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HOUSE BILL 108

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

RICK MIERA

FOR THE DWI OVERSIGHT TASK FORCE

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 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:

"~~[NEW MATERIAL]~~ 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

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1 Act is enacted to read:

2 " [NEW MATERIAL] DISTRIBUTION OF CERTAIN DWI GRANT PROGRAM  
3 FUNDS-- APPROVAL OF PROGRAMS. --

4 A. An amount equal to the liquor excise tax revenues  
5 distributed to the local DWI grant fund for the fiscal year less  
6 two million dollars (\$2,000,000) shall be available for  
7 distribution in accordance with the formula in Subsection B of  
8 this section to each county for council-approved DWI programs,  
9 services or activities, provided that each county shall receive  
10 a minimum distribution of at least one-half of one percent of  
11 the money available for distribution.

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

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

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

24 C. A county shall be eligible to receive the  
25 distribution determined pursuant to Subsection B of this section

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1 if the board of county commissioners has submitted to the  
2 council a request to use the distribution for the operation of  
3 one or more DWI programs, services or activities in the county  
4 and the request has been approved by the council.

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

22 E. If a county has no council-approved DWI program,  
23 service or activity or does not need the full amount of the  
24 available distribution, the unused money shall revert to the  
25 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, 1993 through December 31, 1995, as  
6 determined by the traffic safety bureau of the state highway and  
7 transportation department; 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. "

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

15 "11-6A-3. LOCAL DWI GRANT PROGRAM - FUND. --

16 A. The division shall establish a local DWI grant  
17 program to make grants to municipalities or counties for new,  
18 innovative or model programs, services or activities to prevent  
19 or reduce the incidence of DWI, alcoholism and alcohol abuse.  
20 Grants shall be awarded by the council pursuant to the advice  
21 and recommendations of the division.

22 B. The "local DWI grant fund" is created in the  
23 state treasury and shall be administered by the division.

24 [~~Money in the fund is~~] Two million dollars (\$2,000,000) of  
25 liquor excise tax revenues distributed to the fund and all other

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1 money in the fund, other than money appropriated for DWI program  
2 distributions, are appropriated to the division to make grants  
3 to municipalities and counties upon council approval in  
4 accordance with the program established under the Local DWI  
5 Grant Program Act. An amount equal to the liquor excise tax  
6 revenues distributed annually to the fund less two million  
7 dollars (\$2,000,000) is appropriated to the division to make DWI  
8 program distributions to counties upon council approval of  
9 programs in accordance with the provisions of the Local DWI  
10 Grant Program Act. No more than five percent of any  
11 appropriation to the fund in any fiscal year shall be expended  
12 for administration of the grant program. Balances in the fund  
13 at the end of any fiscal year shall not revert to the general  
14 fund.

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

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

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

23 (3) shall give consideration to a broad range  
24 of approaches to prevention, education, screening, treatment or  
25 alternative sentencing, including programs that combine

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1 incarceration, treatment and aftercare, to address the  
2 [~~problems~~] problem of DWI, alcoholism or alcohol abuse; and

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

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

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

16 "11-6A-5. ADMINISTRATION OF DWI GRANT PROGRAM AND COUNTY  
17 DWI PROGRAM DISTRIBUTION--REGULATIONS.--

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

21 B. The division, with the advice and approval of the  
22 council, shall adopt regulations necessary for operation of the  
23 grant program and the county DWI program distribution,  
24 including:

25 (1) forms and procedures for the application

1 process for the grant program and the county DWI program  
2 distribution;

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

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

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

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

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

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# State of New Mexico House of Representatives

FORTY-THIRD LEGISLATURE  
FIRST SESSION, 1997

March 3, 1997

Mr. Speaker:

Your TAXATION AND REVENUE COMMITTEE, to whom has  
been referred

HOUSE BILL 108

has had it under consideration and reports same with  
recommendation that it DO PASS, amended as follows:

1. On page 5, lines 10 and 11, strike "any appropriation"  
and insert in lieu thereof "the two million dollars (\$2,000,000)  
of liquor excise tax revenues distributed".,

and thence referred to the APPROPRIATIONS AND FINANCE  
COMMITTEE.



FORTY-THIRD LEGISLATURE  
FIRST SESSION, 1997

HB 108

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Respectfully submitted,

\_\_\_\_\_  
Jerry W. Sandel, Chairman

Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_

(Chief Clerk)

(Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 11 For 0 Against

Yes: 11

Excused: Gonzales, Lujan

Absent: None

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# **State of New Mexico House of Representatives**

**FORTY-THIRD LEGISLATURE  
FIRST SESSION, 1997**

**March 17, 1997**

**Mr. Speaker:**

**Your APPROPRIATIONS AND FINANCE COMMITTEE, to  
whom has been referred**

**HOUSE BILL 108, as amended**

**has had it under consideration and reports same with  
recommendation that it DO PASS.**

**Respectfully submitted,**

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**Max Coll, Chairman**

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FORTY-THIRD LEGISLATURE  
FIRST SESSION, 1997

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Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_

(Chief Clerk)

(Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 13 For 0 Against

Yes: 13

Excused: Garcia, M H. , Marquardt, Picraux, Taylor, J. P.

Absent: None

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FORTY-THIRD LEGISLATURE  
FIRST SESSION, 1997

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FORTY-THIRD LEGISLATURE  
FIRST SESSION, 1997

March 18, 1997

Mr. President:

Your FINANCE COMMITTEE, to whom has been referred

HOUSE BILL 108, as amended

has had it under consideration and reports same with  
recommendation that it DO PASS.

Respectfully submitted,

\_\_\_\_\_  
Ben D. Altamirano, Chairman

Adopted \_\_\_\_\_  
(Chief Clerk)

Not Adopted \_\_\_\_\_  
(Chief Clerk)

FORTY-THIRD LEGISLATURE  
FIRST SESSION, 1997

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Date \_\_\_\_\_

The roll call vote was 6 For 0 Against

Yes: 6

No: None

Excused: Carraro, Eisenstadt, Ingle, Lyons< McKibben

Absent: None

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FORTY-THIRD LEGISLATURE

FIRST SESSION

March 20, 1997

SENATE FLOOR AMENDMENT number \_\_\_\_\_ to HOUSE BILL 108, as amended

Amendment sponsored by Senator Pauline B. Eisenstadt

1. On page 1, line 13, after the semicolon insert "AMENDING THE PURPOSES OF THE LOCAL DWI GRANT FUND;".

2. On page 5, between lines 22 and 23, insert the following new paragraph:

"(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;".

3. Renumber the succeeding paragraphs accordingly.

FORTY-THIRD LEGISLATURE  
FIRST SESSION

HB 108, aa

Page 15

\_\_\_\_\_  
Pauline B. Eisenstadt

Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_  
(Chief Clerk) (Chief Clerk)

Date \_\_\_\_\_

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