

SENATE FINANCE COMMITTEE SUBSTITUTE FOR
SENATE BILL 463

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

AN ACT

RELATING TO ALCOHOL; EXPANDING THE DISTRIBUTION TO COUNTIES FOR
ALCOHOL DETOXIFICATION AND TREATMENT FACILITIES; REDUCING THE
AMOUNT OF MONEY EARMARKED FOR GRANTS AND EVALUATION ASSOCIATED
WITH THE LOCAL DWI GRANT PROGRAM; MAKING AN APPROPRIATION.

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

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underscored material = new
[bracketed material] = delete

1 (2) programs, services or activities to
2 prevent or reduce the incidence of domestic abuse related to
3 DWI, alcoholism, alcohol abuse, drug addiction or drug abuse.

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

6 C. The "local DWI grant fund" is created in the
7 state treasury and shall be administered by the division. [~~Two~~
8 ~~million five hundred thousand dollars (\$2,500,000)~~] Two million
9 two hundred thousand dollars (\$2,200,000) of liquor excise tax
10 revenues distributed to the fund and all other money in the
11 fund, other than money appropriated for distribution pursuant
12 to Subsections D and E of this section and money appropriated
13 for DWI program distributions, are appropriated to the division
14 to make grants to municipalities and counties upon council
15 approval in accordance with the program established under the
16 Local DWI Grant Program Act and to evaluate DWI grantees and
17 the local DWI grant program. Money in the fund may be used for
18 drug courts. An amount equal to the liquor excise tax revenues
19 distributed annually to the fund less [~~five million six hundred~~
20 ~~thousand dollars (\$5,600,000)~~] amounts appropriated for
21 distribution pursuant to this subsection and Subsections D and
22 E of this section is appropriated to the division to make DWI
23 program distributions to counties upon council approval of
24 programs in accordance with the provisions of the Local DWI
25 Grant Program Act. No more than six hundred thousand dollars

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1 (\$600,000) of liquor excise tax revenues distributed to the
 2 fund in any fiscal year shall be expended for administration of
 3 the grant program. Balances in the fund at the end of any
 4 fiscal year shall not revert to the general fund.

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

11 (1) one million seven hundred thousand dollars
 12 (\$1,700,000) to class A counties with a population of [~~over~~
 13 ~~three]~~ more than six hundred thousand persons according to the
 14 [~~1990]~~ most recent federal decennial census;

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

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

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

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1 [thirty] forty thousand but less than [forty] forty-five
2 thousand persons according to the [1990] most recent federal
3 decennial census; and

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

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

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

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

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

25 (3) may fund new or existing innovative or

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1 model programs, services or activities of any kind designed to
2 prevent or reduce the incidence of domestic abuse related to
3 DWI, alcoholism or alcohol abuse;

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

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

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

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

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

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

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

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

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

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

1 alcohol-related injury crashes in the state.

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

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

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1 million three hundred twenty-five thousand dollars (\$1,325,000)
2 has been set aside for the DWI grant program and after the
3 appropriations and distributions pursuant to Subsections D and
4 E of Section 11-6A-3 NMSA 1978.

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

10 F. As used in this section:

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

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

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