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HOUSE BILL 794

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

INTRODUCED BY

Richard D. Vigil

AN ACT

RELATING TO TAXATION; INCREASING THE DISTRIBUTION OF LIQUOR
EXCISE TAX REVENUES TO THE LOCAL DWI GRANT FUND; PROVIDING FOR
DISTRIBUTIONS TO AN ADDITIONAL COUNTY; MAKING AN APPROPRIATION.

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~~] thirty-six and fifteen-
hundredths 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:

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1 "11-6A-3. LOCAL DWI GRANT PROGRAM - FUND. --

2 A. The division shall establish a local DWI grant
3 program to make grants to municipalities or counties for new,
4 innovative or model programs, services or activities to prevent
5 or reduce the incidence of DWI, alcoholism and alcohol abuse.
6 Grants shall be awarded by the council pursuant to the advice
7 and recommendations of the division.

8 B. The "local DWI grant fund" is created in the
9 state treasury and shall be administered by the division. Two
10 million dollars (\$2,000,000) of liquor excise tax revenues
11 distributed to the fund and all other money in the fund, other
12 than money appropriated for distribution pursuant to
13 [~~Subsection C~~] Subsections C and D of this section and money
14 appropriated for DWI program distributions, are appropriated to
15 the division to make grants to municipalities and counties upon
16 council approval in accordance with the program established
17 under the Local DWI Grant Program Act. An amount equal to the
18 liquor excise tax revenues distributed annually to the fund
19 less [~~four million eight hundred thousand dollars (\$4,800,000)]~~
20 five million four hundred thousand dollars (\$5,400,000) is
21 appropriated to the division to make DWI program distributions
22 to counties upon council approval of programs in accordance
23 with the provisions of the Local DWI Grant Program Act. No
24 more than one hundred thousand dollars (\$100,000) of liquor
25 excise tax revenues distributed to the fund in any fiscal year

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1 shall be expended for administration of the grant program.
2 Balances in the fund at the end of any fiscal year shall not
3 revert to the general fund.

4 C. Two million eight hundred thousand dollars
5 (\$2,800,000) of the liquor excise tax revenues distributed to
6 the local DWI grant fund is appropriated to the division for
7 distribution to the following counties in the following amounts
8 for funding of alcohol detoxification and treatment facilities:

9 (1) one million seven hundred thousand dollars
10 (\$1,700,000) to class A counties with a population of over
11 three hundred thousand persons according to the 1990 federal
12 decennial census;

13 (2) three hundred thousand dollars (\$300,000)
14 each to counties classified in 2000 as class B counties with a
15 population of more than ninety thousand but less than one
16 hundred thousand persons according to the 1990 federal
17 decennial census;

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

22 (4) one hundred fifty thousand dollars
23 (\$150,000) to class B counties with a population of more than
24 sixty-two thousand but less than sixty-five thousand persons
25 according to the 1990 federal decennial census; and

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1 (5) one hundred fifty thousand dollars
2 (\$150,000) to class B counties with a population of more than
3 thirteen thousand but less than fifteen thousand persons
4 according to the 1990 federal decennial census.

5 D. Six hundred thousand dollars (\$600,000) of the
6 liquor excise tax revenues distributed to the local DWI grant
7 fund is appropriated to the division for distribution to class
8 B counties with a population of more than thirty thousand but
9 less than thirty-one thousand persons according to the most
10 recent federal decennial census, for funding of alcohol
11 education, prevention and intervention programs.

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

14 (1) may fund new or existing innovative or
15 model programs, services or activities of any kind designed to
16 prevent or reduce the incidence of DWI, alcoholism or alcohol
17 abuse;

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

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

(4) shall make grants only to counties or

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1 municipalities in counties that have established a DWI planning
2 council and adopted a county DWI plan or are parties to a
3 multicounty DWI plan that has been approved pursuant to Chapter
4 43, Article 3 NMSA 1978 and only for programs, services or
5 activities consistent with that plan.

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

10 Section 3. 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 DWI GRANT PROGRAM
13 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 fiscal
16 year less [~~four million eight hundred thousand dollars~~
17 ~~(\$4,800,000)] five million four hundred thousand dollars
18 (\$5,400,000) shall be available for distribution in accordance
19 with the formula in Subsection B of this section to each county
20 for council-approved DWI programs, services or activities;
21 provided that each county shall receive a minimum distribution
22 of at least one-half of one percent of the money available for
23 distribution.~~

24 B. Each county shall be eligible for a DWI program
25 distribution in an amount derived by multiplying the total

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1 amount of money available for distribution by a percentage that
2 is the average of the following two percentages:

3 (1) a percentage equal to a fraction, the
4 numerator of which is the retail trade gross receipts in the
5 county and the denominator of which is the total retail trade
6 gross receipts in the state; and

7 (2) a percentage equal to a fraction, the
8 numerator of which is the number of alcohol-related injury
9 crashes in the county and the denominator of which is the total
10 alcohol-related injury crashes in the state.

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

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

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1 county in quarterly installments on or before each October 10,
2 January 10, April 10 and July 10, beginning in October 1997.
3 The amount available for distribution quarterly to each county
4 shall be the amount determined by applying the formula in
5 Subsection B of this section to the amount of liquor excise tax
6 revenues in the local DWI grant fund at the end of the month
7 prior to the quarterly installment due date and after five
8 hundred thousand dollars (\$500,000) has been set aside for the
9 DWI grant program and after the [~~appropriation and~~
10 ~~distribution~~] appropriations and distributions pursuant to
11 [~~Subsection C~~] Subsections C and D of Section 11-6A-3 NMSA
12 1978.

13 E. If a county has no council-approved DWI program,
14 service or activity or does not need the full amount of the
15 available distribution, the unused money shall revert to the
16 local DWI grant fund and may be used by the council for the
17 local DWI grant program.

18 F. As used in this section:

19 (1) "alcohol-related injury crashes" means the
20 average annual number of alcohol-related injury crashes during
21 the period from January 1, 1993 through December 31, 1995, as
22 determined by the traffic safety bureau of the state highway
23 and transportation department; and

24 (2) "retail trade gross receipts" means the
25 total reported gross receipts attributable to taxpayers

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1 reporting under the retail trade industry sector of the state
2 for the most recent fiscal year as determined by the taxation
3 and revenue department. "

4 Section 4. EFFECTIVE DATE. --The effective date of the
5 provisions of this act is July 1, 2003.

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