

1 SENATE CORPORATIONS AND TRANSPORTATION COMMITTEE SUBSTITUTE FOR
2 SENATE BILL 905

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12 46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

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AN ACT

RELATING TO THE PUBLIC PEACE, HEALTH, SAFETY AND WELFARE;
CHANGING THE PURPOSES FOR WHICH MONEY IN THE LOCAL DWI GRANT
FUND MAY BE USED; 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-1 NMSA 1978 (being Laws 1993,
Chapter 65, Section 1) is amended to read:

"11-6A-1. SHORT TITLE. -- ~~[Sections 1 through 5 of this
act]~~ Chapter 11, Article 6A NMSA 1978 may be cited as the
"Local DWI Grant Program Act". "

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. --

A. The division shall establish a local DWI grant

1 program to make grants to municipalities or counties for new
2 and innovative [or model] rehabilitation and treatment
3 programs [~~services or activities~~] to prevent or reduce the
4 incidence of DWI, alcoholism and alcohol abuse. Grants shall
5 be awarded by the council pursuant to the advice and
6 recommendations of the division.

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

1 fund.

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

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

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

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

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

25 (5) one hundred fifty thousand dollars

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underscoring material = new
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1 (\$150,000) to class B counties with a population of more than
2 thirteen thousand but less than fifteen thousand persons
3 according to the 1990 federal decennial census.

4 D. In awarding DWI grants to local communities, the
5 council:

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

10 (2)] (1) may fund existing community-based
11 programs, services or facilities for prevention, screening and
12 treatment of alcoholism and alcohol abuse; and

13 [~~(3) shall give consideration to a broad range~~
14 ~~of approaches to prevention, education, screening, treatment or~~
15 ~~alternative sentencing, including programs that combine~~
16 ~~incarceration, treatment and aftercare, to address the problem~~
17 ~~of DWI, alcoholism or alcohol abuse; and~~

18 (4)] (2) shall make grants only to counties or
19 municipalities in counties that have established a DWI planning
20 council and adopted a county DWI plan or are parties to a
21 multicounty DWI plan that has been approved pursuant to Chapter
22 43, Article 3 NMSA 1978 and only for rehabilitation and
23 treatment programs [~~services or activities~~] consistent with
24 that plan.

25 E. The council shall use the criteria in Subsection

1 D of this section to approve DWI programs [~~services or~~
2 ~~activities~~] for funding through the county DWI program
3 distribution. "

4 Section 3. Section 11-6A-5 NMSA 1978 (being Laws 1993,
5 Chapter 65, Section 5, as amended) is amended to read:

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

8 A. The division shall administer the DWI grant
9 program and the county DWI program distribution and shall serve
10 as staff to the council.

11 B. The division, with the advice and approval of
12 the council, shall adopt regulations necessary for operation of
13 the DWI grant program and the county DWI program distribution,
14 including:

15 (1) forms and procedures for the application
16 process for the DWI grant program and the county DWI program
17 distribution;

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

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

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1 (4) procedures and guidelines for oversight,
2 evaluation and audit of DWI grantees to assure that grants are
3 being administered in the manner and for the purposes that the
4 [~~grant was~~] grants were awarded; and

5 (5) design of an evaluation mechanism for DWI
6 grant programs [~~and services~~] and submission by each grantee of
7 an annual report on each DWI grant program [~~or service~~] and its
8 effectiveness and outcomes. "

9 Section 4. 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) shall be available for distribution in accordance
17 with the formula in Subsection B of this section to each county
18 for council-approved DWI programs [~~services or activities~~];
19 provided that each county shall receive a minimum distribution
20 of at least one-half [~~of one~~] percent of the money available
21 for distribution.

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

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

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

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

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

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

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

14 F. As used in this section:

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

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

25 Section 5. EFFECTIVE DATE. --The effective date of the

1 provisions of this act is July 1, 2003.

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