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HOUSE BILL 956

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

Thomas E. Swisstack

AN ACT

RELATING TO DWI; REDISTRIBUTING GRANTS FROM THE LOCAL DWI GRANT FUND; AMENDING SECTIONS OF THE NMSA 1978.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 11-6A-3 NMSA 1978 (being Laws 1993, Chapter 65, Section 3, as amended) is amended to read:

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

A. The division shall establish a local DWI grant program to make grants to municipalities or counties for:

(1) new, innovative or model programs, services or activities to prevent or reduce the incidence of DWI, alcoholism, alcohol abuse, drug addiction or drug abuse; and

(2) programs, services or activities to prevent or reduce the incidence of domestic abuse related to

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1 DWI, alcoholism, alcohol abuse, drug addiction or drug abuse.

2 B. Grants shall be awarded by the council pursuant
3 to the advice and recommendations of the division.

4 C. The "local DWI grant fund" is created in the
5 state treasury and shall be administered by the division. Two
6 million five hundred thousand dollars (\$2,500,000) of liquor
7 excise tax revenues distributed to the fund and all other money
8 in the fund, other than money appropriated for distribution
9 pursuant to [~~Subsections D and E~~] Subsection D of this section
10 and money appropriated for DWI program distributions, are
11 appropriated to the division to make grants to municipalities
12 and counties upon council approval in accordance with the
13 program established under the Local DWI Grant Program Act and
14 to evaluate DWI grantees and the local DWI grant program.
15 Money in the fund may be used for drug courts. An amount equal
16 to the liquor excise tax revenues distributed annually to the
17 fund less five million six hundred thousand dollars
18 (\$5,600,000) is appropriated to the division to make DWI
19 program distributions to counties upon council approval of
20 programs in accordance with the provisions of the Local DWI
21 Grant Program Act. No more than six hundred thousand dollars
22 (\$600,000) of liquor excise tax revenues distributed to the
23 fund in any fiscal year shall be expended for administration of
24 the grant program. Balances in the fund at the end of any
25 fiscal year shall not revert to the general fund.

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1 D. [~~Two million eight hundred thousand dollars~~
2 ~~(\$2,800,000)~~] Three million one hundred thousand dollars
3 (\$3,100,000) of the liquor excise tax revenues distributed to
4 the local DWI grant fund is appropriated to the division for
5 distribution to the following counties in the following amounts
6 for funding of alcohol detoxification and treatment facilities:

7 (1) [~~one million seven hundred thousand~~
8 ~~dollars (\$1,700,000)~~] two million dollars (\$2,000,000) to class
9 A counties with a population of over three hundred thousand
10 persons according to the 1990 federal decennial census;

11 (2) three hundred thousand dollars (\$300,000)
12 each to counties reclassified in 2002 as class A counties with
13 a population of more than ninety thousand but less than one
14 hundred thousand persons according to the 1990 federal
15 decennial census;

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

20 (4) one hundred fifty thousand dollars
21 (\$150,000) to class B counties with a population of more than
22 sixty-two thousand but less than sixty-five thousand persons
23 according to the 1990 federal decennial census; and

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

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1 thirteen thousand but less than fifteen thousand persons
2 according to the 1990 federal decennial census.

3 ~~[E. Three hundred thousand dollars (\$300,000) of~~
4 ~~the liquor excise tax revenues distributed to the local DWI~~
5 ~~grant fund is appropriated to the division for the interlock~~
6 ~~device fund to cover the costs of installing and removing~~
7 ~~ignition interlock devices for indigent people who are~~
8 ~~required, pursuant to convictions under Section 66-8-102 NMSA~~
9 ~~1978, to install those devices in their vehicles.~~

10 F.] E. In awarding DWI grants to local communities,
11 the council:

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

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

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

22 (4) may fund existing community-based
23 programs, services or facilities for prevention and treatment
24 of domestic abuse related to DWI, alcoholism or alcohol abuse;

25 (5) shall give consideration to a broad range

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1 of approaches to prevention, education, screening, treatment or
2 alternative sentencing, including programs that combine
3 incarceration, treatment and aftercare, to address the problem
4 of DWI, alcoholism or alcohol abuse; and

5 (6) shall make grants only to counties or
6 municipalities in counties that have established a DWI planning
7 council and adopted a county DWI plan or are parties to a
8 multicounty DWI plan that has been approved by the council and
9 approved pursuant to Chapter 43, Article 3 NMSA 1978 and only
10 for programs, services or activities consistent with that plan.
11 A DWI plan shall also comply with local DWI grant program rules
12 and guidelines.

13 [~~G.~~] F. The council shall use the criteria in
14 Subsection [~~F~~] E of this section to approve DWI programs,
15 services or activities for funding through the county DWI
16 program distribution. Sixty-five percent of the DWI grants
17 awarded to local communities shall be used for alcohol-related
18 treatment and detoxification programs."

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

21 "11-6A-6. DISTRIBUTION OF CERTAIN LOCAL DWI GRANT PROGRAM
22 FUNDS--APPROVAL OF PROGRAMS.--

23 A. An amount equal to the liquor excise tax
24 revenues distributed to the local DWI grant fund for the fiscal
25 year less five million six hundred thousand dollars

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1 (\$5,600,000) shall be available for distribution in accordance
2 with the formula in Subsection B of this section to each county
3 for council-approved DWI programs, services or activities;
4 provided that each county shall receive a minimum distribution
5 of at least one-half percent of the money available for
6 distribution.

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

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

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

19 C. A county shall be eligible to receive the
20 distribution determined pursuant to Subsection B of this
21 section if the board of county commissioners has submitted to
22 the council a request to use the distribution for the operation
23 of one or more DWI programs, services or activities in the
24 county and the request has been approved by the council. The
25 request shall also comply with local DWI grant program rules

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1 and guidelines.

2 D. No later than April 1 each year, each board of
3 county commissioners seeking approval for the DWI program
4 distribution pursuant to this section shall make application to
5 the division for review and approval by the council for one or
6 more local DWI programs, services or activities in the county.
7 Application shall be made on a form and in a manner determined
8 by the division. The council shall approve the programs
9 eligible for a distribution no later than July 1 of each year.
10 The division shall make the annual distribution to each county
11 in quarterly installments on or before each September 10,
12 December 10, March 10 and June 10, beginning in September 2004.
13 The amount available for distribution quarterly to each county
14 shall be the amount determined by applying the formula in
15 Subsection B of this section to the amount of liquor excise tax
16 revenues in the local DWI grant fund at the end of the month
17 prior to the quarterly installment due date and after one
18 million three hundred twenty-five thousand dollars (\$1,325,000)
19 has been set aside for the DWI grant program and after the
20 appropriations and distributions pursuant to [~~Subsections D and~~
21 E] Subsection D of Section 11-6A-3 NMSA 1978.

22 E. If a county does not have a council-approved DWI
23 program, service or activity or does not need the full amount
24 of the available distribution, the unused money shall revert to
25 the local DWI grant fund and may be used by the council for the

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1 local DWI grant program.

2 F. As used in this section:

3 (1) "alcohol-related injury crashes" means the
4 average annual number of alcohol-related injury crashes during
5 the period from January 1, 2000 through December 31, 2002, as
6 determined by the traffic safety bureau of the [~~state highway~~
7 ~~and transportation~~] department of transportation; and

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