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FISCAL IMPACT REPORT

SPONSOR:	Robinson	DATE TYPED:	01-28-02	НВ	
SHORT TITLE	: Alcohol Sales By No	onprofit Gaming Or	perators	SB	105
ANALY				YST:	Gonzales

APPROPRIATION

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

(Parenthesis () Indicate Expenditure Decreases)

Duplicates <u>HB163</u> without the emergency clause; Conflicts with Section 11-13-1, Section 4 (B) (16) NMSA 1978, Section 60-2E-27 (E), and 60-7A-19 which has restrictions for allowing alcoholic beverages where gaming is allowed.

SOURCES OF INFORMATION

LFC Files

Responses Received From:

Attorney General

Gaming Control Board

Regulation and Licensing Department, Alcohol and Gaming Division

SUMMARY

Synopsis of Bill

Senate Bill 105 amends Section 60-2E-28 NMSA 1978 of the Gaming Control Act to allow alcoholic beverages to be sold, served, delivered and consumed in the area where gaming machines are operating at a nonprofit organization.

Significant Issues

This change to the Gaming Control Act would change current law that prohibits nonprofit organizations from serving alcoholic beverages in areas where gaming machines are located. The Indian

Senate Bill 105 -- Page 2

gaming compacts of 1997 and 2001 and current statute prohibits serving alcoholic beverages at tribal gaming machine areas and at racetrack gaming machine areas. (See Section 11-13-1, Section 4 (B) (16) NMSA 1978, Section 60-2E-27 (E), and 60-7A-19 for restrictions of allowing alcoholic beverages where gaming is allowed.) If House Bill 163 is enacted, a nonprofit organization would have to license its premises under both the Gaming Control Act, as a gaming facility and the Liquor Control Act, as a liquor licensed facility.

CONFLICT/DUPLICATION

Senate Bill 105 conflicts with current law that prohibits alcohol where gaming is allowed. (See Section 11-13-1, Section 4 (B) (16) NMSA 1978, Section 60-2E-27 (E), and 60-7A-19 for restrictions of allowing alcoholic beverages where gaming is allowed.)

Senate Bill 105 is a duplicate of House Bill 163 except that House Bill 163 contains an emergency clause.

JMG/njw