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HOUSE BILL 174

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

INTRODUCED BY

Donald L. Whittaker

AN ACT

RELATING TO TAXATION; INCREASING THE DISTRIBUTION OF LIQUOR
EXCISE TAX REVENUES TO THE LOCAL DWI GRANT FUND; PROVIDING FOR
DISTRIBUTIONS TO AN ADDITIONAL COUNTY; 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 hundredths~~] the following percent
of the net receipts attributable to the liquor excise tax:

A. for the period from July 1, 2002 through
June 30, 2003, thirty-eight and eleven hundredths percent; and

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1 B. after June 30, 2003, thirty-six and forty-seven
2 hundredths 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 for distribution pursuant to
17 [~~Subsection C~~] Subsections C and D 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 eight hundred thousand dollars~~
24 ~~(\$4,800,000)] six million one hundred thousand dollars
25 (\$6,100,000) in fiscal year 2003 and five million five hundred~~

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

10 C. Two million eight hundred thousand dollars
11 (\$2,800,000) 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;

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 one
23 hundred thousand persons according to the 1990 federal
24 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 thirty
2 thousand but less than forty thousand persons according to the
3 1990 federal decennial census;

4 (4) one hundred fifty thousand dollars
5 (\$150,000) to class B counties with a population of more than
6 sixty-two thousand but less than sixty-five thousand persons
7 according to the 1990 federal decennial census; and

8 (5) one hundred fifty thousand dollars
9 (\$150,000) to class B counties with a population of more than
10 thirteen thousand but less than fifteen thousand persons
11 according to the 1990 federal decennial census.

12 D. Liquor excise tax revenues distributed to the
13 local DWI grant fund are appropriated to the division for
14 distribution to the following counties in the following
15 amounts for the following purposes;

16 (1) in fiscal year 2003, one million three
17 hundred thousand dollars (\$1,300,000) for distribution to
18 class B counties with a population of more than fifty-five
19 thousand but less than sixty thousand persons according to the
20 most recent federal decennial census to plan, design,
21 renovate, construct, equip and furnish an alcohol treatment
22 facility located in a municipality within the county with a
23 population of more than one thousand five hundred but less
24 than two thousand five hundred persons according to the most
25 recent federal decennial census; and

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(2) in fiscal year 2004 and in each fiscal year thereafter, seven hundred thousand dollars (\$700,000) for distribution to class B counties with a population of more than fifty-five thousand but less than sixty thousand persons according to the most recent federal decennial census for operation of an alcohol treatment facility located in a municipality within the county with a population of more than one thousand five hundred but less than two thousand five hundred persons according to the most recent federal decennial census.

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

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

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

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

(4) shall make grants only to counties or

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1 municipalities in counties that have established a DWI
2 planning council and adopted a county DWI plan or are parties
3 to a multicounty DWI plan that has been approved pursuant to
4 Chapter 43, Article 3 NMSA 1978 and only for programs,
5 services or activities consistent with that plan.

6 [E-] F. The council shall use the criteria in
7 Subsection [D] E of this section to approve DWI programs,
8 services or activities for funding through the county DWI
9 program distribution. "

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

12 "11-6A-6. DISTRIBUTION OF CERTAIN DWI GRANT PROGRAM
13 FUNDS-- APPROVAL OF PROGRAMS. --

14 A. An amount equal to the liquor excise tax
15 revenues distributed to the local DWI grant fund for the
16 fiscal year less [~~four million eight hundred thousand dollars~~
17 ~~(\$4,800,000)] six million one hundred thousand dollars
18 (\$6,100,000) in fiscal year 2003 and five million five hundred
19 thousand dollars (\$5,500,000) in each fiscal year thereafter
20 shall be available for distribution in accordance with the
21 formula in Subsection B of this section to each county for
22 council-approved DWI programs, services or activities;
23 provided that each county shall receive a minimum distribution
24 of at least one-half of one percent of the money available for
25 distribution.~~

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

(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 trade gross receipts in the state; and

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

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

D. No later than August 1 each year, each board of county commissioners seeking approval for the DWI program distribution pursuant to this section shall make application to the division for review and approval by the council for one or more local DWI programs, services or activities in the county. Application shall be made on a form and in a manner

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

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

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

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

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

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