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## FISCAL IMPACT REPORT

SPONSOR Sanchez, M      DATE TYPED 2/4/2004      HB \_\_\_\_\_

SHORT TITLE Convenience Store Safety Act      SB 294

ANALYST Valenzuela

### APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY04	FY05	FY04	FY05		
		See Fiscal Implications		Recurring	General Fund/OSF

(Parenthesis ( ) Indicate Expenditure Decreases)

### REVENUE

Estimated Revenue		Subsequent Years Impact	Recurring or Non-Rec	Fund Affected
FY04	FY05			
		Indeterminate	Recurring	General Fund

(Parenthesis ( ) Indicate Revenue Decreases)

### SOURCES OF INFORMATION

LFC Files

Responses Received From  
Office of the Attorney General

No Response  
Department of Public Safety  
Department of Environment

### SUMMARY

#### Synopsis of Bill

Senate Bill 294 enacts the Convenience Store Safety Act with its purpose to protect late-night convenience store customers and employees by implementing statewide standards to minimize violent crimes at such stores. The bill requires the Department of Environment to carry out the

provisions of the bill, primarily through inspection of convenience stores. The Environmental Improvement Board is required to adopt rules implementing the Act, provides for civil penalties for violating the Act, and permits a claimant injured as a result of a crime occurring in a convenience store that violated the Act to seek private remedies against the store or its owner. SB294 makes minor amendments to the Workers' Compensation Act.

Finally, the bill makes clarifies that the Environmental Improvement Board may promulgates rules for registration and license fees pursuant to the Radiation Protection Act.

The effective date is July 1, 2004.

### Significant Issues

SB 294 sets forth minimum security standards addressing lighting, windows and signs, cash management, employee training, video surveillance, staffing, and employee panic alarms, visible cash registers, and multiple telephones. SB 294 requires county and municipal governments that enact their own security standards to have standards at least as stringent as those in the Act.

### **FISCAL IMPLICATIONS**

SB294 does not contain an appropriation. Enactment of the bill would likely have an impact on NMED. The bill does provide for assessment of a civil penalty of up to \$500/day for citations issued by NMED inspectors. The same provision of the bill outlines the procedure for appealing the citation. The revenue would be deposited in the general fund.

An estimate of revenue is unknown because NMED did not provide any evaluation of the number of convenience stores throughout the state, the number of anticipated inspections or an estimated percentage of inspections to result in a violation.

To gauge the fiscal impact to NMED, one existing program can be used as an example. NMED expends approximately \$700 thousand annually to conduct at least one inspection of food establishments throughout the state. (Albuquerque is not included because the City of Albuquerque handles this function.) Simply as a starting point, enactment of this bill could approximate a similar impact. However, NMED did not provide its own estimate on staff or budget requirements.

**MFV/njw**