

SENATE WAYS AND MEANS COMMITTEE SUBSTITUTE FOR

SENATE BILL 96

**44TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION,
2000**

AN ACT

RELATING TO TAXATION; INCREASING THE DISTRIBUTION FROM THE LIQUOR EXCISE TAX TO THE LOCAL DWI GRANT FUND; PROVIDING FOR DETOXIFICATION CENTERS IN CERTAIN CLASS A 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) 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 ~~[twenty-seven and two-tenths]~~ thirty-two and seven-tenths 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:

.131932.1

underscored material = new
[bracketed material] = delete

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
5 prevent or reduce the incidence of DWI, alcoholism and
6 alcohol abuse. Grants shall be awarded by the council
7 pursuant to the advice 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.
10 Two million dollars (\$2,000,000) of liquor excise tax
11 revenues distributed to the fund and all other money in the
12 fund, other than money appropriated for distribution pursuant
13 to Subsection C of this section and money appropriated for
14 DWI program distributions, are appropriated to the division
15 to make grants to municipalities and counties upon council
16 approval in accordance with the program established under the
17 Local DWI Grant Program Act. An amount equal to the liquor
18 excise tax revenues distributed annually to the fund less
19 [two million dollars (\$2,000,000)] four million dollars
20 (\$4,000,000) is appropriated to the division to make DWI
21 program distributions to counties upon council approval of
22 programs in accordance with the provisions of the Local DWI
23 Grant Program Act. No more than [five percent of the two
24 million dollars (\$2,000,000)] one hundred thousand dollars
25 (\$100,000) of liquor excise tax revenues distributed to the
fund in any fiscal year shall be expended for administration
of the grant program. Balances in the fund at the end of any

1 fiscal year shall not revert to the general fund.

2 C. Two million dollars (\$2,000,000) of the liquor
3 excise tax revenues distributed to the local DWI grant fund
4 are appropriated annually to the division for distribution to
5 class A counties with populations of over three hundred
6 thousand persons as shown by the 1990 decennial census for
7 funding alcohol detoxification and treatment facilities.

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

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

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

17 (3) shall give consideration to a broad
18 range of approaches to prevention, education, screening,
19 treatment or alternative sentencing, including programs that
20 combine incarceration, treatment and aftercare, to address
21 the problem 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
pursuant to [~~the Alcoholism and Alcohol Abuse Prevention,
Screening and Treatment Act~~] Chapter 43, Article 3 NMSA

.131932.1

1 1978 and only for programs, services or activities
2 consistent with that plan.

3 ~~[D-]~~ E. The council shall use the criteria in
4 Subsection ~~[E]~~ 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) is amended to read:

9 "11-6A-6. DISTRIBUTION OF CERTAIN DWI GRANT PROGRAM
10 FUNDS--APPROVAL OF PROGRAMS.--

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

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

25 (1) a percentage equal to a fraction, the
numerator of which is the retail trade gross receipts in
the county and the denominator of which is the total retail

1 trade gross receipts in the state; and

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

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

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

.131932.1

1 liquor excise tax revenues in the local DWI grant fund at
2 the end of the month prior to the quarterly installment due
3 date and after five hundred thousand dollars (\$500,000) has
4 been set aside for the DWI grant program and after the
5 appropriation and distribution pursuant to Subsection C of
6 Section 11-6A-3 NMSA 1978.

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

12 F. As used in this section:

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

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

23 Section 4. EFFECTIVE DATE.--The effective date of the
24 provisions of this act is July 1, 2000.