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HOUSE BILL 117

46TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2004

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 percent~~] the following  
percentages of the net receipts attributable to the liquor  
excise tax:

A. for the period from July 1, 2004 through June  
30, 2005, thirty-eight and twelve-hundredths percent; and

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1                    B. after June 30, 2005, thirty-six and fifty-six  
2 hundredths percent. "

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

5                    "11-6A-3. LOCAL DWI GRANT PROGRAM - FUND. --

6                    A. The division shall establish a local DWI grant  
7 program to make grants to municipalities or counties for:

8                                    (1) new, innovative or model programs,  
9 services or activities to prevent or reduce the incidence of  
10 DWI, alcoholism, alcohol abuse, drug addiction or drug abuse;  
11 and

12                                    (2) programs, services or activities to  
13 prevent or reduce the incidence of domestic abuse related to  
14 DWI, alcoholism, alcohol abuse, drug addiction or drug abuse.

15                    B. Grants shall be awarded by the council pursuant  
16 to the advice and recommendations of the division.

17                    C. The "local DWI grant fund" is created in the  
18 state treasury and shall be administered by the division. Two  
19 million five hundred thousand dollars (\$2,500,000) of liquor  
20 excise tax revenues distributed to the fund and all other money  
21 in the fund, other than money appropriated for distribution  
22 pursuant to Subsections D and [E] F of this section and money  
23 appropriated for DWI program distributions, are appropriated to  
24 the division to make grants to municipalities and counties upon  
25 council approval in accordance with the program established

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1 under the Local DWI Grant Program Act and to evaluate DWI  
2 grantees and the local DWI grant program. Money in the fund  
3 may be used for drug courts. An amount equal to the liquor  
4 excise tax revenues distributed annually to the fund less [~~five~~  
5 ~~million six hundred thousand (\$5,600,000)] six million two  
6 hundred thousand dollars (\$6,200,000) in fiscal year 2005 and  
7 five million six hundred thousand dollars (\$5,600,000) in each  
8 fiscal year thereafter is appropriated to the division to make  
9 DWI program distributions to counties upon council approval of  
10 programs in accordance with the provisions of the Local DWI  
11 Grant Program Act. No more than six hundred thousand dollars  
12 (\$600,000) of liquor excise tax revenues distributed to the  
13 fund in any fiscal year shall be expended for administration of  
14 the grant program. Balances in the fund at the end of any  
15 fiscal year shall not revert to the general fund.~~

16 D. Two million eight hundred thousand dollars  
17 (\$2,800,000) of the liquor excise tax revenues distributed to  
18 the local DWI grant fund is appropriated to the division for  
19 distribution to the following counties in the following amounts  
20 for funding of alcohol detoxification and treatment facilities:

21 (1) one million seven hundred thousand dollars  
22 (\$1,700,000) to class A counties with a population of over  
23 three hundred thousand persons according to the 1990 federal  
24 decennial census;

25 (2) three hundred thousand dollars (\$300,000)

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1 each to counties reclassified in 2002 as class A counties with  
2 a population of more than ninety thousand but less than one  
3 hundred thousand persons according to the 1990 federal  
4 decennial census;

5 (3) two hundred thousand dollars (\$200,000) to  
6 class B counties with a population of more than thirty thousand  
7 but less than forty thousand persons according to the 1990  
8 federal decennial census;

9 (4) one hundred fifty thousand dollars  
10 (\$150,000) to class B counties with a population of more than  
11 sixty-two thousand but less than sixty-five thousand persons  
12 according to the 1990 federal decennial census; and

13 (5) one hundred fifty thousand dollars  
14 (\$150,000) to class B counties with a population of more than  
15 thirteen thousand but less than fifteen thousand persons  
16 according to the 1990 federal decennial census.

17 E. Liquor excise tax revenues distributed to the  
18 local DWI grant fund are appropriated to the division for  
19 distribution to the following counties in the following amounts  
20 for the following purposes:

21 (1) in fiscal year 2005, one million four  
22 hundred thousand dollars (\$1,400,000) for distribution to class  
23 B counties with a population of more than fifty-five thousand  
24 but less than sixty thousand persons according to the most  
25 recent federal decennial census to plan, design, renovate,

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1 construct, equip and furnish an alcohol treatment facility  
2 located in a municipality within the county with a population  
3 of more than one thousand five hundred but less than two  
4 thousand five hundred persons according to the most recent  
5 federal decennial census; and

6 (2) in fiscal year 2006 and in each fiscal  
7 year thereafter, eight hundred thousand dollars (\$800,000) for  
8 distribution to class B counties with a population of more than  
9 fifty-five thousand but less than sixty thousand persons  
10 according to the most recent federal decennial census for  
11 operation of an alcohol treatment facility located in a  
12 municipality within the county with a population of more than  
13 one thousand five hundred but less than two thousand five  
14 hundred persons according to the most recent federal decennial  
15 census.

16 ~~[E-]~~ F. Three hundred thousand dollars (\$300,000)  
17 of the liquor excise tax revenues distributed to the local DWI  
18 grant fund is appropriated to the division for the interlock  
19 device fund to cover the costs of installing and removing  
20 ignition interlock devices for indigent people who are  
21 required, pursuant to convictions under Section 66-8-102 NMSA  
22 1978, to install those devices in their vehicles.

23 ~~[F-]~~ G. In awarding DWI grants to local  
24 communities, the council:

25 (1) may fund new or existing innovative or

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1 model programs, services or activities designed to prevent or  
2 reduce the incidence of DWI, alcoholism or alcohol abuse;

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

6 (3) may fund new or existing innovative or  
7 model programs, services or activities of any kind designed to  
8 prevent or reduce the incidence of domestic abuse related to  
9 DWI, alcoholism or alcohol abuse;

10 (4) may fund existing community-based  
11 programs, services or facilities for the prevention and  
12 treatment of domestic abuse related to DWI, alcoholism or  
13 alcohol abuse;

14 (5) shall give consideration to a broad range  
15 of approaches to prevention, education, screening, treatment or  
16 alternative sentencing, including programs that combine  
17 incarceration, treatment and aftercare, to address the problem  
18 of DWI, alcoholism or alcohol abuse; and

19 (6) shall make grants only to counties or  
20 municipalities in counties that have established a DWI planning  
21 council and adopted a county DWI plan or are parties to a  
22 multicounty DWI plan that has been approved by the council and  
23 approved pursuant to Chapter 43, Article 3 NMSA 1978 and only  
24 for programs, services or activities consistent with that plan.

25 A DWI plan shall also comply with local DWI grant program rules

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1 and guidelines.

2 [G-] H. The council shall use the criteria in  
3 Subsection [F] G of this section to approve DWI programs,  
4 services or activities for funding through the county DWI  
5 program distribution. Sixty-five percent of the DWI grants  
6 awarded to local communities shall be used for alcohol-related  
7 treatment and detoxification programs. "

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 LOCAL 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 [~~five million six hundred thousand dollars~~  
15 ~~(\$5,600,000)~~] six million two hundred thousand dollars  
16 (\$6,200,000) in fiscal year 2005 and five million six hundred  
17 thousand dollars (\$5,600,000) 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 percent of the money available for distribution.

23 B. Each county shall be eligible for a DWI program  
24 distribution in an amount derived by multiplying the total  
25 amount of money available for distribution by a percentage that

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1 is the average of the following two percentages:

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

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

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

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



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1 The division shall make the annual distribution to each county  
2 in quarterly installments on or before each September 10,  
3 December 10, March 10 and June 10, beginning in September 2004.  
4 The amount available for distribution quarterly to each county  
5 shall be the amount determined by applying the formula in  
6 Subsection B of this section to the amount of liquor excise tax  
7 revenues in the local DWI grant fund at the end of the month  
8 prior to the quarterly installment due date and after one  
9 million three hundred twenty-five thousand dollars (\$1,325,000)  
10 has been set aside for the DWI grant program and after the  
11 appropriations and distributions pursuant to Subsections D and  
12 [E] F of Section 11-6A-3 NMSA 1978.

13 E. If a county does not have a council-approved DWI  
14 program, service or activity or does not need the full amount  
15 of the available distribution, the unused money shall revert to  
16 the local DWI grant fund and may be used by the council for the  
17 local DWI grant program.

18 F. As used in this section:

19 (1) "alcohol-related injury crashes" means the  
20 average annual number of alcohol-related injury crashes during  
21 the period from January 1, 2000 through December 31, 2002, as  
22 determined by the traffic safety bureau of the [~~state highway~~  
23 ~~and transportation~~] department of transportation; and

24 (2) "retail trade gross receipts" means the  
25 total reported gross receipts attributable to taxpayers

1 reporting under the retail trade industry sector of the state  
2 for the most recent fiscal year as determined by the taxation  
3 and revenue department. "

4 Section 4. EFFECTIVE DATE. --The effective date of the  
5 provisions of this act is July 1, 2004.

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