

AN ACT

RELATING TO THE LOCAL DWI GRANT PROGRAM; MAKING A DISTRIBUTION OF LIQUOR EXCISE TAX REVENUES TO THE LOCAL DWI GRANT FUND; PROVIDING A FORMULA FOR DISTRIBUTION OF LOCAL DWI GRANT FUNDS; AMENDING THE PURPOSES OF THE LOCAL DWI GRANT FUND; AMENDING AND ENACTING SECTIONS OF THE NMSA 1978; MAKING AN APPROPRIATION.

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

Section 1. A new section of the Tax Administration Act is enacted to read:

"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 twenty-seven and two-tenths percent of the net receipts attributable to the liquor excise tax."

Section 2. A new section of the Local DWI Grant Program Act is enacted to read:

"DISTRIBUTION OF CERTAIN DWI GRANT PROGRAM FUNDS-- APPROVAL OF PROGRAMS.--

A. An amount equal to the liquor excise tax revenues distributed to the local DWI grant fund for the fiscal year less two million dollars (\$2,000,000) shall be available for distribution in accordance with the formula in Subsection B of this section to each county for council-

approved DWI programs, services or activities, provided that each county shall receive a minimum distribution of at least one-half of one percent of the money available for distribution.

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

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

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

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

D. No later than August 1 each year, each board

of county commissioners seeking approval for the DWI program distribution pursuant to this section shall make application to the division for review and approval by the council for one or more local DWI programs, services or activities in the county. Application shall be made on a form and in a manner determined by the division. The council shall approve the programs eligible for funds no later than September 1 of each year. The division shall make the annual distribution to each county in quarterly installments on or before each October 10, January 10, April 10 and July 10, beginning in October 1997. The amount available for distribution quarterly to each county shall be the amount determined by applying the formula in Subsection B of this section to the amount of liquor excise tax revenues in the fund at the end of the month prior to the quarterly installment due date and after five hundred thousand dollars (\$500,000) has been set aside for the DWI grant program.

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

F. As used in this section:

(1) "alcohol-related injury crashes" means the average annual number of alcohol-related injury crashes

during the period from January 1, 1993 through December 31, 1995, as determined by the traffic safety bureau of the state highway and transportation department; and

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

Section 3. Section 11-6A-3 NMSA 1978 (being Laws 1993, Chapter 65, Section 3) 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 new, innovative or model programs, services or activities to prevent or reduce the incidence of DWI, alcoholism and alcohol abuse. Grants shall be awarded by the council pursuant to the advice and recommendations of the division.

B. The "local DWI grant fund" is created in the state treasury and shall be administered by the division. Two million dollars (\$2,000,000) of liquor excise tax revenues distributed to the fund and all other money in the fund, other than money appropriated for DWI program distributions, are appropriated to the division to make grants to municipalities and counties upon council approval in accordance with the program established under the Local

DWI Grant Program Act. An amount equal to the liquor excise tax revenues distributed annually to the fund less two million dollars (\$2,000,000) is appropriated to the division to make DWI program distributions to counties upon council approval of programs in accordance with the provisions of the Local DWI Grant Program Act. No more than five percent of the two million dollars (\$2,000,000) of liquor excise tax revenues distributed to the fund in any fiscal year shall be expended for administration of the grant program. Balances in the fund at the end of any fiscal year shall not revert to the general fund.

C. In awarding DWI grants to local communities, the council:

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

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

~~(3) may fund programs for the treatment and care of family members and others who suffer from problems related to alcoholism and alcohol abuse, including persons with developmental disabilities caused by fetal alcohol syndrome or alcohol-related birth defects and victims of~~

~~domestic violence;~~

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

(5) shall make grants only to counties or municipalities in counties that have established a DWI planning council and adopted a county DWI plan or are parties to a multicounty DWI plan that has been approved pursuant to the Alcoholism and Alcohol Abuse Prevention, Screening and Treatment Act and only for programs, services or activities consistent with that plan.

D. The council shall use the criteria in Subsection C of this section to approve DWI programs, services or activities for funding through the county DWI program distribution."

Section 4. Section 11-6A-5 NMSA 1978 (being Laws 1993, Chapter 65, Section 5) is amended to read:

"11-6A-5. ADMINISTRATION OF DWI GRANT PROGRAM AND COUNTY DWI PROGRAM DISTRIBUTION--REGULATIONS.--

A. The division shall administer the DWI grant program and the county DWI program distribution and shall serve as staff to the council.

B. The division, with the advice and approval of

the council, shall adopt regulations necessary for operation of the grant program and the county DWI program distribution, including:

(1) forms and procedures for the application process for the grant program and the county DWI program distribution;

(2) documentation to be provided by the applicant to assure compliance with the grant and the county DWI program distribution guidelines and other provisions of the Local DWI Grant Program Act;

(3) procedures and guidelines for review, evaluation and approval of grant awards and for review and approval of programs to be funded by the county DWI program distribution;

(4) procedures and guidelines for oversight, evaluation and audit of DWI grantees to assure that grants are being administered in the manner and for the purposes that the grant was awarded; and

(5) design of an evaluation mechanism for DWI grant programs and services and submission by each grantee of an annual report on each grant program or service and its effectiveness and outcomes."

Section 5. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 1998. \_\_\_\_\_

