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HOUSE BILL 901

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

INTRODUCED BY

W. Ken Martinez

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

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 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.

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

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

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1 to class B counties with a population of more than sixty  
2 thousand but less than sixty-three thousand persons according  
3 to the 1990 federal decennial census; and

4 (4) two hundred thousand dollars (\$200,000)  
5 to class B counties with a population of more than thirty  
6 thousand but less than forty thousand persons according to the  
7 1990 federal decennial census.

8 D. In awarding DWI grants to local communities,  
9 the council:

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

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

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

22 (4) shall make grants only to counties or  
23 municipalities in counties that have established a DWI  
24 planning council and adopted a county DWI plan or are  
25 parties to a multicounty DWI plan that has been approved

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1 pursuant to Chapter 43, Article 3 NMSA 1978 and only for  
2 programs, services or activities consistent with that plan.

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

7 Section 3. Section 11-6A-6 NMSA 1978 (being Laws  
8 1997, Chapter 182, Section 2, as amended) is amended to  
9 read:

10 "11-6A-6. DISTRIBUTION OF CERTAIN DWI GRANT PROGRAM  
11 FUNDS-- APPROVAL OF PROGRAMS. --

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

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

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1 percentage that is the average of the following two  
2 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  
6 trade 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  
10 total 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  
14 to the council a request to use the distribution for the  
15 operation of one or more DWI programs, services or  
16 activities in the county and the request has been approved  
17 by the council.

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

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1 than September 1 of each year. The division shall make the  
2 annual distribution to each county in quarterly installments  
3 on or before each October 10, January 10, April 10 and July  
4 10, beginning in October 1997. The amount available for  
5 distribution quarterly to each county shall be the amount  
6 determined by applying the formula in Subsection B of this  
7 section to the amount of liquor excise tax revenues in the  
8 local DWI grant fund at the end of the month prior to the  
9 quarterly installment due date and after five hundred  
10 thousand dollars (\$500,000) has been set aside for the DWI  
11 grant program and [~~in fiscal year 2002~~] after the  
12 appropriation and distribution pursuant to Subsection C of  
13 Section 11-6A-3 NMSA 1978.

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

19 F. As used in this section:

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

25 (2) "retail trade gross receipts" means the

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1 total reported gross receipts attributable to taxpayers  
2 reporting under the retail trade industry sector of the  
3 state for the most recent fiscal year as determined by the  
4 taxation and revenue department. "

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

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