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SENATE BILL 144

**56TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2024**

INTRODUCED BY

Roberto "Bobby" J. Gonzales and Leo Jaramillo

AN ACT

RELATING TO ALCOHOL; INCREASING THE AMOUNT OF THE LOCAL DWI GRANT FUND THAT MAY BE USED FOR ADMINISTRATION OF THE LOCAL DWI GRANT PROGRAM.

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

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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  
18 [~~five million six hundred thousand dollars (\$5,600,000)~~] six  
19 million one hundred thousand dollars (\$6,100,000), is  
20 appropriated to the division to make DWI program distributions  
21 to counties upon council approval of programs in accordance  
22 with the provisions of the Local DWI Grant Program Act. No  
23 more than [~~six hundred thousand dollars (\$600,000)~~] one million  
24 one hundred thousand dollars (\$1,100,000) of liquor excise tax  
25 revenues distributed to the fund in any fiscal year shall be

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

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

9 (1) one million seven hundred thousand dollars  
10 (\$1,700,000) to class A counties with a population of over  
11 three hundred thousand persons according to the 1990 federal  
12 decennial census;

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

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

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

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1 (5) one hundred fifty thousand dollars  
2 (\$150,000) to class B counties with a population of more than  
3 thirteen thousand but less than fifteen thousand persons  
4 according to the 1990 federal decennial census.

5 E. Three hundred thousand dollars (\$300,000) of the  
6 liquor excise tax revenues distributed to the local DWI grant  
7 fund is appropriated to the division for the interlock device  
8 fund.

9 F. In awarding DWI grants to local communities, the  
10 council:

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

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

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

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

24 (5) shall give consideration to a broad range  
25 of approaches to prevention, education, screening, treatment or

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

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

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

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

20 "11-6A-6. DISTRIBUTION OF CERTAIN LOCAL DWI GRANT PROGRAM  
21 FUNDS--APPROVAL OF PROGRAMS.--

22 A. An amount equal to the liquor excise tax  
23 revenues distributed to the local DWI grant fund for the fiscal  
24 year less [~~five million six hundred thousand dollars~~  
25 ~~(\$5,600,000)] six million one hundred thousand dollars~~

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1     (\$6,100,000) 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~~  
19 ~~(\$1,325,000)~~] one million five hundred twenty-five thousand  
20 dollars (\$1,525,000) has been set aside for the DWI grant  
21 program and after the appropriations and distributions pursuant  
22 to Subsections D and E of Section 11-6A-3 NMSA 1978.

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

3 F. As used in this section:

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

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

14 SECTION 3. EFFECTIVE DATE.--The effective date of the  
15 provisions of this act is July 1, 2024.

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