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HOUSE BILL 103

45TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2001

INTRODUCED BY

Luciano "Lucky" Varela

FOR THE REVENUE STABILIZATION AND TAX POLICY COMMITTEE

AN ACT

RELATING TO TAXATION; EXPANDING AND MAKING PERMANENT THE
DISTRIBUTION OF LIQUOR EXCISE TAX REVENUES TO THE LOCAL DWI
GRANT FUND FOR ALCOHOL DETOXIFICATION AND TREATMENT FACILITIES
IN CERTAIN COUNTIES; 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 [the
following] thirty-four percent of the net receipts
attributable to the liquor excise tax

[A. ~~for the period from July 1, 2001 through June
30, 2002, thirty-two and seven-tenths percent; and~~

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1 ~~B. after June 30, 2002, twenty seven and two-~~
2 ~~tenths percent]. "~~

3 Section 2. Section 11-6A-3 NMSA 1978 (being Laws 1993,
4 Chapter 65, Section 3, as amended) is amended to read:

5 "11-6A-3. LOCAL DWI GRANT PROGRAM - FUND. --

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

12 B. The "local DWI grant fund" is created in the
13 state treasury and shall be administered by the division. Two
14 million dollars (\$2,000,000) of liquor excise tax revenues
15 distributed to the fund and all other money in the fund, other
16 than money appropriated [~~in fiscal year 2002~~] for distribution
17 pursuant to Subsection C of this section and money
18 appropriated for DWI program distributions, are appropriated
19 to the division to make grants to municipalities and counties
20 upon council approval in accordance with the program
21 established under the Local DWI Grant Program Act. An amount
22 equal to the liquor excise tax revenues distributed annually
23 to the fund less [~~four million dollars (\$4,000,000) in fiscal~~
24 ~~year 2002 and two million dollars (\$2,000,000) in each fiscal~~
25 ~~year thereafter~~] four million five hundred thousand dollars

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1 (\$4,500,000) is appropriated to the division to make DWI
2 program distributions to counties upon council approval of
3 programs in accordance with the provisions of the Local DWI
4 Grant Program Act. No more than one hundred thousand dollars
5 (\$100,000) of liquor excise tax revenues distributed to the
6 fund in any fiscal year shall be expended for administration
7 of the grant program. Balances in the fund at the end of any
8 fiscal year shall not revert to the general fund.

9 C. [~~In fiscal year 2002, two million dollars~~
10 ~~(\$2,000,000)] Two million five hundred thousand dollars
11 (2,500,000) of the liquor excise tax revenues distributed to
12 the local DWI grant fund is appropriated to the division for
13 distribution to the following counties in the following
14 amounts for funding of alcohol detoxification and treatment
15 facilities:~~

16 (1) one million seven hundred thousand
17 dollars (\$1,700,000) to class A counties with a population of
18 over three hundred thousand persons according to the 1990
19 federal decennial census; [~~and~~]

20 (2) three hundred thousand dollars (\$300,000)
21 each to counties classified in 2000 as class B counties with a
22 population of more than ninety thousand but less than [~~ninety-~~
23 ~~six~~] one hundred thousand persons according to the 1990
24 federal decennial census; and

25 (3) two hundred thousand dollars (\$200,000)

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1 to class B counties with a population of more than ten
2 thousand but less than twelve thousand persons according to
3 the 1990 federal decennial census.

4 D. In awarding DWI grants to local communities,
5 the 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) may fund existing community-based
11 programs, services or facilities for prevention, screening and
12 treatment of alcoholism and alcohol abuse;

13 (3) shall give consideration to a broad range
14 of approaches to prevention, education, screening, treatment
15 or 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) shall make grants only to counties or
19 municipalities in counties that have established a DWI
20 planning council and adopted a county DWI plan or are
21 parties to a multicounty DWI plan that has been approved
22 pursuant to Chapter 43, Article 3 NMSA 1978 and only for
23 programs, services or activities consistent with that plan.

24 E. The council shall use the criteria in
25 Subsection D of this section to approve DWI programs,

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1 services or activities for funding through the county DWI
2 program distribution. "

3 Section 3. Section 11-6A-6 NMSA 1978 (being Laws
4 1997, Chapter 182, Section 2, as amended) is amended to
5 read:

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

8 A. An amount equal to the liquor excise tax
9 revenues distributed to the local DWI grant fund for the
10 fiscal year less [~~four million dollars (\$4,000,000) in~~
11 ~~fiscal year 2002 and two million dollars (\$2,000,000) in~~
12 ~~each fiscal year thereafter~~] four million five hundred
13 thousand dollars (\$4,500,000) shall be available for
14 distribution in accordance with the formula in Subsection B
15 of this section to each county for council-approved DWI
16 programs, services or activities; provided that each county
17 shall receive a minimum distribution of at least one-half of
18 one percent of the money available for distribution.

19 B. Each county shall be eligible for a DWI
20 program distribution in an amount derived by multiplying the
21 total amount of money available for distribution by a
22 percentage that is the average of the following two
23 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
2 trade 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
6 total 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
10 to the council a request to use the distribution for the
11 operation of one or more DWI programs, services or
12 activities in the county and the request has been approved
13 by the council.

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

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1 distribution quarterly to each county shall be the amount
2 determined by applying the formula in Subsection B of this
3 section to the amount of liquor excise tax revenues in the
4 local DWI grant fund at the end of the month prior to the
5 quarterly installment due date and after five hundred
6 thousand dollars (\$500,000) has been set aside for the DWI
7 grant program and [~~in fiscal year 2002~~] after the
8 appropriation and distribution pursuant to Subsection C of
9 Section 11-6A-3 NMSA 1978.

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

15 F. As used in this section:

16 (1) "alcohol-related injury crashes" means
17 the average annual number of alcohol-related injury crashes
18 during the period from January 1, 1993 through December 31,
19 1995, as determined by the traffic safety bureau of the
20 state highway 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
24 state for the most recent fiscal year as determined by the
25 taxation and revenue department. "

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1 Section 4. EFFECTIVE DATE. --The effective date of the
2 provisions of this act is July 1, 2001.

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