

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

HOUSE BILL 805

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

INTRODUCED BY

Elias Barela

AN ACT

RELATING TO TAXATION; LIMITING QUARTERLY DISTRIBUTIONS OF LIQUOR EXCISE TAX TO COUNTIES FOR PURPOSES OF DWI PROGRAMS TO THE MAXIMUM APPROVED BY THE DWI GRANT COUNCIL; SETTING THE ADMINISTRATION APPROPRIATION FOR THE DWI PROGRAM AT NO MORE THAN FIVE PERCENT OF THE DISTRIBUTION TO THE LOCAL DWI GRANT FUND; DECLARING AN EMERGENCY.

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

Section 1. Section 11-6A-3 NMSA 1978 (being Laws 1993, Chapter 65, Section 3, as amended) is amended to read:

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

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

(1) new, innovative or model programs, services or activities to prevent or reduce the incidence of

.174858.2SA

underscored material = new
[bracketed material] = delete

underscored material = new
[bracketed material] = delete

1 DWI, alcoholism, alcohol abuse, drug addiction or drug abuse;
2 and

3 (2) programs, services or activities to
4 prevent or reduce the incidence of domestic abuse related to
5 DWI, alcoholism, alcohol abuse, drug addiction or drug abuse.

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

8 C. The "local DWI grant fund" is created in the
9 state treasury and shall be administered by the division. [~~Two~~
10 ~~million five hundred thousand dollars (\$2,500,000)~~] One million
11 nine hundred thousand dollars (\$1,900,000) plus five percent of
12 the liquor excise tax revenues distributed to the fund and all
13 other money in the fund, other than money appropriated for
14 distribution pursuant to Subsections D and E of this section
15 and money appropriated for DWI program distributions, are
16 appropriated to the division for administration of the grant
17 program, to make grants to municipalities and counties upon
18 council approval in accordance with the program established
19 under the Local DWI Grant Program Act and to evaluate DWI
20 grantees and the local DWI grant program. Money in the fund
21 may be used for drug courts. An amount equal to the liquor
22 excise tax revenues distributed annually to the fund less [~~five~~
23 ~~million six hundred thousand (\$5,600,000)~~] five million dollars
24 (\$5,000,000) plus five percent of the liquor excise tax
25 revenues distributed to the fund is appropriated to the

.174858.2SA

underscored material = new
[bracketed material] = delete

1 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 [~~six hundred~~
4 ~~thousand dollars (\$600,000)~~] five percent of the liquor excise
5 tax revenues distributed to the fund in any fiscal year shall
6 be expended for administration of the grant program. Balances
7 in the fund at the end of any fiscal year shall not revert to
8 the general fund.

9 D. 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 reclassified in 2002 as class A counties with
20 a 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

.174858.2SA

underscored material = new
[bracketed material] = delete

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 E. Three hundred thousand dollars (\$300,000) of the
11 liquor excise tax revenues distributed to the local DWI grant
12 fund is appropriated to the division for the interlock device
13 fund to cover the costs of installing and removing ignition
14 interlock devices for indigent people who are required,
15 pursuant to convictions under Section 66-8-102 NMSA 1978, to
16 install those devices in their vehicles.

17 F. In awarding DWI grants to local communities, the
18 council:

19 (1) may fund new or existing innovative or
20 model programs, services or activities designed to prevent or
21 reduce the incidence of DWI, alcoholism or alcohol abuse;

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

25 (3) may fund new or existing innovative or

.174858.2SA

underscored material = new
[bracketed material] = delete

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

4 (4) may fund existing community-based
5 programs, services or facilities for prevention and treatment
6 of domestic abuse related to DWI, alcoholism or alcohol abuse;

7 (5) shall give consideration to a broad range
8 of approaches to prevention, education, screening, treatment or
9 alternative sentencing, including programs that combine
10 incarceration, treatment and aftercare, to address the problem
11 of DWI, alcoholism or alcohol abuse; and

12 (6) shall make grants only to counties or
13 municipalities in counties that have established a DWI planning
14 council and adopted a county DWI plan or are parties to a
15 multicounty DWI plan that has been approved by the council and
16 approved pursuant to Chapter 43, Article 3 NMSA 1978 and only
17 for programs, services or activities consistent with that plan.
18 A DWI plan shall also comply with local DWI grant program rules
19 and guidelines.

20 G. The council shall use the criteria in Subsection
21 F of this section to approve DWI programs, services or
22 activities for funding through the county DWI program
23 distribution. Sixty-five percent of the DWI grants awarded to
24 local communities shall be used for alcohol-related treatment
25 and detoxification programs."

.174858.2SA

underscored material = new
[bracketed material] = delete

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

3 "11-6A-6. DISTRIBUTION OF CERTAIN LOCAL DWI GRANT PROGRAM
4 FUNDS--APPROVAL OF PROGRAMS.--

5 A. An amount equal to the liquor excise tax
6 revenues distributed to the local DWI grant fund for the fiscal
7 year less [~~five million six hundred thousand dollars~~
8 ~~(\$5,600,000)~~] five million dollars (\$5,000,000) plus five
9 percent of the liquor excise tax revenues distributed to the
10 fund shall be available for distribution in accordance with the
11 formula in Subsection B of this section to each county for
12 council-approved DWI programs, services or activities; provided
13 that each county shall receive a minimum distribution of at
14 least one-half percent of the money available for distribution.

15 B. Each county shall be eligible for [~~a~~] one or
16 more DWI program [~~distribution~~] distributions in an amount
17 derived by multiplying the total amount of money available for
18 distribution by a percentage that is the average of the
19 following two percentages:

20 (1) a percentage equal to a fraction, the
21 numerator of which is the retail trade gross receipts in the
22 county and the denominator of which is the total retail trade
23 gross receipts in the state; and

24 (2) a percentage equal to a fraction, the
25 numerator of which is the number of alcohol-related injury

.174858.2SA

underscored material = new
[bracketed material] = delete

1 crashes in the county and the denominator of which is the total
2 alcohol-related injury crashes in the state.

3 C. A county shall be eligible to receive the
4 distribution determined pursuant to Subsection B of this
5 section if the board of county commissioners has submitted to
6 the council a request to use the distribution for the operation
7 of one or more DWI programs, services or activities in the
8 county and the request has been approved by the council. The
9 request shall also comply with local DWI grant program rules
10 and guidelines.

11 D. No later than April 1 each year, each board of
12 county commissioners seeking approval for the DWI program
13 distribution pursuant to this section shall make application to
14 the division for review and approval by the council for one or
15 more local DWI programs, services or activities in the county.
16 Application shall be made on a form and in a manner determined
17 by the division. The council shall approve the programs
18 eligible for a distribution no later than July 1 of each year.
19 The division shall make the annual distribution to each county
20 in quarterly installments on or before each September 10,
21 December 10, March 10 and June 10, beginning in September 2004.
22 The amount available for distribution [~~quarterly~~] annually
23 shall be determined by the council. The amount available for
24 distribution quarterly to each county shall be the amount
25 determined by applying the formula in Subsection B of this

.174858.2SA

underscored material = new
[bracketed material] = delete

1 section to the amount of liquor excise tax revenues in the
2 local DWI grant fund at the end of the month prior to the
3 quarterly installment due date and after [~~one million three~~
4 ~~hundred twenty-five thousand dollars (\$1,325,000)~~] four hundred
5 seventy-five thousand dollars (\$475,000) plus five percent of
6 the liquor excise tax revenues distributed to the fund has been
7 set aside for the DWI grant program and after the
8 appropriations and distributions pursuant to Subsections D and
9 E of Section 11-6A-3 NMSA 1978. The sum of the quarterly
10 distributions to all counties shall not exceed the annual
11 distribution amount approved by the council. If the formula in
12 Subsection B of this section generates available distribution
13 amounts above the council-approved annual amount, the excess
14 may be awarded through grants to each county program in
15 accordance with the formula in Subsection B of this section.

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

21 F. As used in this section:

22 (1) "alcohol-related injury crashes" means the
23 average annual number of alcohol-related injury crashes during
24 the period from January 1, 2000 through December 31, 2002, as
25 determined by the traffic safety bureau of the [~~state highway~~

.174858.2SA

underscoring material = new
[bracketed material] = delete

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

~~and transportation]~~ department of transportation; and

(2) "retail trade gross receipts" means the total reported gross receipts attributable to taxpayers reporting under the retail trade industry sector of the state for the most recent fiscal year as determined by the taxation and revenue department."

Section 3. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.