

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* 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

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

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

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

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

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

24 "16-1-408. Additional tax. An additional tax of \$1 per
 25 barrel is levied and imposed as provided by 16-1-406, and

1 such additional tax is also to be levied and imposed at the
 2 same rate upon beer manufactured within the state. The
 3 additional tax of \$1 is to be deposited, notwithstanding
 4 16-1-306 and 16-1-410 or any other provision, with the state
 5 treasurer to the credit of the department of ~~institutions~~
 6 health and environmental sciences each quarter for the
 7 treatment, rehabilitation, and prevention of alcoholism as
 8 approved by the state."

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

10 "16-1-411. Tax on wine. (1) A tax of 20 cents per
 11 liter is hereby levied and imposed on table wine imported by
 12 any table wine distributor or the department.

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

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

22 (3) The tax paid by a table wine distributor in
 23 accordance with subsection (2)(a) and the tax collected by
 24 the department in accordance with subsection (2)(b) shall be
 25 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

Archie
Feetay Crippin
O'Connell *Whitcomb* *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,
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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

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

7 (2) The license tax proceeds allocated to the county
 8 under subsection (1) for use by cities and towns shall be
 9 distributed by the county treasurer to the incorporated
 10 cities and towns within 30 days of receipt from the
 11 department. The distribution of funds to the cities and
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 13 of liquor in each city or town is to the gross sale of
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 16 department of ~~institutions~~ health and environmental sciences
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 21 proceeds to support alcohol programs. The remainder shall be
 22 distributed as provided in 53-24-206."

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9 Section 4. Section 16-1-411, MCA, is amended to read:
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7 purpose established in 16-1-404, and one-third to the cities
8 and towns, based on population, for the purpose established
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12 its subdivisions, including cities and towns."

-End-

1 *Senate* BILL NO. 327
 2 INTRODUCED BY *Felecia Crippen STEPHENS Hag. - Down*
 3 *O'Connell Whitcomb Ramsey*

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4 institutions health and environmental sciences for the
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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.

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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-