

SENATE PUBLIC AFFAIRS COMMITTEE SUBSTITUTE FOR
SENATE BILL 265

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

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~~] thirty-six and sixty-
one hundredths percent of the net receipts attributable to the
liquor excise tax."

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

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underscored material = new
[bracketed material] = delete

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 of this section and money appropriated for DWI
15 program distributions, are appropriated to the division to
16 make grants to municipalities and counties upon council
17 approval in accordance with the program established under the
18 Local DWI Grant Program Act. An amount equal to the liquor
19 excise tax revenues distributed annually to the fund less
20 [~~four million eight hundred thousand dollars (\$4,800,000)~~]
21 five million five hundred fifty thousand dollars (\$5,550,000)
22 is appropriated to the division to make DWI program
23 distributions to counties upon council approval of programs in
24 accordance with the provisions of the Local DWI Grant Program
25 Act. No more than one hundred thousand dollars (\$100,000) of

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

5 C. [~~Two million eight hundred thousand dollars~~
 6 ~~(\$2,800,000)~~] Three million five hundred fifty thousand
 7 dollars (\$3,550,000) of the liquor excise tax revenues
 8 distributed to the local DWI grant fund is appropriated to the
 9 division for distribution to the following counties in the
 10 following amounts for funding of alcohol detoxification and
 11 treatment facilities:

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

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

21 (3) two hundred thousand dollars (\$200,000)
 22 to class B counties with a population of more than thirty
 23 thousand but less than forty thousand persons according to the
 24 1990 federal decennial census;

25 (4) one hundred fifty thousand dollars

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1 (\$150,000) to class B counties with a population of more than
2 sixty-two thousand but less than sixty-five thousand persons
3 according to the 1990 federal decennial census; [~~and~~]

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

8 (6) seven hundred fifty thousand dollars
9 (\$750,000) to class B counties with a population of more than
10 sixty-one thousand but less than sixty-two thousand persons
11 according to the most recent federal decennial census.

12 D. In awarding DWI grants to local communities,
13 the council:

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

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

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

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

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

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

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

15 A. An amount equal to the liquor excise tax
 16 revenues distributed to the local DWI grant fund for the
 17 fiscal year less [~~four million eight hundred thousand dollars~~
 18 ~~(\$4,800,000)] five million five hundred fifty thousand dollars
 19 (\$5,550,000) shall be available for distribution in accordance
 20 with the formula in Subsection B of this section to each
 21 county for council-approved DWI programs, services or
 22 activities; provided that each county shall receive a minimum
 23 distribution of at least one-half of one percent of the money
 24 available for distribution.~~

25 B. Each county shall be eligible for a DWI program

underscored material = new
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1 distribution in an amount derived by multiplying the total
2 amount of money available for distribution by a percentage
3 that is the average of the following two percentages:

4 (1) a percentage equal to a fraction, the
5 numerator of which is the retail trade gross receipts in the
6 county and the denominator of which is the total retail trade
7 gross receipts in the state; and

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

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

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

1 programs eligible for a distribution no later than September 1
 2 of each year. The division shall make the annual distribution
 3 to each county in quarterly installments on or before each
 4 October 10, January 10, April 10 and July 10, beginning in
 5 October 1997. The amount available for distribution quarterly
 6 to each county shall be the amount determined by applying the
 7 formula in Subsection B of this section to the amount of
 8 liquor excise tax revenues in the local DWI grant fund at the
 9 end of the month prior to the quarterly installment due date
 10 and after five hundred thousand dollars (\$500,000) has been
 11 set aside for the DWI grant program and 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 amount
 16 of the available distribution, the unused money shall revert
 17 to the local DWI grant fund and may be used by the council for
 18 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 state
 24 highway and transportation department; and

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

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

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