

HOUSE BILL NO. 439

INTRODUCED BY WALDRON

BY REQUEST OF THE DEPARTMENT OF INSTITUTIONS

IN THE HOUSE

|                  |  |
|------------------|--|
| January 23, 1981 | Introduced and referred to Committee on Human Services.      |
| February 2, 1981 | Committee recommend bill do pass as amended. Report adopted. |
| February 3, 1981 | Bill printed and placed on members' desks.                   |
| February 5, 1981 | Second reading, do pass.                                     |
| February 6, 1981 | Correctly engrossed.   |
| February 7, 1981 | Third reading, passed. Transmitted to Senate.                |

IN THE SENATE

|                  |  |
|------------------|--|
| February 9, 1981 | Introduced and referred to Committee on Public Health, Welfare and Safety. |
| March 14, 1981   | Committee recommend bill be concurred in. Report adopted.                  |
| March 17, 1981   | Motion pass consideration.   |
| March 18, 1981   | Second reading, concurred in.  |
| March 20, 1981   | Third reading, concurred in. Ayes, 46; Noes, 2.                            |

IN THE HOUSE

|                |   |
|----------------|---|
| March 21, 1981 | Returned from Senate. Concurred in. Sent to enrolling. Reported correctly enrolled. |
|----------------|---|

1                                 HOUSE     BILL NO. 439  
 2 INTRODUCED BY Waldron  
 3                                 BY REQUEST OF THE DEPARTMENT OF INSTITUTIONS

4  
 5 A BILL FOR AN ACT ENTITLED: "AN ACT CONCERNING PAYMENT OF  
 6 FEES FOR CERTAIN ALCOHOLISM RELATED SERVICES AND INDICATING  
 7 HOW THE DEPARTMENT WILL DISTRIBUTE FUNDS GENERATED BY THE  
 8 TAX ON ALCOHOLIC BEVERAGES; AMENDING SECTION 53-24-108,  
 9 MCA."

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

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

19             (a) as payment of fees for alcoholism services or  
 20 ~~detoxification services~~ provided by state-approved  
 21 ~~alcoholism programs, certified alcoholism counselors,~~  
 22 ~~licensed physicians,~~ and licensed hospitals; or

23             (b) as grants to ~~persons operating~~ state-approved  
 24 alcoholism programs.

25             (2) No person operating a state-approved alcoholism

1 program may be required to provide matching funds as a  
 2 condition of receiving a grant under subsection (1) of this  
 3 section.

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

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

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

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

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

24             (c) The excess shall be used by the grantee under the  
 25 terms of the grant in accordance with one or a combination

1 of the following options:

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

4 (ii) 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 earmarked revenue fund for the  
12 treatment, rehabilitation, and prevention of alcoholism  
13 within 30 days after the close of each fiscal year and will  
14 be distributed by the department the following year as  
15 provided in 53-24-206(3)(b)."

-End-

## STATE OF MONTANA

REQUEST NO. 335-81

## FISCAL NOTE

Form BD-15

In compliance with a written request received February 9, 19 81, there is hereby submitted a Fiscal Note for House Bill #439 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA).

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

Description of Proposed Legislation: "An act concerning payment of fees for certain alcoholism related services and indicating how the department will distribute funds generated by the tax on alcoholic beverages; amending section 53-24-108, MCA."

Assumptions:

- (1) The only portion of this legislation with any fiscal impact is page three, lines 14-16.
- (2) The amount of funds reverted in FY 1980 which would have been affected by this change was \$14,000, and no increase or decrease can be projected.

Fiscal Impact:

|                                | <u>1982</u>     | <u>1983</u>     |
|--------------------------------|-----------------|-----------------|
| Distribution to Counties       | <u>14,000</u>   | <u>14,000</u>   |
| Earmarked Alcohol Fund (02302) | <u>(14,000)</u> | <u>(14,000)</u> |

53-24-206(3), MCA currently provides that all Earmarked Alcohol funds not appropriated by the Legislature be distributed to the counties. This legislation merely provides that those monies appropriated but not spent will be distributed in the same manner.

Local Impact:

The result of this legislation will be the distribution to counties of any funds reverted to the Earmarked Alcohol Fund. Therefore, the earmarked alcohol revenue to counties can be expected to increase by \$14,000 per year.

*David M. Lewis*

BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 2-12-81

Approved by Comm. On Human Services

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 13 on alcoholic beverages. (1) Revenue generated by 16-1-404,  
 14 16-1-406, and 16-1-408 to state-approved programs whose  
 15 function is the treatment, rehabilitation, and prevention of  
 16 alcoholism may be distributed in either of the following  
 17 manners:  
 18

- 19 (a) as payment of fees for alcoholism services ~~or~~
- 20 ~~detoxification---services~~ provided by state-approved
- 21 alcoholism programs; ~~certified--alcoholism--counselors,~~
- 22 ~~licensed---physicians,~~ and licensed hospitals ~~FOR~~
- 23 DETOXIFICATION SERVICES; or
- 24 (b) as grants to persons--operating state-approved
- 25 alcoholism programs.

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

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

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

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

- 17 (a) The grant application must contain an estimate of
- 18 all program income, including income from earned fees,
- 19 gifts, bequests, donations, and grants from other than state
- 20 sources during the period for which grant support is sought.
- 21 (b) whenever, during the period of grant support,
- 22 program income exceeds the amount estimated in the grant
- 23 application, the amount of the excess shall be reported to
- 24 the grantor.
- 25 (c) The excess shall be used by the grantee under the

1 terms of the grant in accordance with one or a combination  
2 of the following options:

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

5 (ii) to allow program growth through the expansion of  
6 services or for capital expenditures necessary to improve  
7 facilities where services are provided.

8 (6) Revenue generated by 16-1-404, 16-1-406, and  
9 16-1-408 for the treatment, rehabilitation, and prevention  
10 of alcoholism which has not been encumbered for those  
11 purposes by the counties of Montana or the department shall  
12 be returned to the state's earmarked revenue fund for the  
13 treatment, rehabilitation, and prevention of alcoholism  
14 within 30 days after the close of each fiscal year and will  
15 be distributed by the department the following year as  
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(a) as payment of fees for alcoholism services ~~or detoxification---services~~ provided by state-approved alcoholism programs, ~~certified--alcoholism--counselors,~~ ~~licensed---physitians,~~ and licensed hospitals ~~FUR~~ DETOXIFICATION SERVICES; or

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

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

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

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

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