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HOUSE BILL 35

**53RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2018**

INTRODUCED BY

Carl Trujillo

FOR THE COURTS, CORRECTIONS AND JUSTICE COMMITTEE AND  
THE REVENUE STABILIZATION AND TAX POLICY COMMITTEE

AN ACT

RELATING TO TAXATION; INCREASING THE DISTRIBUTION OF THE LIQUOR  
EXCISE TAX TO THE LOCAL DWI GRANT FUND; DISTRIBUTING A PORTION  
OF THAT TAX TO THE DRUG COURT FUND; CREATING THE DRUG COURT  
FUND; MAKING AN APPROPRIATION.

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

**SECTION 1.** Section 7-1-6.40 NMSA 1978 (being Laws 1997,  
Chapter 182, Section 1, as amended) is amended to read:

"7-1-6.40. DISTRIBUTION OF LIQUOR EXCISE TAX--LOCAL DWI  
GRANT FUND--CERTAIN MUNICIPALITIES--~~[LOTTERY TUITION]~~ DRUG  
COURT FUND.--

A. 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 ~~[the following percentages]~~ forty-five percent of the  
net receipts attributable to the liquor excise tax

.209011.1

underscored material = new  
[bracketed material] = delete

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1                    [~~(1) prior to July 1, 2015, forty-one and one-~~  
2 ~~half percent;~~

3                    [~~(2) from July 1, 2015 through June 30, 2018,~~  
4 ~~forty-six percent; and~~

5                    [~~(3) on and after July 1, 2018, forty-one and~~  
6 ~~one-half percent]~~ shall be made to the local DWI grant fund.

7                    B. A distribution pursuant to Section 7-1-6.1 NMSA  
8 1978 of twenty thousand seven hundred fifty dollars (\$20,750)  
9 monthly from the net receipts attributable to the liquor excise  
10 tax shall be made to a municipality that is located in a class  
11 A county and that has a population according to the most recent  
12 federal decennial census of more than thirty thousand but less  
13 than sixty thousand [~~The distribution pursuant to this~~  
14 ~~subsection]~~ and shall be used by the municipality only for the  
15 provision of alcohol treatment and rehabilitation services for  
16 street inebriates.

17                    C. [~~From July 1, 2015 through June 30, 2017]~~ A  
18 distribution pursuant to Section 7-1-6.1 NMSA 1978 [~~of thirty-~~  
19 ~~nine]~~ in an amount equal to five percent of the net receipts  
20 attributable to the liquor excise tax shall be made to the  
21 [~~lottery tuition]~~ drug court fund."

22                    SECTION 2. [NEW MATERIAL] DRUG COURT FUND--CREATED.--The  
23 "drug court fund" is created in the state treasury. The fund  
24 consists of appropriations, distributions, gifts, grants,  
25 donations and bequests made to the fund and income from

.209011.1

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

1 investment of the fund. The administrative office of the  
2 courts shall administer money in the fund to offset client  
3 service costs of drug court programs, consistent with standards  
4 approved by the supreme court. Money in the fund shall be  
5 expended on warrants of the secretary of finance and  
6 administration pursuant to vouchers signed by the director of  
7 the administrative office of the courts. Balances in the fund  
8 shall not revert to the general fund at the end of a fiscal  
9 year.

10 SECTION 3. EFFECTIVE DATE.--The effective date of the  
11 provisions of this act is July 1, 2018.