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FISCAL IMPACT REPORT

SPONSOR Moores ORIGINAL DATE 1/30/16
LAST UPDATED _____ HB _____

SHORT TITLE Ski Area Alcoholic Beverage Sales SB 193

ANALYST Liu

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY16	FY17	FY18	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total		NFI				

(Parenthesis () Indicate Expenditure Decreases)

Relates to HB 47, SB 94, SB 147, SB 163, SB 175

SOURCES OF INFORMATION

LFC Files

Responses Received From

Regulation and Licensing Department (RLD)

Department of Public Safety (DPS)

SUMMARY

Synopsis of Bill

Senate Bill 193 amends certain sections of the Liquor Control Act to allow service of alcohol in ski areas. The bill defines “ski area” as a track of land and facilities for the primary purpose of alpine skiing, snowboarding, or other snow sports with trails, parks, and at least one chairlift with uphill capacity. Ski areas may include facilities necessary for other seasonal or year-round recreational activities.

FISCAL IMPLICATIONS

There are no significant fiscal impacts.

SIGNIFICANT ISSUES

Ski areas may currently have one or more liquor licenses that allow the sale, service or consumption of alcoholic beverages in the building portions of the resort. According to RLD, this bill would allow the entire ski area, both indoors and outdoors to become part of the licensed premise. Section 60-6A-31 NMSA 1978 is amended to allow the sale, service, delivery or

consumption of alcoholic beverages on the grounds of ski areas in controlled access areas to be negotiated as part of the licensing or renewal process. This process currently applies to the state fair, golf courses, and wineries.

It is unclear if the language contained in the Ski Safety Act (Sections 24-15-1 to 24-15-14 NMSA 1978) would limit the ability of the RLD to impose fines and penalties for violations of the Liquor Control Act or limit dram shop liability of ski area operators in the event of an alcohol related injury.

RELATIONSHIP

HB 47, SB 94, SB 147, SB 163, SB 175, and this bill all relate to liquor control. HB 47 allows governmental liquor licenses to be leased and operated at qualifying facilities which are not owned or operated by governmental entities. SB 94 provides local option districts the option of holding an election to allow the sale of New Mexico-produced distilled spirits by restaurant licensees. SB 147 allows for governmental licenses to be issued to the Spaceport Authority. SB 163 proposes rulemaking that allows segregated sales of beer, wine, or cider packaged in growlers and establishes procedures related to refilling growlers. And SB 175 allows a dispenser licensee to lease certain license rights.

SL/jle