

1 SENATE BILL 463

2 **52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015**

3 INTRODUCED BY

4 George K. Munoz

5
6
7
8
9
10 AN ACT

11 RELATING TO ALCOHOL; EXPANDING THE DISTRIBUTION TO COUNTIES FOR
12 ALCOHOL DETOXIFICATION AND TREATMENT FACILITIES; MAKING AN
13 APPROPRIATION.

14
15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

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

18 "11-6A-3. LOCAL DWI GRANT PROGRAM--FUND.--

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

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

25 (2) programs, services or activities to

.199073.1

underscored material = new
~~[bracketed material] = delete~~

underscored material = new
[bracketed material] = delete

1 prevent or reduce the incidence of domestic abuse related to
2 DWI, alcoholism, alcohol abuse, drug addiction or drug abuse.

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

5 C. The "local DWI grant fund" is created in the
6 state treasury and shall be administered by the division. Two
7 million five hundred thousand dollars (\$2,500,000) of liquor
8 excise tax revenues distributed to the fund and all other money
9 in the fund, other than money appropriated for distribution
10 pursuant to Subsections D and E of this section and money
11 appropriated for DWI program distributions, are appropriated to
12 the division to make grants to municipalities and counties upon
13 council approval in accordance with the program established
14 under the Local DWI Grant Program Act and to evaluate DWI
15 grantees and the local DWI grant program. Money in the fund
16 may be used for drug courts. An amount equal to the liquor
17 excise tax revenues distributed annually to the fund less [~~five~~
18 ~~million six hundred thousand dollars (\$5,600,000)~~] amounts
19 appropriated for distribution pursuant to this subsection and
20 Subsections D and E of this section is appropriated to the
21 division to make DWI program distributions to counties upon
22 council approval of programs in accordance with the provisions
23 of the Local DWI Grant Program Act. No more than six hundred
24 thousand dollars (\$600,000) of liquor excise tax revenues
25 distributed to the fund in any fiscal year shall be expended

.199073.1

underscored material = new
[bracketed material] = delete

1 for administration of the grant program. Balances in the fund
2 at the end of any fiscal year shall not revert to the general
3 fund.

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

10 (1) one million seven hundred thousand dollars
11 (\$1,700,000) to class A counties with a population of [~~over~~
12 ~~three~~] more than six hundred thousand persons according to the
13 [~~1990~~] most recent federal decennial census;

14 (2) three hundred thousand dollars (\$300,000)
15 each to [~~counties reclassified in 2002 as~~] class A counties
16 with a population of more than [~~ninety~~] one hundred thirty
17 thousand but less than [~~one~~] two hundred thousand persons
18 according to the [~~1990~~] most recent federal decennial census;

19 (3) three hundred thousand dollars (\$300,000)
20 to class B counties with a population of more than seventy
21 thousand but less than seventy-five thousand persons according
22 to the most recent federal decennial census;

23 [~~3~~] (4) two hundred thousand dollars
24 (\$200,000) to class B counties with a population of more than
25 [~~thirty~~] forty thousand but less than [~~forty~~] forty-five

.199073.1

underscored material = new
[bracketed material] = delete

1 thousand persons according to the [~~1990~~] most recent federal
2 decennial census; and

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~~] seventeen thousand but less than [~~fifteen~~] nineteen
10 thousand persons according to the [~~1990~~] most recent federal
11 decennial census.

12 E. Three hundred thousand dollars (\$300,000) of the
13 liquor excise tax revenues distributed to the local DWI grant
14 fund is appropriated to the division for the interlock device
15 fund.

16 F. In awarding DWI grants to local communities, the
17 council:

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

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

24 (3) may fund new or existing innovative or
25 model programs, services or activities of any kind designed to

.199073.1

underscoring material = new
~~[bracketed material] = delete~~

1 prevent or reduce the incidence of domestic abuse related to
2 DWI, alcoholism or alcohol abuse;

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

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

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

19 G. The council shall use the criteria in Subsection
20 F of this section to approve DWI programs, services or
21 activities for funding through the county DWI program
22 distribution. Sixty-five percent of the DWI grants awarded to
23 local communities shall be used for alcohol-related treatment
24 and detoxification programs."

25 SECTION 2. Section 11-6A-6 NMSA 1978 (being Laws 1997,
.199073.1

underscored material = new
[bracketed material] = delete

1 Chapter 182, Section 2, as amended) is amended to read:

2 "11-6A-6. DISTRIBUTION OF CERTAIN LOCAL DWI GRANT PROGRAM
3 FUNDS--APPROVAL OF PROGRAMS.--

4 A. An amount equal to the liquor excise tax
5 revenues distributed to the local DWI grant fund for the fiscal
6 year less [~~five million six hundred thousand dollars~~
7 ~~(\$5,600,000)~~] amounts appropriated for distribution pursuant to
8 Subsections C, D and E of Section 11-6A-3 NMSA 1978 shall be
9 available for distribution in accordance with the formula in
10 Subsection B of this section to each county for council-
11 approved DWI programs, services or activities; provided that
12 each county shall receive a minimum distribution of [~~at least~~]
13 one-half percent of the money available for distribution.

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

18 (1) a percentage equal to a fraction, the
19 numerator of which is the retail trade gross receipts in the
20 county and the denominator of which is the total retail trade
21 gross receipts in the state; and

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

.199073.1

underscored material = new
[bracketed material] = delete

1 C. A county shall be eligible to receive the
2 distribution determined pursuant to Subsection B of this
3 section if the board of county commissioners has submitted to
4 the council a request to use the distribution for the operation
5 of one or more DWI programs, services or activities in the
6 county and the request has been approved by the council. The
7 request shall also comply with local DWI grant program rules
8 and guidelines.

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

.199073.1

underscored material = new
[bracketed material] = delete

1 has been set aside for the DWI grant program and after the
2 appropriations and distributions pursuant to Subsections D and
3 E of Section 11-6A-3 NMSA 1978.

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

9 F. As used in this section:

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

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

20 SECTION 3. EFFECTIVE DATE.--The effective date of the
21 provisions of this act is July 1, 2015.