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SENATE BILL 735

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

INTRODUCED BY

Lidio G. Rainaldi

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-five and thirty-six
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 Subsection
13 C of this section and money appropriated for DWI program
14 distributions, are appropriated to the division to make grants
15 to municipalities and counties upon council approval in
16 accordance with the program established under the Local DWI
17 Grant Program Act. An amount equal to the liquor excise tax
18 revenues distributed annually to the fund less [~~four million~~
19 ~~eight hundred thousand dollars (\$4,800,000)~~] five million one
20 hundred thousand dollars (\$5,100,000) is appropriated to the
21 division to make DWI program distributions to counties upon
22 council approval of programs in accordance with the provisions
23 of the Local DWI Grant Program Act. No more than one hundred
24 thousand dollars (\$100,000) of liquor excise tax revenues
25 distributed to the fund in any fiscal year shall be expended

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

4 C. [~~Two million eight hundred thousand dollars~~
5 ~~(\$2,800,000)~~] Three million one hundred thousand dollars
6 (\$3,100,000) of the liquor excise tax revenues distributed to
7 the local DWI grant fund is appropriated to the division for
8 distribution to the following counties in the following amounts
9 for funding of alcohol detoxification and treatment facilities:

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

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

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

23 (4) one hundred fifty thousand dollars
24 (\$150,000) to class B counties with a population of more than
25 sixty-two thousand but less than sixty-five thousand persons

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1 according to the 1990 federal decennial census; ~~and~~

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

6 (6) three hundred thousand dollars (\$300,000)
7 to class B counties with a population of more than seventy-four
8 thousand but less than eighty thousand persons according to the
9 most recent federal decennial census.

10 D. In awarding DWI grants to local communities, the
11 council:

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

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

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

24 (4) shall make grants only to counties or
25 municipalities in counties that have established a DWI planning

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

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

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

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

13 A. An amount equal to the liquor excise tax
14 revenues distributed to the local DWI grant fund for the fiscal
15 year less [~~four million eight hundred thousand dollars~~
16 ~~(\$4,800,000)] five million one hundred thousand dollars
17 (\$5,100,000) shall be available for distribution in accordance
18 with the formula in Subsection B of this section to each county
19 for council-approved DWI programs, services or activities;
20 provided that each county shall receive a minimum distribution
21 of at least one-half of one percent of the money available for
22 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 that

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1 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 total
9 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 operation
14 of one or more DWI programs, services or activities in the
15 county and the request has been approved by the council.

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

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

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

15 F. As used in this section:

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

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

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