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SENATE BILL 334

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

INTRODUCED BY

Cynthia L. Nava

AN ACT

RELATING TO TAXATION; INCREASING THE DISTRIBUTION OF LIQUOR  
EXCISE TAX REVENUES TO THE LOCAL DWI GRANT FUND; PROVIDING FOR  
DISTRIBUTION 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-nine and sixty-eight hundredths percent; and

B. after June 30, 2003, thirty-six and thirty-one

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1 hundredths percent. "

2 Section 2. Section 11-6A-3 NMSA 1978 (being Laws 1993,  
3 Chapter 65, Section 3, as amended) is amended to read:

4 "11-6A-3. LOCAL DWI GRANT PROGRAM - FUND. --

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

11 B. The "local DWI grant fund" is created in the  
12 state treasury and shall be administered by the division. Two  
13 million dollars (\$2,000,000) of liquor excise tax revenues  
14 distributed to the fund and all other money in the fund, other  
15 than money appropriated for distribution pursuant to  
16 [~~Subsection C~~] Subsections C and D of this section and money  
17 appropriated for DWI program distributions, are appropriated  
18 to the division to make grants to municipalities and counties  
19 upon council approval in accordance with the program  
20 established under the Local DWI Grant Program Act. An amount  
21 equal to the liquor excise tax revenues distributed annually  
22 to the fund less [~~four million eight hundred thousand dollars~~  
23 ~~(\$4,800,000)] six million six hundred seventy-five thousand  
24 dollars (\$6,675,000) in fiscal year 2003 and five million four  
25 hundred forty thousand dollars (\$5,440,000) in each fiscal~~

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1 year thereafter 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. Two million eight hundred thousand dollars  
10 (\$2,800,000) of the liquor excise tax revenues distributed to  
11 the local DWI grant fund is appropriated to the division for  
12 distribution to the following counties in the following  
13 amounts for funding of alcohol detoxification and treatment  
14 facilities:

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

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

24 (3) two hundred thousand dollars (\$200,000)  
25 to class B counties with a population of more than thirty

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1 thousand but less than forty thousand persons according to the  
2 1990 federal decennial census;

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

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

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

15 (1) in fiscal year 2003, one million eight  
16 hundred seventy-five thousand dollars (\$1,875,000) for  
17 distribution to class A counties with a population of more  
18 than one hundred seventy thousand but less than two hundred  
19 thousand persons according to the most recent federal  
20 decennial census to purchase land and plan, design, renovate,  
21 construct, equip and furnish an alcohol treatment facility;  
22 and

23 (2) in fiscal year 2004 and in each fiscal  
24 year thereafter, six hundred forty thousand dollars (\$640,000)  
25 for distribution to class A counties with a population of more

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1 than one hundred seventy thousand but less than two hundred  
2 thousand persons according to the most recent federal  
3 decennial census for operation of an alcohol treatment  
4 facility.

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

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

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

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

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

25 ~~[E-]~~ F. The council shall use the criteria in

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1 Subsection [D] E of this section to approve DWI programs,  
2 services or activities for funding through the county DWI  
3 program distribution. "

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

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

8 A. An amount equal to the liquor excise tax  
9 revenues distributed to the local DWI grant fund for the  
10 fiscal year less [~~four million eight hundred thousand dollars~~  
11 ~~(\$4,800,000)] six million six hundred seventy-five thousand  
12 dollars (\$6,675,000) in fiscal year 2003 and five million four  
13 hundred forty thousand dollars (\$5,440,000) in each fiscal  
14 year thereafter shall be available for distribution in  
15 accordance with the formula in Subsection B of this section to  
16 each county for council-approved DWI programs, services or  
17 activities; provided that each county shall receive a minimum  
18 distribution of at least one-half of one percent of the money  
19 available for distribution.~~

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

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

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1 county and the denominator of which is the total retail trade  
2 gross receipts in the state; and

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

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

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

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

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

14 F. As used in this section:

15 (1) "alcohol-related injury crashes" means  
16 the average annual number of alcohol-related injury crashes  
17 during the period from January 1, 1993 through December 31,  
18 1995, as determined by the traffic safety bureau of the state  
19 highway and transportation department; and

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

25 Section 4. EFFECTIVE DATE.--The effective date of the



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provisions of this act is July 1, 2002.

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