

1 AN ACT  
2 RELATING TO ALCOHOL; INCREASING THE AMOUNT OF THE LOCAL DWI  
3 GRANT FUND THAT MAY BE USED FOR ADMINISTRATION OF THE LOCAL  
4 DWI GRANT PROGRAM.

5  
6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

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

9 "11-6A-3. LOCAL DWI GRANT PROGRAM--FUND.--

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

12 (1) new, innovative or model programs,  
13 services or activities to prevent or reduce the incidence of  
14 DWI, alcoholism, alcohol abuse, drug addiction or drug abuse;  
15 and

16 (2) programs, services or activities to  
17 prevent or reduce the incidence of domestic abuse related to  
18 DWI, alcoholism, alcohol abuse, drug addiction or drug abuse.

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

21 C. The "local DWI grant fund" is created in the  
22 state treasury and shall be administered by the division.  
23 Three million dollars (\$3,000,000) of liquor excise tax  
24 revenues distributed to the fund and all other money in the  
25 fund, other than money appropriated for distribution pursuant

1 to Subsections D and E of this section and money appropriated  
2 for DWI program distributions, are appropriated to the  
3 division to make grants to municipalities and counties upon  
4 council approval in accordance with the program established  
5 under the Local DWI Grant Program Act and to evaluate DWI  
6 grantees and the local DWI grant program. Money in the fund  
7 may be used for drug courts. An amount equal to the liquor  
8 excise tax revenues distributed annually to the fund, less  
9 six million one hundred thousand dollars (\$6,100,000), is  
10 appropriated to the division to make DWI program  
11 distributions to counties upon council approval of programs  
12 in accordance with the provisions of the Local DWI Grant  
13 Program Act. No more than one million one hundred thousand  
14 dollars (\$1,100,000) of liquor excise tax revenues  
15 distributed to the fund in any fiscal year shall be expended  
16 for administration of the grant program. Balances in the  
17 fund at the end of any fiscal year shall not revert to the  
18 general fund.

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

25 (1) one million seven hundred thousand

1 dollars (\$1,700,000) to class A counties with a population of  
2 over three hundred thousand persons according to the 1990  
3 federal decennial census;

4 (2) three hundred thousand dollars  
5 (\$300,000) each to counties reclassified in 2002 as class A  
6 counties with a population of more than ninety thousand but  
7 less than one hundred thousand persons according to the 1990  
8 federal decennial census;

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

13 (4) one hundred fifty thousand dollars  
14 (\$150,000) to class B counties with a population of more than  
15 sixty-two thousand but less than sixty-five thousand persons  
16 according to the 1990 federal decennial census; and

17 (5) one hundred fifty thousand dollars  
18 (\$150,000) to class B counties with a population of more than  
19 thirteen thousand but less than fifteen thousand persons  
20 according to the 1990 federal decennial census.

21 E. Three hundred thousand dollars (\$300,000) of  
22 the liquor excise tax revenues distributed to the local DWI  
23 grant fund is appropriated to the division for the interlock  
24 device fund.

25 F. In awarding DWI grants to local communities,

1 the council:

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

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

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

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

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

21 (6) shall make grants only to counties or  
22 municipalities in counties that have established a DWI  
23 planning council and adopted a county DWI plan or are parties  
24 to a multicounty DWI plan that has been approved by the  
25 council and approved pursuant to Chapter 43, Article 3

1 NMSA 1978 and only for programs, services or activities  
2 consistent with that plan. A DWI plan shall also comply with  
3 local DWI grant program rules and guidelines.

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

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

12 "11-6A-6. DISTRIBUTION OF CERTAIN LOCAL DWI GRANT  
13 PROGRAM FUNDS--APPROVAL OF PROGRAMS.--

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

1 that 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  
9 total 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  
14 operation of one or more DWI programs, services or activities  
15 in the county and the request has been approved by the  
16 council. The request shall also comply with local DWI grant  
17 program rules and guidelines.

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

1 each year. The division shall make the annual distribution  
2 to each county in quarterly installments on or before each  
3 September 10, December 10, March 10 and June 10, beginning in  
4 September 2004. The amount available for distribution  
5 quarterly to each county shall be the amount determined by  
6 applying the formula in Subsection B of this section to the  
7 amount of liquor excise tax revenues in the local DWI grant  
8 fund at the end of the month prior to the quarterly  
9 installment due date and after one million five hundred  
10 twenty-five thousand dollars (\$1,525,000) has been set aside  
11 for the DWI grant program and after the appropriations  
12 and distributions pursuant to Subsections D and E of  
13 Section 11-6A-3 NMSA 1978.

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

19 F. As used in this section:

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

25 (2) "retail trade gross receipts" means the

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

5 SECTION 3. EFFECTIVE DATE.--The effective date of the  
6 provisions of this act is July 1, 2025. \_\_\_\_\_

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