency and approved under 53-24-208; OR

4 (B) A TREATMENT AGENCY OPERATING UNDER THE DIRECTION AND CONTROL OF A LOCAL GOVERNMENT AND APPROVED UNDER 53-24-208.

5 (4) "Department" means the department of institutions provided for in 2-15-2301.

6 (5) "Family member" is the spouse, mother, father, child, or member of the household of an alcoholic whose life has been affected by the actions of the alcoholic and may require treatment.

7 (6) "Incapacitated by alcohol" means that a person, as a result of the use of alcohol, is unconscious or has his judgment otherwise so impaired that he is incapable of realizing and making a rational decision with respect to his need for treatment.

Corrected pages to insert in
Original Ref. Copy.

1 (7) "Incompetent person" means a person who has been
2 adjudged incompetent by the district court.

3 (8) "Intoxicated person" means a person whose mental
4 or physical functioning is substantially impaired as a
5 result of the use of alcohol.

6 (9) "Prevention" has meaning on four levels; these
7 are:

8 (a) education to provide information to the school
9 children and general public relating to alcohol dependence
10 and alcoholism, treatment, and rehabilitative services and
11 to reduce the consequences of life experiences acquired by
12 contact with an alcoholic;

13 (b) early detection and recovery from the illness
14 before lasting emotional or physical damage, or both, have
15 occurred;

16 (c) if lasting emotional or physical damage, or both,
17 have occurred, to arrest the illness before full disability
18 has been reached;

19 (d) the provision of facility requirements to meet
20 division program standards and improve public accessibility
21 for services.

22 (10) "Treatment" means the broad range of emergency,
23 outpatient, intermediate, and inpatient services and care,
24 including diagnostic evaluation, medical, psychiatric,
25 psychological, and social service care, vocational

1 rehabilitation, and career counseling, which may be extended
2 to alcoholics, intoxicated persons, and family members."

3 Section 2. Section 53-24-104, MCA, is amended to read:
4 "53-24-104. Deposit of funds from federal or private
5 sources with state treasurer--funds available to the
6 department from federal or private sources for use in
7 alcohol and drug dependence prevention, treatment and
8 control programs shall be deposited with the state treasurer
9 to the account of the department in the federal and private
10 revenue funds funds received by the department under this
11 section shall be allocated to the counties on the same basis
12 as liquor and beer tax revenue when not in conflict with
13 federal or private laws or federal regulations"

14 Section 2. Section 53-24-108, MCA, is amended to read:
15 "53-24-108. Utilization of funds generated by taxation
16 on alcoholic beverages. (1) Revenue generated by 16-1-404,
17 16-1-406, and 16-1-408 for to state approved programs whose
18 state function is the treatment, rehabilitation, and
19 prevention of alcoholism may be distributed in either of the
20 following manners:

21 (a) as payment of fees for alcoholism services
22 provided by state-approved alcoholism programs--certified
23 alcoholism counselors--licensed--physicians--and--licensed
24 hospitals, CERTIFIED ALCOHOLISM COUNSELORS, LICENSED
25 PHYSICIANS, AND LICENSED HOSPITALS; and

1 ESTABLISHING AND CONDUCTING PROGRAMS TO PROVIDE TREATMENT
 2 FOR ALCOHOLICS AND INTOXICATED PERSONS IN OR ON PAROLE FROM
 3 PENAL INSTITUTIONS."

4 SECTION 4. SECTION 53-24-206, MCA, IS AMENDED TO READ:
 5 "53-24-206. Receipt Administration of financial
 6 assistance authorized. (1) The department may apply for and
 7 receive grants, allotments, or allocations of funds or other
 8 assistance for purposes pertaining to the problems of
 9 alcohol and drug dependence or related social problems under
 10 laws and rules of the United States, any other state, or any
 11 private organization.

12 (2) The department may cooperate with any other
 13 government agency or private organization in programs on
 14 alcohol and drug dependence or related social problems. In
 15 carrying out cooperative programs, the department may make
 16 grants of financial assistance to government agencies and
 17 private organizations under terms and conditions agreed
 18 upon.

19 (3) (a) In administering proceeds derived from the
 20 liquor license tax or the beer license tax, the department
 21 shall distribute those funds appropriated by the
 22 legislature. Money that is appropriated for distribution to
 23 approved programs on a discretionary basis shall be
 24 distributed to those programs that can demonstrate that:
 25 (i) the program is achieving the goals and objectives

1 mutually agreed upon by the program and the department; and
 2 (ii) the receipt of additional funds would be
 3 justified.

4 (b) The remainder of the proceeds shall be distributed
 5 to the counties for use by approved programs in the
 6 following manner:

7 (i) Eighty-five percent shall be allocated according
 8 to the proportion of each county's population to the state's
 9 population according to the most recent United States
 10 census.

11 (ii) Fifteen percent shall be allocated according to
 12 the proportion of the county's land area to the state's land
 13 area.

14 (c) Money distributed under subsection (3) may only be
 15 used for purposes pertaining to the problems of alcoholism
 16 or related social problems.

17 Section 5. Section 53-24-207, MCA, is amended to read:

18 "53-24-207. Comprehensive program for treatment. (1)
 19 The department shall establish a comprehensive and
 20 coordinated program for the treatment of alcoholics,
 21 intoxicated persons, and family members.

22 (2) The program shall include:
 23 (a) emergency treatment provided by a facility
 24 affiliated with or part of the medical service of a general
 25 hospital;

1 (b) inpatient treatment;
 2 (c) intermediate treatments; and
 3 (d) outpatient and follow-up treatment; and
 4 (e) follow-up services for the purpose of determining
 5 whether additional treatment is needed;

6 (f) treatment services for family members of
 7 alcoholics are secondary to the development of
 8 detoxification services and services for the treatment and
 9 rehabilitation of alcoholics.

10 (f)(1)(i) The department shall provide for adequate
 11 and appropriate treatment for alcoholics and intoxicated
 12 persons admitted under 53-24-301 through 53-24-304.
 13 Treatment may not be provided at a correctional institution
 14 except for inmates.

15 (f)(1)(ii) All appropriate public and private resources
 16 shall be coordinated with and utilized in the program if
 17 possible.

18 (f)(1)(iii) The department shall prepare, publish, and
 19 distribute annually a list of all approved public and
 20 private treatment facilities."

21 Section 7. Section 53-24-303, NEA, is amended to read:
 22 "53-24-303. Treatment and services for intoxicated
 23 persons and persons incapacitated by alcohol." (2) An
 24 intoxicated person may come voluntarily to an approved
 25 public treatment facility for emergency treatment. A person

1 who appears to be intoxicated in a public place and to be in
 2 need of help, if he consents to the proffered help, may be
 3 assisted to his home or approved public treatment facility,
 4 an approved private treatment facility, or other health
 5 facility by the police.

6 (2) A person who appears to be incapacitated by
 7 alcohol shall be taken into protective custody by the police
 8 and forthwith brought to an approved public treatment
 9 facility for emergency treatment if no approved public
 10 treatment facility is readily available. He shall be taken
 11 to an emergency medical service customary used for
 12 incapacitated persons. The police, in detaining the person
 13 and in taking him to an approved public treatment facility,
 14 are taking him into protective custody and shall make every
 15 reasonable effort to protect his health and safety. In
 16 taking the person into protective custody, the detaining
 17 officer may take reasonable steps to protect himself. No
 18 entry or other record may be made to indicate that the
 19 person taken into custody under this section has been
 20 arrested or charged with a crime.

21 (3) A person who comes voluntarily or is brought to an
 22 approved public treatment facility shall be examined by
 23 a licensed physician as soon as possible. He may then be
 24 admitted as a patient or referred to another health
 25 facility. The referring approved public treatment facility

April 17, 1979

SENATE STANDING COMMITTEE REPORT
(Finance and Claims)

That House Bill No. 844, third reading bill, be amended as follows:

1. Title, line 7.

Strike: "16-1-408,"

2. Title, line 8.

Following: line 7

Strike: "53-24-104,"

Following: "53-24-204,"

Strike: "53-24-207,"

Insert: "AND 53-24-206 THROUGH"

3. Title, line 9.

Strike: "AND 53-24-303"

4. Page 1, line 25.

Following: "~~private~~"

Insert: "private"

5. Page 2, line 1.

Following: "~~private~~"

Insert: "private"

Following: "nonprofit"

Strike: "OR LOCAL GOVERNMENT"

6. Page 2, line 2.

Strike: "sole"

7. Page 2, line 6.

Following: "means"

Insert: "": (a)"

8. Page 2, line 10.

Following: "53-24-208"

Insert: "; or

(b) a treatment agency operating under the direction and control
of a local government and approved under 53-24-208"

9. Page 3, line 24 through line 9, page 4.

Strike: section 2 in its entirety

Renumber: subsequent subsections

10. Page 4, line 14.

Strike: "sole"

11. Page 4, line 20.

Following: "hospitals"

Insert: ", certified alcoholism counselors, licensed physicians, and
licensed hospitals"

12. Page 7, line 25 through line 2, page 8.

Following: "programs"

Strike: remainder of line 7 through "services" on line 2, page 8
in their entirety

April 17, 1979

House Bill No. 844

13. Page 9, lines 10 and 11.

Following: "the"

Strike: "allocation for distribution as provided for in 16-1-404"

Insert: "provisions of 53-24-206"

14. Page 11, line 22.

Following: "(2)"

Strike: "To carry out this chapter, the"

Insert: "The"

15. Page 12, line 6.

Following: "provisions of"

Strike: "16-1-404"

Insert: "53-24-206"

16. Page 12.

Following: line 13

Insert: "Section 5. Section 53-24-206, MCA, is amended to read:

"53-24-206. Receipt Administration of financial assistance authorized. (1) The department may apply for and receive grants, allotments, or allocations of funds or other assistance for purposes pertaining to the problems of alcohol and drug dependence or related social problems under laws and rules of the United States, any other state, or any private organization.

(2) The department may cooperate with any other government agency or private organization in programs on alcohol and drug dependence or related social problems. In carrying out cooperative programs, the department may make grants of financial assistance to government agencies and private organizations under terms and conditions agreed upon.

(3) (a) In administering proceeds derived from the liquor license tax or the beer license tax, the department shall distribute those funds appropriated by the legislature. Money that is appropriated for distribution to approved programs on a discretionary basis shall be distributed to those programs that can demonstrate that:

(i) the program is achieving the goals and objectives mutually agreed upon by the program and the department; and

(ii) the receipt of additional funds would be justified.

(b) The remainder of the proceeds shall be distributed to the counties for use by approved programs in the following manner:

(i) Eighty-five percent shall be allocated according to the proportion of each county's population to the state's population according to the most recent United States census.

(ii) Fifteen percent shall be allocated according to the proportion of the county's land area to the state's land area.

(c) Money distributed under subsection (3) may only be used for purposes pertaining to the problems of alcoholism or related social problems.

Renumber: subsequent section

17. Page 13, lines 1 and 2.

Strike: "for the purpose of determining whether additional treatment is needed"

18. Page 13, lines 3 through 6.

Strike: subsection (3) in its entirety

Renumber: subsequent subsections

19. Page 13, line 18 through line 17, page 15.

Strike: section 7 in its entirety

Renumber: subsequent sections

20. Page 16, lines 11 and 12.

Following: "Thirty"

Strike: "EXCEPT AS PROVIDED IN SUBSECTION (4), THIRTY"

Insert: "Thirty"

21. Page 16, line 13.

Following: "counties"

Insert: "according to the amount of liquor purchased in each county"

22. Page 15, line 15.

Following: "(2)."

Insert: "Four and one-half percent of these revenues shall be allocated to the counties according to the amount of liquor purchased in each county, and this money may be used for county purposes."

23. Page 17, line 13.

Following: "county"

Insert: "under subsection (1) for use by cities and towns"

24. Page 18, lines 15 through 23.

Following: "distributed"

Strike: remainder of line 15 through line 23 in their entirety

Insert: "as provided in 53-24-206."

25. Page 19, lines 4 through 11.

Strike: subsection (4) and (5) in their entirety

26. Page 19, line 12 through line 10, page 20.

Strike: sections 9 and 10 in their entirety

Renumber: subsequent sections

27. Page 22, lines 5 through 19.

Strike: section 12 in its entirety

Renumber: subsequent section

28. Page 23, line 8.

Following: "department."

Insert: "In distributing funds to approved programs in a county, the department shall give consideration to the county plan."

April 18, 1979

SENATE COMMITTEE OF THE WHOLE

That House Bill No. 844, third reading bill, be amended as follows:

1. Title, line 8.

Strike: "53-24-203,"

2. Title, line 9.

Following: "MCA"

Insert: ";" AND REPEALING SECTION 53-24-203, MCA"

3. Page 6, line 15 through page 11, line 2.

Strike: all material therein

Renumber: subsequent sections

4. Page 12, line 13.

Following: line 13

Insert: "(h) encourage planning for the greatest utilization of funds by discouraging duplication of services, encouraging efficiency of services through existing programs, and encouraging rural counties to form multicounty districts or contract with urban programs for services; and (i) cooperate with the board of pardons in establishing and conducting programs to provide treatment for alcoholics and intoxicated persons in or on parole from penal institutions."

5. Page 12, line 11.

Strike: "and"

6. Page 12, line 13.

Following: "counselors"

Strike: "."

Insert: ";"

7. Page 23, line 18.

Following: line 18

Insert: "Section 10. THERE IS A NEW MCA SECTION THAT READS:

Section 10. Repealer. Section 53-24-203, MCA, is repealed."