

HOUSE BILL NO. 360

INTRODUCED BY HART, BRAND

BY REQUEST OF THE DEPARTMENT OF INSTITUTIONS

IN THE HOUSE

January 19, 1983	Introduced and referred to Committee on Human Services.
February 16, 1983	Committee recommend bill do pass. Report adopted.
February 17, 1983	Bill printed and placed on members' desks.
February 18, 1983	Second reading, do pass.
February 21, 1983	Considered correctly engrossed.
February 22, 1983	Third reading, passed. Transmitted to Senate.

IN THE SENATE

March 1, 1983	Introduced and referred to Committee on Public Health, Welfare and Safety.
March 23, 1983	Committee recommend bill be concurred in. Report adopted.
March 24, 1983	Second reading, concurred in.
March 28, 1983	Third reading, concurred in. Ayes, 47; Noes, 0.

IN THE HOUSE

March 28, 1983	Returned to House.
March 29, 1983	Sent to enrolling. Reported correctly enrolled.

1 HOUSE BILL NO. 360
2 INTRODUCED BY Mr. Mark Brand
3 BY REQUEST OF THE DEPARTMENT OF INSTITUTIONS
4
5 A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY AND PROPERLY
6 DESIGNATE THE DEPARTMENT OF INSTITUTIONS AS ADMINISTRATOR OF
7 BOTH THE ALCOHOL AND DRUG PROGRAMS IN THE STATE BY DEFINING
8 AND USING THE TERM "CHEMICAL DEPENDENCY" WHERE APPROPRIATE;
9 AMENDING SECTIONS 53-24-101, 53-24-103, 53-24-104,
10 53-24-204, 53-24-206, 53-24-207, 53-24-209 THROUGH
11 53-24-211, AND 53-24-306, MCA."
12
13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
14 Section 1. Section 53-24-101, MCA, is amended to read:
15 "53-24-101. Legislative purpose. It is the purpose of
16 this chapter and the policy of this state to recognize
17 ~~alcoholism--and--drug--dependence~~ chemical dependency as
18 ~~problems a problem~~ affecting the health, safety, morals,
19 economy, and general welfare of this state; to recognize
20 ~~alcoholism--and--drug--dependence~~ chemical dependency as
21 ~~problems a problem~~ subject to treatment; and to recognize
22 the sufferer of ~~alcoholism,--drug--dependence,--or--both~~
23 chemical dependency as worthy of treatment and
24 rehabilitation. It is the intent of this chapter to
25 establish means whereby the appropriate resources of this

1 state may be focused fully and effectively upon the ~~problems~~
2 ~~problem~~ of ~~alcoholism--and--drug--dependence~~ chemical
3 dependency and utilized in implementing programs for the
4 control and treatment of ~~these problems~~ this problem."

5 Section 2. Section 53-24-103, MCA, is amended to read:
6 "53-24-103. Definitions. For purposes of this chapter,
7 the following definitions apply:

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9 illness or disorder of behavior characterized by repeated
10 drinking of alcoholic beverages to the extent that it
11 endangers the health, interpersonal relationships, or
12 economic function of the individual or public health,
13 welfare, or safety.

14 (2) "Approved private treatment facility" means a
15 private nonprofit agency, receiving public funds (whose
16 function is the treatment, rehabilitation, and prevention of
17 ~~alcoholism--and--drug--dependence~~ chemical dependency) and
18 meeting the standards prescribed in 53-24-208(1) and
19 approved under 53-24-208.

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

21 (a) a treatment agency operating under the direction
22 and control of the department as a state agency and approved
23 under 53-24-208; or

24 (b) a treatment agency operating under the direction
25 and control of a local government and approved under

1 53-24-208.

2 (4) "Chemical dependency" means the use of any
3 chemical substance, legal or illegal, which creates
4 behavioral or health problems, or both, resulting in
5 operational impairment. This term includes alcoholism, drug
6 dependency, or both, that endanger the health, interpersonal
7 relationships, or economic functions of an individual or the
8 public health, welfare, or safety.

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

11 (6) "Family member" is the spouse, mother, father,
12 child, or member of the household of an--alcoholic a
13 chemically dependent person whose life has been affected by
14 the actions of the alcoholic chemically dependent person and
15 who may require treatment.

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

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

23 (9) "Intoxicated person" means a person whose
24 mental or physical functioning is substantially impaired as
25 a result of the use of alcohol.

1 (9)(10) "Prevention" has meaning on four levels; these
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5 and--alcoholism, chemical dependency treatment, and
6 rehabilitative services and to reduce the consequences of
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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)(11) "Treatment" means the broad range of
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20 and care, including diagnostic evaluation, medical,
21 psychiatric, psychological, and social service care,
22 vocational rehabilitation, and career counseling, which may
23 be extended to alcoholics chemically dependent persons,
24 intoxicated persons, and family members."

25 Section 3. Section 53-24-104, MCA, is amended to read:

"53-24-104. Deposit of funds from federal or private sources with state treasurer. Funds available to the department from federal or private sources for use in ~~alcoholism and drug dependence~~ chemical dependency prevention, treatment, and control programs shall be deposited with the state treasurer to the account of the department in the federal and private revenue fund."

Section 4. Section 53-24-204, MCA, is amended to read:

"53-24-204. Powers and duties of department. (1) To carry out this chapter, the department may:

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

(b) enter into contracts;

(c) acquire and dispose of property.

(2) The department shall:

(a) approve treatment facilities as provided for in 53-24-208;

(b) prepare an annual state plan for the delivery of treatment services;

(c) provide for and conduct statewide service system evaluations;

(d) distribute state and federal funds to the counties for approved treatment programs in accordance with the provisions of 53-24-206;

(e) plan in conjunction with approved programs and

provide for training of program personnel delivering services to ~~alcoholics~~ chemically dependent persons;

(f) establish criteria to be used for the development of new programs;

(g) certify and establish standards for the certification of ~~alcoholism and drug dependence~~ chemical dependency counselors;

(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~~ chemically dependent and intoxicated persons in or on parole from penal institutions."

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

"53-24-206. Administration of financial assistance.

(1) The department may apply for and receive grants, allotments, or allocations of funds or other assistance for purposes pertaining to the problems of ~~alcoholism and drug dependence~~ chemical dependency 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 ~~alcoholism and drug dependence~~ chemical dependency or related social problems. In carrying out cooperative programs, the department may make grants of financial assistance to government agencies and private organizations under terms and conditions agreed upon.

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

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

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

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

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

area.

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

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

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

The department shall establish a comprehensive and coordinated program for the treatment of ~~alcoholics~~ chemically dependent persons, intoxicated persons, and family members.

(2) The program shall include:

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

(b) inpatient treatment;

(c) intermediate treatment;

(d) outpatient treatment; and

(e) follow-up services.

(3) The department shall provide for adequate and appropriate treatment for alcoholics and intoxicated persons admitted under 53-24-301 through 53-24-304.

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

(5) The department shall prepare, publish, and distribute annually a list of all approved public and

1 private treatment facilities."

2 Section 7. Section 53-24-209, MCA, is amended to read:

3 "53-24-209. Rules for acceptance for treatment. The
4 department shall adopt rules for acceptance of persons into
5 the treatment program, considering available treatment
6 resources and facilities, for the purpose of early and
7 effective treatment of ~~alcoholics~~ chemically dependent
8 persons, intoxicated persons, and family members. In
9 adopting the rules, the department shall be guided by the
10 following standards:

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12 voluntary rather than an involuntary basis.

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14 transferred to outpatient or intermediate treatment unless
15 he is found to require inpatient treatment.

16 (3) A person shall not be denied treatment solely
17 because he has withdrawn from treatment against medical
18 advice on a prior occasion or because he has relapsed after
19 earlier treatment.

20 (4) An individualized treatment plan shall be prepared
21 and maintained on a current basis for each person.

22 (5) Provision shall be made for a continuum of
23 coordinated treatment services so that a person who leaves a
24 facility or a form of treatment will have available and
25 utilize other appropriate treatment."

1 Section 8. Section 53-24-210, MCA, is amended to read:

2 "53-24-210. Departmental reports to legislature. The
3 department shall report to each legislative session on the
4 status of the implemented chapter. This report or any part
5 thereof may be included as the department's state plan for
6 alcohol abuse and ~~alcoholism~~ chemical dependency."

7 Section 9. Section 53-24-211, MCA, is amended to read:

8 "53-24-211. County plan to be submitted to department.

9 (1) By January 1 of each year, each county must submit to
10 the department a comprehensive countywide plan for the
11 treatment, rehabilitation, and prevention of ~~alcoholism~~
12 chemical dependency.

13 (2) The plan must have been approved by the board of
14 county commissioners and must contain information regarding
15 existing nonprofit and local government programs within the
16 county. The plan must also contain information regarding the
17 current and future needs of the county for the treatment,
18 rehabilitation, and prevention of ~~alcoholism~~ chemical
19 dependency.

20 (3) The department shall approve or disapprove the
21 countywide plan. If the department disapproves a plan, the
22 county may submit another plan to the department. In
23 distributing funds to approved programs in a county, the
24 department shall give consideration to the county plan.

25 (4) (a) After January 1 of each year, no money may be

distributed to a county by the department for the treatment, rehabilitation, and prevention of alcoholism if the county has not submitted a plan as required by subsection (1).

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

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

Section 10. Section 53-24-306, MCA, is amended to read:

"53-24-306. Records of ~~alcoholics--and~~ chemically dependent persons, intoxicated persons, and family members.

(1) The registration and other records of treatment facilities shall remain confidential and are privileged to the patient.

(2) Notwithstanding subsection (1), the department may make available information from patients' records for purposes of research into the causes and treatment of ~~alcoholism~~ chemical dependency. Information under this subsection shall not be published in a way that discloses patients' names or other identifying information."

-End-

Approved by Comm. on Human Services

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(e) plan in conjunction with approved programs and

provide for training of program personnel delivering services to ~~alcoholics~~ chemically dependent persons;

(f) establish criteria to be used for the development of new programs;

(g) certify and establish standards for the certification of ~~alcoholism and drug dependence~~ chemical dependency counselors;

(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~~ chemically dependent and intoxicated persons in or on parole from penal institutions."

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

"53-24-206. Administration of financial assistance.

(1) The department may apply for and receive grants, allotments, or allocations of funds or other assistance for purposes pertaining to the problems of ~~alcoholism and drug dependence~~ chemical dependency 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

1 government agency or private organization in programs on
2 ~~alcoholism and drug dependence~~ chemical dependency or
3 related social problems. In carrying out cooperative
4 programs, the department may make grants of financial
5 assistance to government agencies and private organizations
6 under terms and conditions agreed upon.

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

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

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

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

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

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

1 area.

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

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

6 "53-24-207. Comprehensive program for treatment. (1)
7 The department shall establish a comprehensive and
8 coordinated program for the treatment of ~~alcoholics~~
9 chemically dependent persons, intoxicated persons, and
10 family members.

11 (2) The program shall include:

12 (a) emergency treatment provided by a facility
13 affiliated with or part of the medical service of a general
14 hospital;

15 (b) inpatient treatment;

16 (c) intermediate treatment;

17 (d) outpatient treatment; and

18 (e) follow-up services.

19 (3) The department shall provide for adequate and
20 appropriate treatment for alcoholics and intoxicated persons
21 admitted under 53-24-301 through 53-24-304.

22 (4) All appropriate public and private resources shall
23 be coordinated with and utilized in the program if possible.

24 (5) The department shall prepare, publish, and
25 distribute annually a list of all approved public and

private treatment facilities."

Section 7. Section 53-24-209, MCA, is amended to read:

"53-24-209. Rules for acceptance for treatment. The department shall adopt rules for acceptance of persons into the treatment program, considering available treatment resources and facilities, for the purpose of early and effective treatment of ~~alcoholics~~ chemically dependent persons, intoxicated persons, and family members. In adopting the rules, the department shall be guided by the following standards:

(1) If possible a patient shall be treated on a voluntary rather than an involuntary basis.

(2) A patient shall be initially assigned or transferred to outpatient or intermediate treatment unless he is found to require inpatient treatment.

(3) A person shall not be denied treatment solely because he has withdrawn from treatment against medical advice on a prior occasion or because he has relapsed after earlier treatment.

(4) An individualized treatment plan shall be prepared and maintained on a current basis for each person.

(5) Provision shall be made for a continuum of coordinated treatment services so that a person who leaves a facility or a form of treatment will have available and utilize other appropriate treatment."

Section 8. Section 53-24-210, MCA, is amended to read:

"53-24-210. Departmental reports to legislature. The department shall report to each legislative session on the status of the implemented chapter. This report or any part thereof may be included as the department's state plan for alcohol abuse and ~~alcoholism~~ chemical dependency."

Section 9. Section 53-24-211, MCA, is amended to read:

"53-24-211. County plan to be submitted to department.

(1) By January 1 of each year, each county must submit to the department a comprehensive countywide plan for the treatment, rehabilitation, and prevention of ~~alcoholism~~ chemical dependency.

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

(3) The department shall approve or disapprove the countywide plan. If the department disapproves a plan, the county may submit another plan to the department. In distributing funds to approved programs in a county, the department shall give consideration to the county plan.

(4) (a) After January 1 of each year, no money may be

1 distributed to a county by the department for the treatment,
2 rehabilitation, and prevention of alcoholism if the county
3 has not submitted a plan as required by subsection (1).

4 (b) After June 30 of each year, no money may be
5 distributed to a county by the department for the treatment,
6 rehabilitation, and prevention of alcoholism if a county
7 plan has not been approved by the department.

8 (5) The department may adopt rules regarding the
9 submission, approval, and disapproval of plans."

10 Section 10. Section 53-24-306, MCA, is amended to
11 read:

12 "53-24-306. Records of ~~alcoholics--and chemically~~
13 ~~dependent persons, intoxicated persons, and family members.~~

14 (1) The registration and other records of treatment
15 facilities shall remain confidential and are privileged to
16 the patient.

17 (2) Notwithstanding subsection (1), the department may
18 make available information from patients' records for
19 purposes of research into the causes and treatment of
20 ~~alcoholism~~ ~~chemical dependency.~~ Information under this
21 subsection shall not be published in a way that discloses
22 patients' names or other identifying information."

-End-

HOUSE BILL NO. 360

INTRODUCED BY HART, BRAND

BY REQUEST OF THE DEPARTMENT OF INSTITUTIONS

A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY AND PROPERLY DESIGNATE THE DEPARTMENT OF INSTITUTIONS AS ADMINISTRATOR OF BOTH THE ALCOHOL AND DRUG PROGRAMS IN THE STATE BY DEFINING AND USING THE TERM "CHEMICAL DEPENDENCY" WHERE APPROPRIATE; AMENDING SECTIONS 53-24-101, 53-24-103, 53-24-104, 53-24-204, 53-24-206, 53-24-207, 53-24-209 THROUGH 53-24-211, AND 53-24-306, MCA."

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

Section 1. Section 53-24-101, MCA, is amended to read:

"53-24-101. Legislative purpose. It is the purpose of this chapter and the policy of this state to recognize ~~alcoholism--and--drug--dependence chemical dependency~~ as ~~problems a problem~~ affecting the health, safety, morals, economy, and general welfare of this state; to recognize ~~alcoholism--and--drug--dependence chemical dependency~~ as ~~problems a problem~~ subject to treatment; and to recognize the sufferer of ~~alcoholism--drug--dependence--or--both chemical dependency~~ as worthy of treatment and rehabilitation. It is the intent of this chapter to establish means whereby the appropriate resources of this

state may be focused fully and effectively upon the ~~problems~~ ~~problem~~ of ~~alcoholism--and--drug--dependence chemical dependency~~ and utilized in implementing programs for the control and treatment of ~~these problems this problem~~."

Section 2. 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 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 agency receiving public funds (whose function is the treatment, rehabilitation, and prevention of ~~alcoholism--and--drug--dependence chemical dependency~~) and meeting the standards prescribed in 53-24-208(1) and approved under 53-24-208.

(3) "Approved public treatment facility" means:

(a) a treatment agency operating under the direction and control of the department as a state agency and approved under 53-24-208; or

(b) a treatment agency operating under the direction and control of a local government and approved under

53-24-208.

(4) ~~"Chemical dependency" means the use of any chemical substance, legal or illegal, which creates behavioral or health problems, or both, resulting in operational impairment. This term includes alcoholism, drug dependency, or both, that endanger the health, interpersonal relationships, or economic functions of an individual or the public health, welfare, or safety.~~

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

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

(6)(7) "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)(8) "Incompetent person" means a person who has been adjudged incompetent by the district court.

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

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

(a) education to provide information to the school children and general public relating to ~~alcohol-dependence~~ and ~~alcoholism~~ chemical dependency treatment, and rehabilitative services and to reduce the consequences of life experiences acquired by contact with an ~~alcoholic~~ chemically dependent person;

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

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

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

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

Section 3. Section 53-24-104, MCA, is amended to read:

1 "53-24-104. Deposit of funds from federal or private
2 sources with state treasurer. Funds available to the
3 department from federal or private sources for use in
4 ~~alcoholism--and--drug--dependence~~ chemical dependency
5 prevention, treatment, and control programs shall be
6 deposited with the state treasurer to the account of the
7 department in the federal and private revenue fund."

8 Section 4. Section 53-24-204, MCA, is amended to read:

9 "53-24-204. Powers and duties of department. (1) To
10 carry out this chapter, the department may:

11 (a) accept gifts, grants, and donations of money and
12 property from public and private sources;

13 (b) enter into contracts;

14 (c) acquire and dispose of property.

15 (2) The department shall:

16 (a) approve treatment facilities as provided for in
17 53-24-208;

18 (b) prepare an annual state plan for the delivery of
19 treatment services;

20 (c) provide for and conduct statewide service system
21 evaluations;

22 (d) distribute state and federal funds to the counties
23 for approved treatment programs in accordance with the
24 provisions of 53-24-206;

25 (e) plan in conjunction with approved programs and

1 provide for training of program personnel delivering
2 services to ~~alcoholics~~ chemically dependent persons;

3 (f) establish criteria to be used for the development
4 of new programs;

5 (g) certify and establish standards for the
6 certification of ~~alcoholism--and--drug-dependence~~ chemical
7 dependency counselors;

8 (h) encourage planning for the greatest utilization of
9 funds by discouraging duplication of services, encouraging
10 efficiency of services through existing programs, and
11 encouraging rural counties to form multicounty districts or
12 contract with urban programs for services; and

13 (i) cooperate with the board of pardons in
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24 or any private organization.

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2 ~~alcoholism--and--drug--dependence~~ chemical dependency or
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4 programs, the department may make grants of financial
5 assistance to government agencies and private organizations
6 under terms and conditions agreed upon.

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10 legislature. Money that is appropriated for distribution to
11 approved programs on a discretionary basis shall be
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14 mutually agreed upon by the program and the department; and

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16 justified.

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18 to the counties for use by approved programs in the
19 following manner:

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22 population according to the most recent United States
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