

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.

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, 53-24-207, AND
9 53-24-303, MCA."

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 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 53-24-209.

25 (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.

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

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

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 garmarked 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. Butter Powers and duties of department.

11 (1) The department shall ~~may~~:

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

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

18 ~~(3)(b)~~ 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 ~~(4)(c)~~ promote, develop, and assist, financially and
 24 otherwise, alcoholism public and private alcohol and drug
 25 dependence programs administered by other state agencies

1 ~~local government agencies, and private nonprofit~~
2 ~~organizations and agencies~~ the department;

3 ~~{5}(d)~~ 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 ~~{6} 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 {2} 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 ~~{7}(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 ~~{8} 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 ~~{9}(c)~~ 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 ~~{10}(d)~~ prepare, publish, evaluate, and disseminate
14 educational material dealing with the nature and effects of
15 alcohol;

16 ~~{11}(e)~~ 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 ~~{12}(f)~~ organize and foster training programs for all
22 persons engaged in treatment of alcoholics and intoxicated
23 persons;

24 {g} distribute funds to approved programs according to
25 the allocation for distribution as provided for in 16-1-404;

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

{14}(h) specify uniform methods for keeping statistical information by public and private agencies, organizations, and individuals and collect and make available relevant statistical information, including number of persons treated, frequency of admission and readmission, and frequency and duration of treatment;

{15}(i) advise the governor in the preparation of a comprehensive plan for treatment of alcoholics and intoxicated persons for inclusion in the state's comprehensive health plan;

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

~~{k} provide ongoing training of approved program personnel;~~

~~{17} assist in the development of and cooperate with alcohol education and treatment programs for employees of state and local governments, businesses, and industries in the state;~~

{18}(l) utilize the support and assistance of

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

{19}(m) cooperate with the department of justice in establishing and conducting programs designed to deal with the problem of persons operating motor vehicles while intoxicated;

{20}(n) encourage general hospitals and other appropriate health facilities to admit without discrimination alcoholics and intoxicated persons and to provide them with adequate and appropriate treatment;

{21}(o) encourage all health and disability insurance programs to include alcoholism as a covered illness; and

{22}(p) submit to the governor an annual report covering the activities of the department.

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

{1}(a) accept gifts, grants, and donations of money and property from public and private sources;

{2}(b) enter into contracts;

{3}(c) acquire and dispose of property;

{4} plan, establish, and maintain treatment programs as necessary or desirable;

{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 ~~state, 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 16-1-504;

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)~~ (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)~~ (5) All appropriate public and private resources

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

3 (5)(16) 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 surmarked 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 of a~~
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 on 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 ~~(4) 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 16-1-408 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

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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 847

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 J. Long
BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 2/7/79

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.

HB 844

Approved by Committee
on Taxation

1 HOUSE BILL NO. 844
2 INTRODUCED BY MEYER
3

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE
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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."

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11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
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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~~ 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 ~~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) (b) 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 {4}{c1} 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 {5}{d1} 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 control, 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 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 {2} 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 {7}{b1} 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 {8}--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 {9}{e1}{d1} 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 {10}{d1}{E1} prepare, publish, evaluate, and disseminate
 24 educational material dealing with the nature and effects of
 25 alcohol;

1 ~~(1)(F)~~ 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)(G)~~ organize and foster training programs for
7 all persons engaged in treatment of alcoholics and
8 intoxicated persons;

9 ~~(3)(H) 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)(I)~~ 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)(J)~~ 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)(K)~~ 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 ~~(8)(L) provide ongoing training of approved program~~
6 ~~personnel;~~

7 ~~(9) 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 ~~(10)(M)~~ 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 ~~(11)(N)~~ 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 ~~(12)(O)~~ 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 ~~(13)(P)~~ encourage all health and disability
24 insurance programs to include alcoholism as a covered
25 illness; and

1 ~~(22)~~(10) 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)~~(a) accept gifts, grants, and donations of money
7 and property from public and private sources;

8 ~~(2)~~(b) enter into contracts;

9 ~~(3)~~(c) 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,~~
21 ~~intoxicated persons, and family members;~~

22 (2) 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; and

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 (e) 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 ~~{3}{4}~~ 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 {4}{5} All appropriate public and private resources
13 shall be coordinated with and utilized in the program if
14 possible.

15 {5}{6} 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 state.~~ Thirty EXCEPT AS PROVIDED IN
 12 SUBSECTION (1), 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 (4) ~~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.~~

1 ~~(4) FOR THE 1979-1981 BIENNIAL, \$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 (1).~~"

7 Section 9. Section 16-1-408, MCA, is amended to read:
 8 "16-1-408. Additional tax. (1) An additional tax of \$1
 9 per barrel is levied and imposed as provided by 16-1-406,
 10 and such additional tax is also to be levied and imposed at
 11 the same rate upon beer manufactured within the state. The
 12 additional tax of \$1 is to be deposited, notwithstanding
 13 16-1-306 and 16-1-410 or any other provision, with the state
 14 treasurer to the credit of the department of institutions
 15 each quarter for the treatment, rehabilitation, and
 16 prevention of alcoholism as approved by the state.

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

20 NEW SECTION. Section 10. Contract for services
 21 required. Revenue generated from 16-1-404 and 16-1-408 and
 22 any other revenue that is allocated to the counties for the
 23 purpose of treatment, rehabilitation, and prevention of
 24 alcoholism shall be contracted for services by the counties
 25 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 rules, and state
 5 law.

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

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

15 ~~(2) Facilities applying for approval must demonstrate~~
 16 ~~a local need currently exists for proposed services and that~~
 17 ~~the proposed services do not duplicate existing local~~
 18 ~~services.~~

19 ~~(3) The department shall periodically inspect~~
 20 ~~approved public and private treatment facilities at~~
 21 ~~reasonable times and in a reasonable manner.~~

22 ~~(4) The department shall maintain a list of~~
 23 ~~approved public and private treatment facilities.~~

24 ~~(5) Each approved public and private treatment~~
 25 ~~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 ~~(5)(6)~~ 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 ~~(6)(7)~~ 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 ~~(7)(8)~~ 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 12. THERE IS A NEW MCA SECTION THAT READS:

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 13. THERE IS A NEW MCA SECTION THAT READS:

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-

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~~ 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 STATEMENT OF INTENT RE: HB 844

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

Section 22 12 requires each county to submit a countywide plan to the department for the treatment, rehabilitation, and prevention of alcoholism and gives the department the authority to approve or disapprove of each 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.

HB 844

HOUSE BILL NO. 844
INTRODUCED BY MEYER

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

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

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

"53-24-103. Definitions. For purposes of this chapter, the following definitions apply:

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

(2) "Approved private treatment facility" means a

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.

(3) "Approved public treatment facility" means 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.

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

(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) "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.

(7) "Incompetent person" means a person who has been 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
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 ~~sar~~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 (1) plan, promote, and assist in the support of
19 alcoholism and drug dependence prevention, treatment, and
20 control programs;

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

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

9 (5)(d) 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 control, 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)--developv---encouragev---and---foster---statewidev
 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--agenciesv~~
 20 ~~organizationsv---and---individualsv---and---provide--technical~~
 21 ~~assistance-and-consultation-services-for-these-purposes;~~

22 (7) 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 (7)(b) 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 (8)--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 (9)(c)(D) 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 (10)(d)(E) prepare, publish, evaluate and disseminate
 24 educational material dealing with the nature and effects of
 25 alcohol;

1 ~~(1)~~(E) 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)~~(G) organize and foster training programs for
7 all persons engaged in treatment of alcoholics and
8 intoxicated persons;

9 ~~(3)~~(H) 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)~~(I) 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)~~(J) 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)~~(K) 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 ~~(8)~~(L) provide ongoing training of approved program
6 personnel;

7 ~~(9)~~ 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 ~~(10)~~(M) 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 ~~(11)~~(N) 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 ~~(12)~~(O) 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 ~~(13)~~(P) encourage all health and disability
24 insurance programs to include alcoholism as a covered
25 illness; and

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

8 ~~(2)(b)~~ enter into contracts;

9 ~~(3)(c)~~ 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 ~~state, 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,~~
 21 ~~intoxicated persons, and family members;~~

22 (2) 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; and

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 ~~(e) 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 ~~(3)(4) 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 ~~(4)(5) All appropriate public and private resources~~
13 ~~shall be coordinated with and utilized in the program if~~
14 ~~possible.~~

15 ~~(5)(6) 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 B. 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 state. 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 ~~OR 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 area.

24 (4) ~~The 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--treatmentv--rehabilitationv--and
 3 prevention-of-alcoholism-as-approved-by-the-statev

4 (4) FOR THE 1979-1981 BIENNIAL, \$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 (5) A COUNTY MAY RETAIN UP TO 5% OF THE MONEY
 11 ALLOCATED TO IT UNDER SUBSECTION (3).

12 Section 9. Section 16-1-408, MCA, is amended to read:
 13 "16-1-408. Additional tax. (1) 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 (2) 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 (3) 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 law.

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 (2) 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 (2)(3) The department shall periodically inspect
 25 approved public and private treatment facilities at

1 reasonable times and in a reasonable manner.

2 ~~33~~41 The department shall maintain a list of
3 approved public and private treatment facilities.

4 ~~44~~51 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 ~~55~~61 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 ~~66~~71 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 ~~77~~81 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

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~~ 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).

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, ~~16-1-406~~, 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."

11
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 takes~~
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"
2 means a private ~~PRIVATE nonprofit OR--TREAT--GOVERNMENT~~
3 ~~agency, receiving public funds (whose sole function is the~~
4 ~~treatment, rehabilitation, and prevention of alcoholism and~~
5 ~~drug dependence)~~ meeting the standards prescribed in
6 53-24-208(1) and approved under 53-24-208.

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

12 (B) A TREATMENT AGENCY OPERATING UNDER THE DIRECTION
13 AND CONTROL OF A LOCAL GOVERNMENT AND APPROVED UNDER
14 53-24-208.

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

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

21 (6) "Incapacitated by alcohol" means that a person, as
22 a result of the use of alcohol, is unconscious or has his
23 judgment otherwise so impaired that he is incapable of
24 realizing and making a rational decision with respect to his
25 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 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 sole 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 ~~unmarked~~ 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. But the powers and duties of department~~
22 ~~the department shall may"~~

23 ~~the department shall may~~
24 ~~the department shall may~~
25 ~~the department shall may~~

1 ~~(2) conduct, sponsor, and support research~~
 2 ~~investigations and studies including evaluation of all~~
 3 ~~phases of alcoholism and drug dependence;~~
 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 dependence;~~
 9 ~~(4)(a) 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 ~~(a) 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 ~~(7)(b) coordinate the efforts and enlist the~~
 9 ~~assistance of all 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 ~~(8) 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 ~~(9)(c)(B) 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 ~~programs~~~~
 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 (10)(a)(i) prepare, publish, evaluate, and disseminate
 4 educational material dealing with the nature and effects of
 5 alcohol;
 6 (11)(a)(i) develop and implement, as an integral part
 7 of treatment programs, an educational 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 (12)(a)(i) organize and foster training programs for
 12 all persons engaged in treatment of alcoholics and
 13 intoxicated persons;
 14 (13)(a) distribute funds to approved programs according
 15 to the allocation for distribution as provided for in
 16 16-1-404 PROVISIONS OF 53-24-206;
 17 (13) 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 (14)(b)(i) 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 readmission,

1 and frequency and duration of treatment;
 2 (15)(i)(i) 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 (16)(i)(i) 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 (17)(i) provide ongoing training of approved program
 11 personnel;
 12 (17) 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 (18)(i)(i) 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 (19)(a)(i) 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 (20)(a)(i) encourage general hospitals and other
 25 appropriate health facilities to admit without

1 ~~discrimination--alcoholics--and--intoxicated--persons--and--to~~
 2 ~~provide--them--with--adequate--and--appropriate--treatment;~~
 3 ~~(2)(a)(i)--encourage--all--health--and--disability~~
 4 ~~insurance--programs--to--include--alcoholism--as--a--covered~~
 5 ~~illness--and~~
 6 ~~(2)(a)(ii)--submit--to--the--governor--on--annual--report~~
 7 ~~covering--the--activities--of--the--department;~~
 8 Section 4. Section 53-24-204, MCA, is amended to read:
 9 "53-24-204. Powers of department. (1) To carry out
 10 this chapter, the department may:
 11 (a) accept gifts, grants, and donations of money
 12 and property from public and private sources;
 13 (b) enter into contracts;
 14 (c) acquire and dispose of property;
 15 (4) ~~plan, establish, and maintain treatment programs~~
 16 ~~as necessary or desirable;~~
 17 (5) ~~coordinate its activities and cooperate with~~
 18 ~~alcoholism programs in this and other states and make~~
 19 ~~contracts and other joint or cooperative arrangements with~~
 20 ~~state, local, or private agencies in this and other states~~
 21 ~~for the treatment of alcoholics and intoxicated persons and~~
 22 ~~for the common advancement of alcoholism programs;~~
 23 (6) ~~do other acts and things necessary or convenient~~
 24 ~~to execute the authority expressly granted to it; and~~
 25 (7) ~~provide treatment facilities for alcoholics~~

1 ~~intoxicated persons and family members;~~
 2 (2) ~~to carry out this chapter,~~ the IHE department
 3 shall:
 4 (a) approve treatment programs as provided for in
 5 53-24-208;
 6 (b) prepare an annual state plan for the delivery of
 7 treatment services;
 8 (c) provide for and conduct statewide service system
 9 evaluations;
 10 (d) distribute state and federal funds to the counties
 11 for approved treatment programs in accordance with the
 12 provisions of ~~to 3-404~~ 53-24-206;
 13 (e) plan in conjunction with approved programs and
 14 provide for training of program personnel delivering
 15 services to alcoholics;
 16 (f) establish criteria to be used for the development
 17 of new programs; and
 18 (g) certify and establish standards for the
 19 certification of alcoholism and drug dependence counselors;
 20 (h) ENCOURAGE PLANNING FOR THE GREATEST UTILIZATION OF
 21 FUNDS BY DISCOURAGING DUPLICATION OF SERVICES, ENCOURAGING
 22 EFFICIENCY OF SERVICES THROUGH EXISTING PROGRAMS, AND
 23 ENCOURAGING RURAL COUNTIES TO FORM MULTICOUNTY DISTRICTS OR
 24 CONTRACT WITH URBAN PROGRAMS FOR SERVICES; AND
 25 (i) COOPERATE WITH THE BOARD OF PARDONS IN

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, 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 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 (b) 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 follow-up treatment; and
 2 (a) follow-up services for the purpose of determining
 3 whether additional treatment is needed.

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

8 ~~(3)(4)(3)~~ The department shall provide for adequate
 9 and appropriate treatment for alcoholics and intoxicated
 10 persons admitted under 53-24-301 through 53-24-304.
 11 ~~Treatment may not be provided at a correctional institution~~
 12 ~~except for inmates.~~

13 ~~(4)(5)(4)~~ All appropriate public and private resources
 14 shall be coordinated with and utilized in the program if
 15 possible.

16 ~~(5)(6)(5)~~ The department shall prepare, publish, and
 17 distribute annually a list of all approved public and
 18 private treatment facilities."

19 Section 7, Section 53-24-303, MCA, is amended to read:
 20 "53-24-303. Treatment and services for intoxicated
 21 persons and persons incapacitated by alcohol. (1) 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, an approved public treatment facility,
 2 an approved private treatment facility, or other health
 3 facility by the police.

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

19 (3) 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 (4) 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 16-1-304~~ ~~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 (2). 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 5% 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 EARMARKED 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 ~~consue~~

2 ~~(h) fifteen percent shall be allocated according to~~

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

4 ~~area~~

5 ~~(4) The 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 state~~

10 ~~(4) FOR THE 1979-1981 BIENNIAL \$100,000 OF THE~~

11 ~~LICENSE TAX IS ALLOCATED EACH YEAR TO THE DEPARTMENT TO BE~~

12 ~~DISTRIBUTED AS PROVIDED FOR IN SECTION 11 12) THE~~

13 ~~ALLOCATION TO THE DEPARTMENT UNDER THIS SECTION SUBSECTION~~

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

15 ~~to the counties and the state as provided in subsection (1)~~

16 ~~(5) A COUNTY MAY RETAIN UP TO 5% OF THE MONEY~~

17 ~~ALLOCATED TO IT UNDER SUBSECTION (3)~~

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

19 "16-1-408. Additional tax. (1) 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 16-1-410 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 state.

3 (2) 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 (1) of section 9.

6 ~~NEW SECTION~~ Section 10. Contract for services

7 required. Revenue generated from 16-1-404 and 16-1-408 and

8 any other revenue that is allocated to the counties for the

9 purpose of treatment, rehabilitation, and prevention of

10 alcoholism shall be contracted for services by the counties

11 to state-approved alcoholism programs. The contracts will be

12 developed jointly by the counties and the department of

13 institutions. The department of institutions shall monitor

14 and give final approval to contracts based on compliance

15 with department standards, administrative rules, and state

16 law.

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

18 "53-24-208. Facility standards. (1) The department

19 shall establish standards for approved treatment facilities

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

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

22 be charged for the required inspections. The standards may

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

24 treatment to be afforded patients.

25 (2) 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 {2}{3} The department shall periodically inspect
 5 approved public and private treatment facilities at
 6 reasonable times and in a reasonable manner.

7 {3}{4} The department shall maintain a list of
 8 approved public and private treatment facilities.

9 {4}{5} 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 {5}{6} 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 {6}{7} 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 {7}{8} 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--(1) 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 levels as a result of the percentage formula~~
 15 ~~in [section 8].~~

16 {2}--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 {3}--The department shall establish criteria for
 20 apportioning the money among the counties; however, no more
 21 than \$20,000 may be distributed to any one county. Payments
 22 of aid must be made quarterly to the county.

23 {4}--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
 14 DISTRIBUTING FUNDS TO APPROVED PROGRAMS IN A COUNTY, THE
 15 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."

11
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"
2 means a private PRIVATE nonprofit ~~OR LOCAL GOVERNMENT~~
3 ~~agency, receiving public funds (whose sole function is the~~
4 ~~treatment, rehabilitation, and prevention of alcoholism and~~
5 ~~drug dependence)~~ meeting the standards prescribed in
6 53-24-208(1) and approved under 53-24-208.

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

12 (B) A TREATMENT AGENCY OPERATING UNDER THE DIRECTION
13 AND CONTROL OF A LOCAL GOVERNMENT AND APPROVED UNDER
14 53-24-208.

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

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

21 (6) "Incapacitated by alcohol" means that a person, as
22 a result of the use of alcohol, is unconscious or has his
23 judgment otherwise so impaired that he is incapable of
24 realizing and making a rational decision with respect to his
25 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 law 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 sole 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 treatment; 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 ~~(3) 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 ~~(3)(1)(3)~~ 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 ~~(4)(1)(4)~~ All appropriate public and private resources
 16 shall be coordinated with and utilized in the program if
 17 possible.

18 ~~(5)(1)(5)~~ 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, MCA, is amended to read~~
 22 ~~"53-24-303. Treatment and services for intoxicated~~
 23 ~~persons and persons incapacitated by alcohol. (1) 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, an 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 customarily 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 may 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

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:

(1) 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"

April 17, 1979

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

Re-number: 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."