


**NOTE: As provided in LFC policy, this report is intended only for use by the standing finance committees of the legislature. The Legislative Finance Committee does not assume responsibility for the accuracy of the information in this report when used in any other situation.**

**Only the most recent FIR version (in HTML & Adobe PDF formats) is available on the Legislative Website. The Adobe PDF version includes all attachments, whereas the HTML version does not. Previously issued FIRs and attachments may be obtained from the LFC's office in Suite 101 of the State Capitol Building North.**

## FISCAL IMPACT REPORT

SPONSOR: Heaton DATE TYPED: 2/12/02 HB 303/a HJC  
 SHORT TITLE: Sunday Alcohol Sales at Resorts SB \_\_\_\_\_  
 ANALYST: J. Sandoval

### APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY02	FY03	FY02	FY03		
	NFI				

(Parenthesis ( ) Indicate Expenditure Decreases)

Relates to SB 137, SB258 and conflicts with SB152

### SOURCES OF INFORMATION

LFC files

#### Responses Received From

Alcohol and Gaming Division of the Regulation and Licensing Department  
 New Mexico Department of Tourism  
 Department of Public Safety  
 State Highway and Transportation Department

#### No Response

Attorney General's Office

### SUMMARY

#### Synopsis HJC Amendment

House Bill 303/a HJC makes one amendment to not only allow for Sunday sales in a local option district pursuant to the results of the 1984 general election but any subsequent election that addressed the Sunday sale of alcohol in the local option district. This amendment corrects a technical issue addressed by the Alcohol and Gaming Division of the Regulation and Licensing Department.

#### Synopsis of Original Bill

House Bill 303 amends two sections of state statute that address offenses in relation to the Liquor Control Act to permit Sunday sales, service and consumption of alcohol at resorts and horse race-tracks, except between the hours of 2:00 a.m. and 12:00 noon.

Significant Issues

This bill defines a resort as “a lodging establishment or complex, open to the public, offering at least one hundred guest rooms or at least one hundred recreational vehicle parking or camping spaces and where meals are regularly furnished to the public.” The establishment or complex is to offer at least two of the following recreational activities; nine or eighteen holes of golf, tennis, water park facilities, horseback riding, snow skiing, water skiing, fishing, hunting, boating, trap or skeet shooting, swimming or be adjacent to or within a national park, national monument, national forest, state park or state monument.

This bill permits the Sunday sales of alcoholic beverages at resorts and horse racetracks despite the results of the 1984 general election where the question to permit the Sunday sales of alcoholic beverages by the drink for consumption on the licensed premises be allowed in the local opinion district was statutorily required to be put to a vote.

**FISCAL IMPLICATIONS**

Indeterminate at this time

**ADMINISTRATIVE IMPLICATIONS**

Conflicting assumptions make this implication indeterminate.

**CONFLICT/DUPLICATION/COMPANIONSHIP/RELATIONSHIP**

House Bill 303 would duplicate Senate Bill 258 except for the fact that Senate Bill 258 requires a special annual fee of three hundred dollars (\$300) to permit the Sunday sale of alcoholic beverages at resorts and horse racetracks. This fee is to be deposited in the general fund.

Senate Bill 152 conflicts with House Bill 303 by amending the same section of state statute (70-7A-2 NMSA 1978) to allow Christmas Day alcohol sales by the drink but does not mention the resorts provision.

**TECHNICAL ISSUES**

According to the Alcohol and Gaming Division of the Regulation and Licensing Department, the new proposed language in HB 303, page 4, lines 3-13, may be unintentionally overly restrictive. The proposed language arguably provides that the new provisions of Subsection J would only apply to Sunday sales elections that took place in 1984. Many Sunday sales elections were properly held after 1984. The current proposed language restricts the new resort exception from applying to elections held after 1984. Furthermore, the proposed language would arguably serve to completely invalidate the vote of the people in those local option districts that held a Sunday sales election subsequent to 1984.

**OTHER SUBSTANTIVE ISSUES**

According to the Highway and Transportation Department this Bill may positively impact DWI in a limited way by potentially reducing the number of drivers residing at resorts from driving to other locations to drink alcohol on Sunday, then returning to the resort on the highways, under the influence.

According to the Public Safety Department, additional alcohol sales inevitably add to the number of intoxicated persons traveling on New Mexico roads. An increase in intoxicated persons on the roads will increase the number of accidents. DWI arrests and traffic accident investigation will deplete the number of Officers on the road while they handle each incident.

According to the Tourism Department, tourism operators in New Mexico have reported to Department Secretary that they have lost group tour business in certain areas of the state as a result local laws prohibiting alcohol sales on Sundays in non-incorporated areas.

**POSSIBLE QUESTIONS**

1. Is there any statistical information on DWIs as they relate to resorts and horse racetracks?
2. Would passage of this bill increase the number of people traveling to resorts to drink or lower the number of people at resorts traveling to other locations to drink?
3. How would allowing the Sunday sale and consumption of alcohol at New Mexico's resorts affect the tourism industry?

**JFS/njw**