

SENATE BILL NO. 327

Introduced: 01/31/83

Referred to Committee on State Administration: 01/31/83

Hearing: 2/8/83

Report: 02/11/83, Do Not Pass

On Motion, 2/12/83, That The Bill Be Reconsidered and
That The Bill Be Printed And Placed On 2nd Reading.
Motion Passed.

2nd Reading: 02/15/83

3rd Reading: 02/17/83

Transmitted to House: 02/17/83

Referred to Committee on State Administration: 3/1/83

Hearing: 3/9/83

Report: 03/23/83, Do Not Pass. Report Adopted.
Bill Killed.

1 *Senate* BILL NO. *327*
 2 INTRODUCED BY *Senator Gregory STEPHENS Hager*
 3 *O'Connell Whitworth Ramsey*
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TRANSFERRING THE
 5 FUNCTIONS RELATING TO TREATMENT FOR ALCOHOLISM AND DRUG
 6 DEPENDENCY UNDER TITLE 53, CHAPTER 24, MCA, FROM THE
 7 DEPARTMENT OF INSTITUTIONS TO THE DEPARTMENT OF HEALTH AND
 8 ENVIRONMENTAL SCIENCES; AMENDING SECTIONS 16-1-404,
 9 16-1-408, 16-1-411, AND 53-24-103, 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 has a chronic
 16 illness or disorder of behavior characterized by repeated
 17 drinking of alcoholic beverages to the extent that it
 18 endangers the health, interpersonal relationships, or
 19 economic function of the individual or public health,
 20 welfare, or safety.
 21 (2) "Approved private treatment facility" means a
 22 private nonprofit agency, receiving public funds (whose
 23 function is the treatment, rehabilitation, and prevention of
 24 alcoholism and drug dependence) meeting the standards
 25 prescribed in 53-24-208(1) and approved under 53-24-208.

1 (3) "Approved public treatment facility" means:
 2 (a) a treatment agency operating under the direction
 3 and control of the department as a state agency and approved
 4 under 53-24-208; or
 5 (b) a treatment agency operating under the direction
 6 and control of a local government and approved under
 7 53-24-208.
 8 (4) "Department" means the department of ~~institutions~~
 9 ~~health and environmental sciences~~ provided for in ~~2-15-2301~~
 10 ~~2-15-2101~~.
 11 (5) "Family member" is the spouse, mother, father,
 12 child, or member of the household of an alcoholic whose life
 13 has been affected by the actions of the alcoholic and may
 14 require treatment.
 15 (6) "Incapacitated by alcohol" means that a person, as
 16 a result of the use of alcohol, is unconscious or has his
 17 judgment otherwise so impaired that he is incapable of
 18 realizing and making a rational decision with respect to his
 19 need for treatment.
 20 (7) "Incompetent person" means a person who has been
 21 adjudged incompetent by the district court.
 22 (8) "Intoxicated person" means a person whose mental
 23 or physical functioning is substantially impaired as a
 24 result of the use of alcohol.
 25 (9) "Prevention" has meaning on four levels; these

INTRODUCED BILL

1 are:

2 (a) education to provide information to the school

3 children and general public relating to alcohol dependence

4 and alcoholism, treatment, and rehabilitative services and

5 to reduce the consequences of life experiences acquired by

6 contact with an alcoholic;

7 (b) early detection and recovery from the illness

8 before lasting emotional or physical damage, or both, have

9 occurred;

10 (c) if lasting emotional or physical damage, or both,

11 have occurred, to arrest the illness before full disability

12 has been reached;

13 (d) the provision of facility requirements to meet

14 division program standards and improve public accessibility

15 for services.

16 (10) "Treatment" means the broad range of emergency,

17 outpatient, intermediate, and inpatient services and care,

18 including diagnostic evaluation, medical, psychiatric,

19 psychological, and social service care, vocational

20 rehabilitation, and career counseling, which may be extended

21 to alcoholics, intoxicated persons, and family members."

22 Section 2. Section 16-1-404, MCA, is amended to read:

23 "16-1-404. License tax on liquor -- amount --

24 distribution of proceeds. (1) The department is hereby

25 authorized and directed to charge, receive, and collect at

1 the time of sale and delivery of any liquor under any

2 provisions of the laws of the state of Montana a license tax

3 of 10% of the retail selling price on all liquor sold and

4 delivered. Said tax shall be charged and collected on all

5 liquor brought into the state and taxed by the department.

6 The retail selling price shall be computed by adding to the

7 cost of said liquor the state markup as designated by the

8 department. Said 10% license tax shall be figured in the

9 same manner as the state excise tax and shall be in addition

10 to said state excise tax. The department shall retain in a

11 separate account the amount of such 10% license tax so

12 received. Thirty percent of these revenues shall be

13 allocated to the counties according to the amount of liquor

14 purchased in each county to be distributed to the

15 incorporated cities and towns, as provided in subsection

16 (2). Four and one-half percent of these revenues shall be

17 allocated to the counties according to the amount of liquor

18 purchased in each county, and this money may be used for

19 county purposes. The remaining revenues shall be deposited

20 in the earmarked revenue fund to the credit of the

21 department of ~~institutions~~ health and environmental sciences

22 for the treatment, rehabilitation, and prevention of

23 alcoholism. Provided, however, in the case of purchases of

24 liquor by a retail liquor licensee for use in his business,

25 the department shall make such regulations as are necessary

to apportion that proportion of license tax so generated to the county where the licensed establishment is located, for use as provided in 16-1-405. The department shall pay quarterly to each county treasurer the proportion of the license tax due each county to be allocated to the incorporated cities and towns of the county.

(2) The license tax proceeds allocated to the county under subsection (1) for use by cities and towns shall be distributed by the county treasurer to the incorporated cities and towns within 30 days of receipt from the department. The distribution of funds to the cities and towns shall be based on the proportion that the gross sale of liquor in each city or town is to the gross sale of liquor in all of the cities and towns of the county.

(3) The license tax proceeds that are allocated to the department of ~~institutions~~ health and environmental sciences for the treatment, rehabilitation, and prevention of alcoholism shall be credited quarterly to the department of ~~institutions~~ health and environmental sciences. The legislature may appropriate a portion of the license tax proceeds to support alcohol programs. The remainder shall be distributed as provided in 53-24-206."

Section 3. Section 16-1-408, MCA, is amended to read:

"16-1-408. Additional tax. An additional tax of \$1 per barrel is levied and imposed as provided by 16-1-406, and

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

Section 4. Section 16-1-411, MCA, is amended to read:

"16-1-411. Tax on wine. (1) A tax of 20 cents per liter is hereby levied and imposed on table wine imported by any table wine distributor or the department.

(2) (a) The tax on table wine imported by a table wine distributor shall be paid by the table wine distributor by the 15th day of the month following sale of the table wine from the table wine distributor's warehouse. Failure to file a table wine tax return or failure to pay the tax required by this section subjects the table wine distributor to the penalties and interest provided for in 16-1-409.

(b) The tax on table wine imported by the department shall be collected at the time of sale.

(3) The tax paid by a table wine distributor in accordance with subsection (2)(a) and the tax collected by the department in accordance with subsection (2)(b) shall be distributed as follows:

1 (a) 16 cents to the state general fund; and
2 (b) of the remaining 4 cents, one-third to the
3 earmarked revenue account to the credit of the department of
4 ~~institutions~~ health and environmental sciences for the
5 treatment, rehabilitation, and prevention of alcoholism,
6 one-third to the counties, based on population, for the
7 purpose established in 16-1-404, and one-third to the cities
8 and towns, based on population, for the purpose established
9 in 16-1-405.
10 (4) The tax computed and paid in accordance with this
11 section shall be the only tax imposed by the state or any of
12 its subdivisions, including cities and towns."

-End-

Committee
on State Administration
Recommend do not pass
Objection Raised to
Adverse Committee Report

BILL NO. 327

INTRODUCED BY

Arate
Feetay Crippin
O'Connell *Whitworth* *Ramirez*
STEPHENS *Hager* *Dow*

A BILL FOR AN ACT ENTITLED: "AN ACT TRANSFERRING THE
FUNCTIONS RELATING TO TREATMENT FOR ALCOHOLISM AND DRUG
DEPENDENCY UNDER TITLE 53, CHAPTER 24, MCA, FROM THE
DEPARTMENT OF INSTITUTIONS TO THE DEPARTMENT OF HEALTH AND
ENVIRONMENTAL SCIENCES; AMENDING SECTIONS 16-1-404,
16-1-408, 16-1-411, AND 53-24-103, 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 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) 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) "Department" means the department of ~~institutions~~
~~health and environmental sciences~~ provided for in ~~2-15-2301~~
~~2-15-2101~~.

(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
result of the use of alcohol.

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

1 are:

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

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

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

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

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

22 Section 2. Section 16-1-404, MCA, is amended to read:

23 "16-1-404. License tax on liquor -- amount --
24 distribution of proceeds. (1) The department is hereby
25 authorized and directed to charge, receive, and collect at

1 the time of sale and delivery of any liquor under any
2 provisions of the laws of the state of Montana a license tax
3 of 10% of the retail selling price on all liquor sold and
4 delivered. Said tax shall be charged and collected on all
5 liquor brought into the state and taxed by the department.
6 The retail selling price shall be computed by adding to the
7 cost of said liquor the state markup as designated by the
8 department. Said 10% license tax shall be figured in the
9 same manner as the state excise tax and shall be in addition
10 to said state excise tax. The department shall retain in a
11 separate account the amount of such 10% license tax so
12 received. Thirty percent of these revenues shall be
13 allocated to the counties according to the amount of liquor
14 purchased in each county to be distributed to the
15 incorporated cities and towns, as provided in subsection
16 (2). Four and one-half percent of these revenues shall be
17 allocated to the counties according to the amount of liquor
18 purchased in each county, and this money may be used for
19 county purposes. The remaining revenues shall be deposited
20 in the earmarked revenue fund to the credit of the
21 department of ~~institutions~~ health and environmental sciences
22 for the treatment, rehabilitation, and prevention of
23 alcoholism. Provided, however, in the case of purchases of
24 liquor by a retail liquor licensee for use in his business,
25 the department shall make such regulations as are necessary

to apportion that proportion of license tax so generated to the county where the licensed establishment is located, for use as provided in 16-1-405. The department shall pay quarterly to each county treasurer the proportion of the license tax due each county to be allocated to the incorporated cities and towns of the county.

(2) The license tax proceeds allocated to the county under subsection (1) for use by cities and towns shall be distributed by the county treasurer to the incorporated cities and towns within 30 days of receipt from the department. The distribution of funds to the cities and towns shall be based on the proportion that the gross sale of liquor in each city or town is to the gross sale of liquor in all of the cities and towns of the county.

(3) The license tax proceeds that are allocated to the department of ~~institutions health and environmental sciences~~ for the treatment, rehabilitation, and prevention of alcoholism shall be credited quarterly to the department of ~~institutions health and environmental sciences~~. The legislature may appropriate a portion of the license tax proceeds to support alcohol programs. The remainder shall be distributed as provided in 53-24-206."

Section 3. Section 16-1-408, MCA, is amended to read:

"16-1-408. Additional tax. An additional tax of \$1 per barrel is levied and imposed as provided by 16-1-406, and

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

Section 4. Section 16-1-411, MCA, is amended to read:

"16-1-411. Tax on wine. (1) A tax of 20 cents per liter is hereby levied and imposed on table wine imported by any table wine distributor or the department.

(2) (a) The tax on table wine imported by a table wine distributor shall be paid by the table wine distributor by the 15th day of the month following sale of the table wine from the table wine distributor's warehouse. Failure to file a table wine tax return or failure to pay the tax required by this section subjects the table wine distributor to the penalties and interest provided for in 16-1-409.

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(3) The tax paid by a table wine distributor in accordance with subsection (2)(a) and the tax collected by the department in accordance with subsection (2)(b) shall be distributed as follows:

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11 section shall be the only tax imposed by the state or any of
12 its subdivisions, including cities and towns."

-End-

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 2 INTRODUCED BY *Felecia Crispin STEPHENS Hag. - D*
 3 *O'Connell Whitcomb Ramsey*

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-End-