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HOUSE BILL 190

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

INTRODUCED BY

Rick Miera

AN ACT

**RELATING TO LOCAL DWI GRANT PROGRAMS; REVISING THE AMOUNT AND
TIMING OF DISTRIBUTIONS FROM THE LOCAL DWI GRANT FUND;
PROVIDING FOR EVALUATION OF LOCAL DWI GRANT PROGRAMS; 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 new,
innovative or model programs, services or activities to prevent
or reduce the incidence of DWI, alcoholism and alcohol abuse.
Grants shall be awarded by the council pursuant to the advice
and recommendations of the division.**

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1 B. The "local DWI grant fund" is created in the
2 state treasury and shall be administered by the division. [~~Two~~
3 ~~million dollars (\$2,000,000)] Two million five hundred thousand
4 dollars (\$2,500,000) of liquor excise tax revenues distributed
5 to the fund and all other money in the fund, other than money
6 appropriated for distribution pursuant to Subsection C of this
7 section and money appropriated for DWI program distributions,
8 are appropriated to the division to make grants to
9 municipalities and counties upon council approval in accordance
10 with the program established under the Local DWI Grant Program
11 Act and to evaluate DWI grantees and the local DWI grant
12 program. An amount equal to the liquor excise tax revenues
13 distributed annually to the fund less [~~four million eight~~
14 ~~hundred thousand dollars (\$4,800,000)] five million three
15 hundred thousand dollars (\$5,300,000) is appropriated to the
16 division to make DWI program distributions to counties upon
17 council approval of programs in accordance with the provisions
18 of the Local DWI Grant Program Act. No more than [~~one hundred~~
19 ~~thousand dollars (\$100,000)] six hundred thousand dollars
20 (\$600,000) of liquor excise tax revenues distributed to the
21 fund in any fiscal year shall be expended for administration of
22 the grant program. Balances in the fund at the end of any
23 fiscal year shall not revert to the general fund.~~~~~~

24 C. Two million eight hundred thousand dollars
25 (\$2,800,000) of the liquor excise tax revenues distributed to

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1 the local DWI grant fund is appropriated to the division for
2 distribution to the following counties in the following amounts
3 for funding of alcohol detoxification and treatment facilities:

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

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

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

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

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

25 D. In awarding DWI grants to local communities, the

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1 council:

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

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

9 (3) shall give consideration to a broad range
10 of approaches to prevention, education, screening, treatment or
11 alternative sentencing, including programs that combine
12 incarceration, treatment and aftercare, to address the problem
13 of DWI, alcoholism or alcohol abuse; and

14 (4) shall make grants only to counties or
15 municipalities in counties that have established a DWI planning
16 council and adopted a county DWI plan or are parties to a
17 multicounty DWI plan that has been approved by the council and
18 approved pursuant to Chapter 43, Article 3 NMSA 1978 and only
19 for programs, services or activities consistent with that plan.
20 A DWI plan shall also comply with local DWI grant program rules
21 and guidelines.

22 E. The council shall use the criteria in Subsection
23 D of this section to approve DWI programs, services or
24 activities for funding through the county DWI program
25 distribution. "

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1 Section 2. Section 11-6A-5 NMSA 1978 (being Laws 1993,
2 Chapter 65, Section 5, as amended) is amended to read:

3 "11-6A-5. ADMINISTRATION OF LOCAL DWI GRANT PROGRAM AND
4 COUNTY DWI PROGRAM DISTRIBUTION--REGULATIONS. --

5 A. The division shall administer and evaluate the
6 local DWI grant program and the county DWI program distribution
7 and shall serve as staff to the council.

8 B. The division, with the advice and approval of
9 the council, shall adopt regulations necessary for operation of
10 the local DWI grant program and the county DWI program
11 distribution, including:

12 (1) forms and procedures for the application
13 process for the local DWI grant program and the county DWI
14 program distribution;

15 (2) documentation to be provided by the
16 applicant to assure compliance with the grant and the county
17 DWI program distribution guidelines and other provisions of the
18 Local DWI Grant Program Act;

19 (3) procedures and guidelines for review,
20 evaluation and approval of grant awards and for review and
21 approval of programs to be funded by the county DWI program
22 distribution;

23 (4) procedures and guidelines for oversight,
24 evaluation and audit of DWI grantees to assure that grants are
25 being administered in the manner and for the purposes that the

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1 ~~[grant was]~~ grants were awarded; and

2 (5) design of an evaluation mechanism for
3 local DWI grant programs, distributions and services and
4 submission by each DWI grantee of an annual report or other
5 data on each local DWI grant program, distribution or service
6 and its effectiveness and outcomes."

7 Section 3. 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 LOCAL 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)] five million three hundred thousand dollars
15 (\$5,300,000) shall be available for distribution in accordance
16 with the formula in Subsection B of this section to each county
17 for council-approved DWI programs, services or activities;
18 provided that each county shall receive a minimum distribution
19 of at least one-half of one percent of the money available for
20 distribution.~~

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

25 (1) a percentage equal to a fraction, the

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

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

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

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

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1 or before each [~~October~~] September 10, [~~January~~] December 10,
2 [~~April~~] March 10 and [~~July~~] June 10, beginning in [~~October~~
3 ~~1997~~] September 2004. The amount available for distribution
4 quarterly to each county shall be the amount determined by
5 applying the formula in Subsection B of this section to the
6 amount of liquor excise tax revenues in the local DWI grant
7 fund at the end of the month prior to the quarterly installment
8 due date and after [~~five hundred thousand dollars (\$500,000)~~]
9 one million three hundred twenty-five thousand dollars
10 (\$1,325,000) has been set aside for the DWI grant program and
11 after the appropriation and distribution pursuant to Subsection
12 C of Section 11-6A-3 NMSA 1978.

13 E. If a county [~~has no~~] does not have a council-
14 approved DWI program, service or activity or does not need the
15 full amount of the available distribution, the unused money
16 shall revert to the local DWI grant fund and may be used by the
17 council for the 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~~] 2000 through December 31,
22 [~~1995~~] 2002, as determined by the traffic safety bureau of the
23 state highway and transportation department; and

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

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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