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FISCAL IMPACT REPORT

SPONSOR: SJC DATE TYPED: 03/16/01 HB

SHORT TITLE: Alcohol & Gaming Division Powers & Duties SB 223/SJCS/aHBIC

ANALYST: Williams/Valdez

SOURCES OF INFORMATION

LFC Files
Regulation and Licensing Department

SUMMARY

Synopsis of HBIC Amendment

The House Business and Industry Committee amendment to the Senate Judiciary Committee Substitute for Senate Bill 223 removes a new subsection proposed in the committee substitute. Under the new administrative authority and powers section, the provision requiring the Alcohol and Gaming Division (AGD) Director to request a Department of Public Safety (DPS) investigation and confidential records report in administration of the Liquor Control Act was deleted. The provision allowing the AGD legal counsel to subpoena confidential documents from DPS when necessary to administer the Liquor Control Act was deleted. Also deleted was language requiring AGD to establish procedures to maintain confidentiality of information subpoenaed for use by the division.

Synopsis of SJC Substitute

The Senate Judiciary Committee substitute is very similar to the original bill, but adds language regarding the Department of Public Safety (DPS). The director of the alcohol and gaming division would request DPS to enforce the provisions of the Liquor Control Act. The director may request DPS to conduct investigations and prepare reports of confidential records to administer the Liquor Control Act. The alcohol and gaming division legal counsel may subpoena confidential documents from DPS. Department of Justice records are to be received by DPS and remain there unless subpoenaed.

The division director's authority to administer laws now explicitly includes the Liquor Control Act. The legal counsel, rather than the division director, of the alcohol and gaming division is vested with the power to issue subpoenas. The director is directed to establish procedures to maintain the confidentiality of subpoenaed records.

Synopsis of Bill

The bill would reorganize the Regulation and Licensing Department by creating the alcohol and gaming division. The Liquor Control Act is amended such that the director of the new division would serve the role currently in statute for the superintendent, and authority regarding liquor licenses is transferred to the division from the department. The duties of the division director are specified, and include undertaking studies and conducting courses for employees as well as requiring

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employee compliance with instructions accompanied by appropriate disciplinary measures, if necessary.

New statutory language is provided for the director's investigative authority and powers, including issuing subpoenas and exchanging records and information with law enforcement agencies. With respect to administrative rules and orders and written decisions, the bill defines rules, rulings and orders. A process for promulgating rules is outlined.

The bill is effective July 1, 2001.

Significant Issues

This division already exists.

FISCAL IMPLICATIONS

The bill does not contain an appropriation; therefore, there is no fiscal impact.

AW:MV/ar