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HOUSE BILL 302

52ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2016

INTRODUCED BY

Kelly K. Fajardo

AN ACT

RELATING TO DWI GRANT PROGRAMS; TRANSFERRING THE ADMINISTRATION OF THE LOCAL DWI GRANT PROGRAM ACT FROM THE DEPARTMENT OF FINANCE AND ADMINISTRATION TO THE HUMAN SERVICES DEPARTMENT; REVISING THE REPORTING PERIOD FOR ALCOHOL-RELATED INJURY CRASHES.

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

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

"11-6A-1. SHORT TITLE.--~~[Sections 1 through 5 of this act]~~ Chapter 11, Article 6A NMSA 1978 may be cited as the "Local DWI Grant Program Act"."

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

"11-6A-2. DEFINITIONS.--As used in the Local DWI Grant

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1 Program Act:

2 A. "council" means the DWI grant council; and

3 B. "division" means the [~~local government division~~
4 ~~of the department of finance and administration~~] behavioral
5 health services division of the human services department."

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

8 "11-6A-4. DWI GRANT COUNCIL--MEMBERSHIP--DUTIES.--

9 A. The "DWI grant council" is created and shall
10 consist of the president of the New Mexico municipal league or
11 [~~his~~] the president's designee, the president of the New Mexico
12 association of counties or [~~his~~] the president's designee, the
13 secretary of health or the secretary's designee, the secretary
14 of [~~finance and administration~~] human services or the
15 secretary's designee, the chief of the traffic safety bureau of
16 the [~~state highway and transportation~~] department of
17 transportation and two representatives of local governing
18 bodies who shall be appointed by the governor so as to provide
19 geographic diversity.

20 B. Appointed members shall be appointed to a two-
21 year term. In the event of a vacancy, the governor shall
22 appoint a member for the remainder of the term.

23 C. The council shall meet as necessary to receive
24 applications, consider grant requests and award DWI grants
25 pursuant to the Local DWI Grant Program Act. All actions of

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1 the council require the affirmative vote of a majority of the
2 members of the council.

3 D. Members of the council shall be reimbursed for
4 per diem and mileage in accordance with the Per Diem and
5 Mileage Act."

6 SECTION 4. Section 11-6A-6 NMSA 1978 (being Laws 1997,
7 Chapter 182, Section 2, as amended) is amended to read:

8 "11-6A-6. DISTRIBUTION OF CERTAIN LOCAL DWI GRANT PROGRAM
9 FUNDS--APPROVAL OF PROGRAMS.--

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

19 B. Each county shall be eligible for a DWI program
20 distribution in an amount derived by multiplying the total
21 amount of money available for distribution by a percentage that
22 is the average of the following two percentages:

23 (1) a percentage equal to a fraction, the
24 numerator of which is the retail trade gross receipts in the
25 county and the denominator of which is the total retail trade

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1 gross receipts in the state; and

2 (2) a percentage equal to a fraction, the
3 numerator of which is the number of alcohol-related injury
4 crashes in the county and the denominator of which is the total
5 alcohol-related injury crashes in the state.

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

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

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1 shall be the amount determined by applying the formula in
2 Subsection B of this section to the amount of liquor excise tax
3 revenues in the local DWI grant fund at the end of the month
4 prior to the quarterly installment due date and after one
5 million three hundred twenty-five thousand dollars (\$1,325,000)
6 has been set aside for the DWI grant program and after the
7 appropriations and distributions pursuant to Subsections D and
8 E of Section 11-6A-3 NMSA 1978.

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

14 F. As used in this section:

15 (1) "alcohol-related injury crashes" means the
16 ~~[average]~~ annual number of alcohol-related injury crashes
17 during the ~~[period from January 1, 2000 through December 31,~~
18 ~~2002]~~ most recent year for which a full year's data are
19 available, as determined by the traffic safety bureau of the
20 ~~[state highway and transportation]~~ department of of
21 transportation; and

22 (2) "retail trade gross receipts" means the
23 total reported gross receipts attributable to taxpayers
24 reporting under the retail trade industry sector of the state
25 for the most recent fiscal year as determined by the taxation

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1 and revenue department."

2 SECTION 5. TEMPORARY PROVISION--TRANSFERS.--On July 1,
3 2016:

4 A. all functions; records; appropriations; contract
5 funds; funds for contract administration, staff, training and
6 other costs relating to the local DWI grant program; money;
7 property; equipment; and supplies of the department of finance
8 and administration relating to the local DWI grant program
9 shall be transferred to the human services department;

10 B. all contractual obligations of the department of
11 finance and administration relating to the local DWI grant
12 program shall be binding on the human services department; and

13 C. all rules of the department of finance and
14 administration relating to the local DWI grant program shall be
15 deemed rules of the human services department.

16 SECTION 6. EFFECTIVE DATE.--The effective date of the
17 provisions of this act is July 1, 2016.