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HOUSE BILL 257

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

Danice Picraux

AN ACT

RELATING TO ALCOHOL; PROVIDING THAT MONEY IN THE LOCAL DWI GRANT FUND MAY BE USED FOR PROGRAMS TO REDUCE OR PREVENT THE INCIDENCE OF DOMESTIC ABUSE RELATED TO ALCOHOLISM OR ALCOHOL ABUSE; AMENDING SECTIONS OF THE LOCAL DWI GRANT PROGRAM ACT.

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 DWI, alcoholism and alcohol abuse; and

(2) programs, services or activities to

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1 prevent or reduce the incidence of domestic abuse related to
2 alcoholism or alcohol abuse.

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

5 [~~B.-~~] C. The "local DWI grant fund" is created in
6 the state treasury and shall be administered by the division.
7 Two million dollars (\$2,000,000) of liquor excise tax revenues
8 distributed to the fund and all other money in the fund, other
9 than money appropriated for distribution pursuant to Subsection
10 [~~E~~] D of this section and money appropriated for DWI program
11 distributions, are appropriated to the division to make grants
12 to municipalities and counties upon council approval in
13 accordance with the program established under the Local DWI
14 Grant Program Act. An amount equal to the liquor excise tax
15 revenues distributed annually to the fund less four million
16 eight hundred thousand dollars (\$4,800,000) is appropriated to
17 the division to make DWI program distributions to counties upon
18 council approval of programs in accordance with the provisions
19 of the Local DWI Grant Program Act. No more than one hundred
20 thousand dollars (\$100,000) of liquor excise tax revenues
21 distributed to the fund in any fiscal year shall be expended
22 for administration of the grant program. Balances in the fund
23 at the end of any fiscal year shall not revert to the general
24 fund.

25 [~~E.-~~] D. Two million eight hundred thousand dollars

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1 (\$2,800,000) of the liquor excise tax revenues distributed to
2 the local DWI grant fund is appropriated to the division for
3 distribution to the following counties in the following amounts
4 for funding of alcohol detoxification and treatment facilities:

5 (1) one million seven hundred thousand dollars
6 (\$1,700,000) to class A counties with a population of over
7 three hundred thousand persons according to the 1990 federal
8 decennial census;

9 (2) three hundred thousand dollars (\$300,000)
10 each to counties [~~classified in 2000 as class B counties~~]
11 reclassified in 2002 as class A counties with a population of
12 more than ninety thousand but less than one hundred thousand
13 persons according to the 1990 federal decennial census;

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

18 (4) one hundred fifty thousand dollars
19 (\$150,000) to class B counties with a population of more than
20 sixty-two thousand but less than sixty-five thousand persons
21 according to the 1990 federal decennial census; and

22 (5) one hundred fifty thousand dollars
23 (\$150,000) to class B counties with a population of more than
24 thirteen thousand but less than fifteen thousand persons
25 according to the 1990 federal decennial census.

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1 ~~[D-]~~ E. In awarding DWI grants to local
2 communities, the council:

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

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

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

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

17 ~~[(3)]~~ (5) shall give consideration to a broad
18 range of approaches to prevention, education, screening,
19 treatment or alternative sentencing, including programs that
20 combine incarceration, treatment and aftercare, to address the
21 problem of DWI, alcoholism or alcohol abuse; and

22 ~~[(4)]~~ (6) shall make grants only to counties
23 or municipalities in counties that have established a DWI
24 planning council and adopted a county DWI plan or are parties
25 to a multicounty DWI plan that has been approved pursuant to

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1 Chapter 43, Article 3 NMSA 1978 and only for programs, services
2 or activities consistent with that plan.

3 ~~[E-]~~ F. The council shall use the criteria in
4 Subsection ~~[D]~~ E of this section to approve DWI programs,
5 services or activities for funding through the county DWI
6 program distribution. "

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

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

11 A. An amount equal to the liquor excise tax
12 revenues distributed to the local DWI grant fund for the fiscal
13 year less four million eight hundred thousand dollars
14 (\$4,800,000) shall be available for distribution in accordance
15 with the formula in Subsection B of this section to each county
16 for council-approved DWI programs, services or activities;
17 provided that each county shall receive a minimum distribution
18 of at least one-half ~~[of one]~~ percent of the money available
19 for distribution.

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

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

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1 county and the denominator of which is the total retail trade
2 gross receipts in the state; and

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

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

13 D. No later than August 1 each year, each board of
14 county commissioners seeking approval for the DWI program
15 distribution pursuant to this section shall make application to
16 the division for review and approval by the council for one or
17 more local DWI programs, services or activities in the county.
18 Application shall be made on a form and in a manner determined
19 by the division. The council shall approve the programs
20 eligible for a distribution no later than September 1 of each
21 year. The division shall make the annual distribution to each
22 county in quarterly installments on or before each October 10,
23 January 10, April 10 and July 10, beginning in October 1997.
24 The amount available for distribution quarterly to each county
25 shall be the amount determined by applying the formula in

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1 Subsection B of this section to the amount of liquor excise tax
2 revenues in the local DWI grant fund at the end of the month
3 prior to the quarterly installment due date and after five
4 hundred thousand dollars (\$500,000) has been set aside for the
5 DWI grant program and after the appropriation and distribution
6 pursuant to Subsection [E] D of Section 11-6A-3 NMSA 1978.

7 E. If a county has no council-approved DWI program,
8 service or activity or does not need the full amount of the
9 available distribution, the unused money shall revert to the
10 local DWI grant fund and may be used by the council for the
11 local DWI grant program.

12 F. As used in this section:

13 (1) "alcohol-related injury crashes" means the
14 average annual number of alcohol-related injury crashes during
15 the period from January 1, 1993 through December 31, 1995, as
16 determined by the traffic safety bureau of the state highway
17 and transportation department; and

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

23 Section 3. EFFECTIVE DATE. --The effective date of the
24 provisions of this act is July 1, 2003.