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HOUSE BILL 294

45TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2002

INTRODUCED BY

Brian K. Moore

AN ACT

**RELATING TO TAXATION; INCREASING 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
[~~thirty-four and fifty-seven~~] forty-four and fifty-two
hundredths percent of the net receipts attributable to the
liquor excise tax."**

**Section 2. Section 11-6A-3 NMSA 1978 (being Laws 1993,
. 139598. 1**

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1 Chapter 65, Section 3, as amended) is amended to read:

2 "11-6A-3. LOCAL DWI GRANT PROGRAM - FUND. --

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

9 B. The "local DWI grant fund" is created in the
10 state treasury and shall be administered by the division. Two
11 million dollars (\$2,000,000) of liquor excise tax revenues
12 distributed to the fund and all other money in the fund, other
13 than money appropriated for distribution pursuant to
14 [~~Subsection C~~] Subsections C and D of this section and money
15 appropriated for DWI program distributions, are appropriated
16 to the division to make grants to municipalities and counties
17 upon council approval in accordance with the program
18 established under the Local DWI Grant Program Act. An amount
19 equal to the liquor excise tax revenues distributed annually
20 to the fund less [~~four million eight hundred thousand dollars~~
21 ~~(\$4,800,000)] eight million four hundred fifty thousand
22 dollars (\$8,450,000) is appropriated to the division to make
23 DWI program distributions to counties upon council approval of
24 programs in accordance with the provisions of the Local DWI
25 Grant Program Act. No more than one hundred thousand dollars~~

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1 (\$100,000) of liquor excise tax revenues distributed to the
2 fund in any fiscal year shall be expended for administration
3 of the grant program. Balances in the fund at the end of any
4 fiscal year shall not revert to the general fund.

5 C. Two million eight hundred thousand dollars
6 (\$2,800,000) 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
9 amounts for funding of alcohol detoxification and treatment
10 facilities:

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

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

20 (3) two hundred thousand dollars (\$200,000)
21 to class B counties with a population of more than thirty
22 thousand but less than forty thousand persons according to the
23 1990 federal decennial census;

24 (4) one hundred fifty thousand dollars
25 (\$150,000) to class B counties with a population of more than

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1 sixty-two thousand but less than sixty-five thousand persons
2 according to the 1990 federal decennial census; and

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

7 D. Three million six hundred fifty thousand
8 dollars (\$3,650,000) of the liquor excise tax revenues
9 distributed to the local DWI grant fund is appropriated to the
10 division for distribution to the following counties in the
11 following amounts for funding of alcohol detoxification and
12 treatment facilities and programs:

13 (1) six hundred eight thousand three hundred
14 thirty-three dollars (\$608,333) to class B counties with
15 populations of more than forty-five thousand but less than
16 fifty-one thousand persons according to the 2000 federal
17 decennial census;

18 (2) six hundred eight thousand three hundred
19 thirty-three dollars (\$608,333) to class B counties with
20 populations of more than ten thousand one hundred but less
21 than thirteen thousand persons according to the 2000 federal
22 decennial census;

23 (3) six hundred eight thousand three hundred
24 thirty-three dollars (\$608,333) to class B counties with
25 populations of more than eighteen thousand but less than

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1 eighteen thousand seventy-five persons according to the 2000
2 federal decennial census;

3 (4) six hundred eight thousand three hundred
4 thirty-three dollars (\$608,333) to class B counties with
5 populations of more than thirty thousand but less than thirty-
6 one thousand persons according to the 2000 federal decennial
7 census;

8 (5) six hundred eight thousand three hundred
9 thirty-three dollars (\$608,333) to class C counties with
10 populations of more than four thousand but less than five
11 thousand persons according to the 2000 federal decennial
12 census; and

13 (6) six hundred eight thousand three hundred
14 thirty-three dollars (\$608,333) to first class counties with
15 populations of more than two thousand persons according to the
16 2000 federal decennial census.

17 ~~[D.]~~ E. In awarding DWI grants to local
18 communities, the council:

19 (1) may fund new or existing innovative or
20 model programs, services or activities of any kind designed to
21 prevent or reduce the incidence of DWI, alcoholism or alcohol
22 abuse;

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

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1 (3) shall give consideration to a broad range
2 of approaches to prevention, education, screening, treatment
3 or alternative sentencing, including programs that combine
4 incarceration, treatment and aftercare, to address the problem
5 of DWI, alcoholism or alcohol abuse; and

6 (4) shall make grants only to counties or
7 municipalities in counties that have established a DWI
8 planning council and adopted a county DWI plan or are parties
9 to a multicounty DWI plan that has been approved pursuant to
10 Chapter 43, Article 3 NMSA 1978, and only for programs,
11 services or activities consistent with that plan.

12 [~~E-~~] F. The council shall use the criteria in
13 Subsection [~~D~~] E of this section to approve DWI programs,
14 services or activities for funding through the county DWI
15 program distribution. "

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

18 "11-6A-6. DISTRIBUTION OF CERTAIN DWI GRANT PROGRAM
19 FUNDS-- APPROVAL OF PROGRAMS. --

20 A. An amount equal to the liquor excise tax
21 revenues distributed to the local DWI grant fund for the
22 fiscal year less [~~four million eight hundred thousand dollars~~
23 ~~(\$4,800,000)] eight million four hundred fifty thousand
24 dollars (\$8,450,000) shall be available for distribution in
25 accordance with the formula in Subsection B of this section to~~

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1 each county for council-approved DWI programs, services or
2 activities; provided that each county shall receive a minimum
3 distribution of at least one-half of one percent of the money
4 available for distribution.

5 B. Each county shall be eligible for a DWI program
6 distribution in an amount derived by multiplying the total
7 amount of money available for distribution by a percentage
8 that is the average of the following two percentages:

9 (1) a percentage equal to a fraction, the
10 numerator of which is the retail trade gross receipts in the
11 county and the denominator of which is the total retail trade
12 gross receipts in the state; and

13 (2) a percentage equal to a fraction, the
14 numerator of which is the number of alcohol-related injury
15 crashes in the county and the denominator of which is the
16 total alcohol-related injury crashes in the state.

17 C. A county shall be eligible to receive the
18 distribution determined pursuant to Subsection B of this
19 section if the board of county commissioners has submitted to
20 the council a request to use the distribution for the
21 operation of one or more DWI programs, services or activities
22 in the county and the request has been approved by the
23 council.

24 D. No later than August 1 each year, each board of
25 county commissioners seeking approval for the DWI program

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1 distribution pursuant to this section shall make application
2 to the division for review and approval by the council for one
3 or more local DWI programs, services or activities in the
4 county. Application shall be made on a form and in a manner
5 determined by the division. The council shall approve the
6 programs eligible for a distribution no later than September 1
7 of each year. The division shall make the annual distribution
8 to each county in quarterly installments on or before each
9 October 10, January 10, April 10 and July 10, beginning in
10 October 1997. The amount available for distribution quarterly
11 to each county shall be the amount determined by applying the
12 formula in Subsection B of this section to the amount of
13 liquor excise tax revenues in the local DWI grant fund at the
14 end of the month prior to the quarterly installment due date
15 and after five hundred thousand dollars (\$500,000) has been
16 set aside for the DWI grant program and after the
17 appropriation and distribution pursuant to [~~Subsection C~~]
18 Subsections C and D of Section 11-6A-3 NMSA 1978.

19 E. If a county has no council-approved DWI
20 program, service or activity or does not need the full amount
21 of the available distribution, the unused money shall revert
22 to the local DWI grant fund and may be used by the council for
23 the local DWI grant program.

24 F. As used in this section:

25 (1) "alcohol-related injury crashes" means

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1 the average annual number of alcohol-related injury crashes
2 during the period from January 1, 1993 through December 31,
3 1995, as determined by the traffic safety bureau of the state
4 highway and transportation department; and

5 (2) "retail trade gross receipts" means the
6 total reported gross receipts attributable to taxpayers
7 reporting under the retail trade industry sector of the state
8 for the most recent fiscal year as determined by the taxation
9 and revenue department. "

10 Section 4. EFFECTIVE DATE. -- The effective date of the
11 provisions of this act is July 1, 2002.