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HOUSE BILL 432

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

Donald L. Whitaker

AN ACT

RELATING TO TAXATION; INCREASING THE DISTRIBUTION OF LIQUOR
EXCISE TAX REVENUES TO THE LOCAL DWI GRANT FUND; PROVIDING FOR
DISTRIBUTIONS TO AN ADDITIONAL COUNTY; MAKING AN APPROPRIATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 7-1-6.40 NMSA 1978 (being Laws 1997,
Chapter 182, Section 1, as amended) is amended to read:

"7-1-6.40. DISTRIBUTION--LOCAL DWI GRANT FUND.--A
distribution pursuant to Section 7-1-6.1 NMSA 1978 shall be
made to the local DWI grant fund in an amount equal to [~~thirty-
four and fifty-seven hundredths~~] the following percent of the
net receipts attributable to the liquor excise tax:

A. for the period from July 1, 2003 through June
30, 2004, thirty-eight and eleven hundredths percent; and

B. after June 30, 2004, thirty-six and forty-seven

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1 hundredths percent. "

2 Section 2. Section 11-6A-3 NMSA 1978 (being Laws 1993,
3 Chapter 65, Section 3, as amended) is amended to read:

4 "11-6A-3. LOCAL DWI GRANT PROGRAM - FUND. --

5 A. The division shall establish a local DWI grant
6 program to make grants to municipalities or counties for new,
7 innovative or model programs, services or activities to prevent
8 or reduce the incidence of DWI, alcoholism and alcohol abuse.
9 Grants shall be awarded by the council pursuant to the advice
10 and recommendations of the division.

11 B. The "local DWI grant fund" is created in the
12 state treasury and shall be administered by the division. Two
13 million dollars (\$2,000,000) of liquor excise tax revenues
14 distributed to the fund and all other money in the fund, other
15 than money appropriated for distribution pursuant to
16 [~~Subsection C~~] Subsections C and D of this section and money
17 appropriated for DWI program distributions, are appropriated to
18 the division to make grants to municipalities and counties upon
19 council approval in accordance with the program established
20 under the Local DWI Grant Program Act. An amount equal to the
21 liquor excise tax revenues distributed annually to the fund
22 less [~~four million eight hundred thousand dollars (\$4,800,000)]~~
23 six million one hundred thousand dollars (\$6,100,000) in fiscal
24 year 2004 and five million five hundred thousand dollars
25 (\$5,500,000) in each fiscal year thereafter is appropriated to

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1 the division to make DWI program distributions to counties upon
2 council approval of programs in accordance with the provisions
3 of the Local DWI Grant Program Act. No more than one hundred
4 thousand dollars (\$100,000) of liquor excise tax revenues
5 distributed to the fund in any fiscal year shall be expended
6 for administration of the grant program. Balances in the fund
7 at the end of any fiscal year shall not revert to the general
8 fund.

9 C. Two million eight hundred thousand dollars
10 (\$2,800,000) of the liquor excise tax revenues distributed to
11 the local DWI grant fund is appropriated to the division for
12 distribution to the following counties in the following amounts
13 for funding of alcohol detoxification and treatment facilities:

14 (1) one million seven hundred thousand dollars
15 (\$1,700,000) to class A counties with a population of over
16 three hundred thousand persons according to the 1990 federal
17 decennial census;

18 (2) three hundred thousand dollars (\$300,000)
19 each to counties classified in 2000 as class B counties with a
20 population of more than ninety thousand but less than one
21 hundred thousand persons according to the 1990 federal
22 decennial census;

23 (3) two hundred thousand dollars (\$200,000) to
24 class B counties with a population of more than thirty thousand
25 but less than forty thousand persons according to the 1990

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1 federal decennial census;

2 (4) one hundred fifty thousand dollars
3 (\$150,000) to class B counties with a population of more than
4 sixty-two thousand but less than sixty-five thousand persons
5 according to the 1990 federal decennial census; and

6 (5) one hundred fifty thousand dollars
7 (\$150,000) to class B counties with a population of more than
8 thirteen thousand but less than fifteen thousand persons
9 according to the 1990 federal decennial census.

10 D. Liquor excise tax revenues distributed to the
11 local DWI grant fund are appropriated to the division for
12 distribution to the following counties in the following amounts
13 for the following purposes:

14 (1) in fiscal year 2004, one million three
15 hundred thousand dollars (\$1,300,000) for distribution to class
16 B counties with a population of more than fifty-five thousand
17 but less than sixty thousand persons according to the most
18 recent federal decennial census to plan, design, renovate,
19 construct, equip and furnish an alcohol treatment facility
20 located in a municipality within the county with a population
21 of more than one thousand five hundred but less than two
22 thousand five hundred persons according to the most recent
23 federal decennial census; and

24 (2) in fiscal year 2005 and in each fiscal
25 year thereafter, seven hundred thousand dollars (\$700,000) for

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1 distribution to class B counties with a population of more than
2 fifty-five thousand but less than sixty thousand persons
3 according to the most recent federal decennial census for
4 operation of an alcohol treatment facility located in a
5 municipality within the county with a population of more than
6 one thousand five hundred but less than two thousand five
7 hundred persons according to the most recent federal decennial
8 census.

9 ~~[D.]~~ E. In awarding DWI grants to local
10 communities, the council:

11 (1) may fund new or existing innovative or
12 model programs, services or activities of any kind designed to
13 prevent or reduce the incidence of DWI, alcoholism or alcohol
14 abuse;

15 (2) may fund existing community-based
16 programs, services or facilities for prevention, screening and
17 treatment of alcoholism and alcohol abuse;

18 (3) shall give consideration to a broad range
19 of approaches to prevention, education, screening, treatment or
20 alternative sentencing, including programs that combine
21 incarceration, treatment and aftercare, to address the problem
22 of DWI, alcoholism or alcohol abuse; and

23 (4) shall make grants only to counties or
24 municipalities in counties that have established a DWI planning
25 council and adopted a county DWI plan or are parties to a

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1 multicounty DWI plan that has been approved pursuant to Chapter
2 43, Article 3 NMSA 1978 and only for programs, services or
3 activities consistent with that plan.

4 [E-] F. The council shall use the criteria in
5 Subsection [D] E of this section to approve DWI programs,
6 services or activities for funding through the county DWI
7 program distribution. "

8 Section 3. Section 11-6A-6 NMSA 1978 (being Laws 1997,
9 Chapter 182, Section 2, as amended) is amended to read:

10 "11-6A-6. DISTRIBUTION OF CERTAIN DWI GRANT PROGRAM
11 FUNDS-- APPROVAL OF PROGRAMS. --

12 A. An amount equal to the liquor excise tax
13 revenues distributed to the local DWI grant fund for the fiscal
14 year less [~~four million eight hundred thousand dollars~~
15 ~~(\$4,800,000)] six million one hundred thousand dollars
16 (\$6,100,000) in fiscal year 2004 and five million five hundred
17 thousand dollars (\$5,500,000) in each fiscal year thereafter
18 shall be available for distribution in accordance with the
19 formula in Subsection B of this section to each county for
20 council-approved DWI programs, services or activities; provided
21 that each county shall receive a minimum distribution of at
22 least one-half of one percent of the money available for
23 distribution.~~

24 B. Each county shall be eligible for a DWI program
25 distribution in an amount derived by multiplying the total

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1 amount of money available for distribution by a percentage that
2 is the average of the following two percentages:

3 (1) a percentage equal to a fraction, the
4 numerator of which is the retail trade gross receipts in the
5 county and the denominator of which is the total retail trade
6 gross receipts in the state; and

7 (2) a percentage equal to a fraction, the
8 numerator of which is the number of alcohol-related injury
9 crashes in the county and the denominator of which is the total
10 alcohol-related injury crashes in the state.

11 C. A county shall be eligible to receive the
12 distribution determined pursuant to Subsection B of this
13 section if the board of county commissioners has submitted to
14 the council a request to use the distribution for the operation
15 of one or more DWI programs, services or activities in the
16 county and the request has been approved by the council.

17 D. No later than August 1 each year, each board of
18 county commissioners seeking approval for the DWI program
19 distribution pursuant to this section shall make application to
20 the division for review and approval by the council for one or
21 more local DWI programs, services or activities in the county.
22 Application shall be made on a form and in a manner determined
23 by the division. The council shall approve the programs
24 eligible for a distribution no later than September 1 of each
25 year. The division shall make the annual distribution to each

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1 county in quarterly installments on or before each October 10,
2 January 10, April 10 and July 10, beginning in October 1997.
3 The amount available for distribution quarterly to each county
4 shall be the amount determined by applying the formula in
5 Subsection B of this section to the amount of liquor excise tax
6 revenues in the local DWI grant fund at the end of the month
7 prior to the quarterly installment due date and after five
8 hundred thousand dollars (\$500,000) has been set aside for the
9 DWI grant program and after the appropriation and distribution
10 pursuant to [~~Subsection C~~] Subsections C and D of Section
11 11-6A-3 NMSA 1978.

12 E. If a county has no council-approved DWI program,
13 service or activity or does not need the full amount of the
14 available distribution, the unused money shall revert to the
15 local DWI grant fund and may be used by the council for the
16 local DWI grant program.

17 F. As used in this section:

18 (1) "alcohol-related injury crashes" means the
19 average annual number of alcohol-related injury crashes during
20 the period from January 1, 1993 through December 31, 1995, as
21 determined by the traffic safety bureau of the state highway
22 and transportation department; and

23 (2) "retail trade gross receipts" means the
24 total reported gross receipts attributable to taxpayers
25 reporting under the retail trade industry sector of the state

1 for the most recent fiscal year as determined by the taxation
2 and revenue department. "

3 Section 4. EFFECTIVE DATE. --The effective date of the
4 provisions of this act is July 1, 2003.

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