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HOUSE BILL 477

47TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2006

INTRODUCED BY

Jose A. Campos

AN ACT

RELATING TO TAXATION; INCREASING THE PERCENTAGE OF LIQUOR
EXCISE TAX REVENUES DISTRIBUTED TO THE LOCAL DWI GRANT FUND;
CHANGING DISTRIBUTIONS FROM THE FUND; MAKING APPROPRIATIONS.

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~~] fifty-five percent of the net
receipts attributable to the liquor excise tax."

Section 2. 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.--

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

3 (1) new, innovative or model programs,
4 services or activities to prevent or reduce the incidence of
5 DWI, alcoholism, alcohol abuse, drug addiction or drug abuse;
6 [~~and~~]

7 (2) programs, services or activities to
8 prevent or reduce the incidence of domestic abuse related to
9 DWI, alcoholism, alcohol abuse, drug addiction or drug abuse;
10 and

11 (3) programs to assist victims of DWI,
12 alcoholism or alcohol abuse.

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

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

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1 ~~[Money in the fund may be used for drug courts.]~~ An amount
2 equal to the liquor excise tax revenues distributed annually to
3 the fund less ~~[five million six hundred thousand (\$5,600,000)]~~
4 five million eight hundred sixty thousand dollars (\$5,860,000)
5 is appropriated to the division to make DWI program
6 distributions to counties upon council approval of programs in
7 accordance with the provisions of the Local DWI Grant Program
8 Act. No more than six hundred thousand dollars (\$600,000) of
9 liquor excise tax revenues distributed to the fund in any
10 fiscal year shall be expended for administration of the grant
11 program. Balances in the fund at the end of any fiscal year
12 shall not revert to the general fund.

13 D. ~~[Two million eight hundred thousand dollars~~
14 ~~(\$2,800,000)]~~ Three million three hundred sixty thousand
15 dollars (\$3,360,000) of the liquor excise tax revenues
16 distributed to the local DWI grant fund is appropriated to the
17 division for distribution to the following counties in the
18 following amounts for funding of alcohol detoxification and
19 treatment facilities:

20 (1) ~~[one million seven hundred thousand~~
21 ~~dollars (\$1,700,000)]~~ two million forty thousand dollars
22 (\$2,040,000) 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~~

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1 ~~(\$300,000)]~~ three hundred sixty thousand dollars (\$360,000)
2 each to counties reclassified in 2002 as class A counties with
3 a population of more than ninety thousand but less than one
4 hundred thousand persons according to the 1990 federal
5 decennial census;

6 (3) [~~two hundred thousand dollars (\$200,000)]~~
7 two hundred forty thousand dollars (\$240,000) to class B
8 counties with a population of more than thirty thousand but
9 less than forty thousand persons according to the 1990 federal
10 decennial census;

11 (4) [~~one hundred fifty thousand dollars~~
12 ~~(\$150,000)]~~ one hundred eighty thousand dollars (\$180,000) to
13 class B counties with a population of more than sixty-two
14 thousand but less than sixty-five thousand persons according to
15 the 1990 federal decennial census; and

16 (5) [~~one hundred fifty thousand dollars~~
17 ~~(\$150,000)]~~ one hundred eighty thousand dollars (\$180,000) to
18 class B counties with a population of more than thirteen
19 thousand but less than fifteen thousand persons according to
20 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 to cover the costs of installing and removing~~
25 ~~ignition interlock devices for indigent people who are~~

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1 ~~required, pursuant to convictions under Section 66-8-102 NMSA~~
2 ~~1978, to install those devices in their vehicles.~~

3 ~~F.]~~ E. In awarding DWI grants to local communities,
4 the council:

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

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

11 (3) 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 domestic abuse related to
14 DWI, alcoholism or alcohol abuse;

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

18 (5) may fund new or existing programs,
19 services or activities designed to assist victims of DWI,
20 alcoholism or alcohol abuse;

21 [~~5~~] (6) shall give consideration to a broad
22 range of approaches to prevention, education, screening,
23 treatment or alternative sentencing, including programs that
24 combine incarceration, treatment and aftercare, to address the
25 problem of DWI, alcoholism or alcohol abuse; and

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1 [~~6~~] (7) shall make grants only to counties
2 or municipalities in counties that have established a DWI
3 planning council and adopted a county DWI plan or are parties
4 to a multicounty DWI plan that has been approved by the council
5 and approved pursuant to Chapter 43, Article 3 NMSA 1978 and
6 only for programs, services or activities consistent with that
7 plan. A DWI plan shall also comply with local DWI grant
8 program rules and guidelines.

9 [~~G~~] F. The council shall use the criteria in
10 Subsection [~~F~~] E of this section to approve DWI programs,
11 services or activities for funding through the county DWI
12 program distribution. Sixty-five percent of the DWI grants
13 awarded to local communities shall be used for alcohol-related
14 treatment and detoxification programs."

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

17 "11-6A-6. DISTRIBUTION OF CERTAIN LOCAL DWI GRANT PROGRAM
18 FUNDS--APPROVAL OF PROGRAMS.--

19 A. An amount equal to the liquor excise tax
20 revenues distributed to the local DWI grant fund for the fiscal
21 year less [~~five million six hundred thousand dollars~~
22 ~~(\$5,600,000)~~] five million eight hundred sixty thousand dollars
23 (\$5,860,000) shall be available for distribution in the
24 following percentages for the following purposes:

25 (1) an amount equal to seven percent shall be

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1 distributed to the department of health to fund a regional
2 alcohol detoxification and treatment program in De Baca county;
3 and

4 (2) an amount equal to ninety-three percent
5 shall be distributed in accordance with the formula in
6 Subsection B of this section to each county for council-
7 approved DWI programs, services or activities; provided that
8 each county shall receive a minimum distribution of at least
9 one-half percent of the money available for distribution.

10 B. Each county shall be eligible for a DWI program
11 distribution in an amount derived by multiplying the total
12 amount of money available for distribution by a percentage that
13 is the average of the following two percentages:

14 (1) a percentage equal to a fraction, the
15 numerator of which is the retail trade gross receipts in the
16 county and the denominator of which is the total retail trade
17 gross receipts in the state; and

18 (2) a percentage equal to a fraction, the
19 numerator of which is the number of alcohol-related injury
20 crashes in the county and the denominator of which is the total
21 alcohol-related injury crashes in the state.

22 C. A county shall be eligible to receive the
23 distribution determined pursuant to Subsection B of this
24 section if the board of county commissioners has submitted to
25 the council a request to use the distribution for the operation

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1 of one or more DWI programs, services or activities in the
2 county and the request has been approved by the council. The
3 request shall also comply with local DWI grant program rules
4 and guidelines.

5 D. No later than April 1 each year, each board of
6 county commissioners seeking approval for the DWI program
7 distribution pursuant to Subsection B of this section shall
8 make application to the division for review and approval by the
9 council for one or more local DWI programs, services or
10 activities in the county. Application shall be made on a form
11 and in a manner determined by the division. The council shall
12 approve the programs eligible for a distribution no later than
13 July 1 of each year. The division shall make the annual
14 distribution to each county in quarterly installments on or
15 before each September 10, December 10, March 10 and June 10,
16 beginning in September 2004. The amount available for
17 distribution quarterly to each county shall be the amount
18 determined by applying the formula in Subsection B of this
19 section to the amount of liquor excise tax revenues in the
20 local DWI grant fund at the end of the month prior to the
21 quarterly installment due date and after [~~one million three~~
22 ~~hundred twenty-five thousand dollars (\$1,325,000)] one million
23 four hundred sixty-five thousand dollars (\$1,465,000) has been
24 set aside for the DWI grant program and [~~after the~~
25 ~~appropriations and~~] the distributions pursuant to [~~Subsections~~~~

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1 ~~D and E]~~ Subsection D of Section 11-6A-3 NMSA 1978.

2 E. If a county does not have a council-approved DWI
3 program, service or activity or does not need the full amount
4 of the available distribution, the unused money shall revert to
5 the local DWI grant fund and may be used by the council for the
6 local DWI grant program.

7 F. As used in this section:

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

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

18 Section 4. EFFECTIVE DATE.--The effective date of the
19 provisions of this act is July 1, 2006.