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FISCAL IMPACT REPORT

ORIGINAL DATE 02/08/12

SPONSOR Irwin LAST UPDATED _____ HB 200

SHORT TITLE Liquor Act Definition of "Licensed Premises" SB _____

ANALYST Wilson

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY12	FY13		
	NFI		

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Attorney General's Office (AGO)
 Department of Public Safety (DPS)
 Regulation & Licensing Department (RLD)

SUMMARY

Synopsis of Bill

House Bill 200 adds to the definition of licensed premises to also include rural dispenser licenses located in the unincorporated areas of a county with a population of less than 30,000, located in buildings in existence as of January 1, 2012, that are within 150 feet of one another and that are under the direct control of the license holder;

FISCAL IMPLICATIONS

There is no fiscal impact.

SIGNIFICANT ISSUES

The SOS notes that the amendment expands the definition of licensed premises to allow for the operation of two separate buildings under one license, which is currently prohibited. HB 200 will only affect Rural Dispenser licenses. There are currently only 26 Rural Dispenser licenses statewide. The requirements of the license being in the unincorporated areas of counties with less than 30,000 in population and that the two separate building already be in existence, narrows the affected number of licenses further.

The AGO explains that the classification created by this bill will allow a licensed premises under the control of a single licensee to extend to two separate buildings is geographically limited and restricted to rural licenses.

The AGO also provided the following:

Considerations might properly include whether the bill is special legislation under article IV, section 24 and whether it is rationally based. In *Thompson v. McKinley County*, 112 N.M. 425 (1991) in the context of a liquor law that allowed voters of eligible counties to vote to allow or disallow drive-up windows for retailers and defining eligible county in such a way as to make it apply only to McKinley County, the court held that the legislation was special legislation but that, given the special character of the circumstances in McKinley County, the legislature could properly determine that special legislation was warranted; further concluding that the bill did not deny equal protection because it was rationally based, in that the State's interest in protecting health and welfare was implicated by alcohol abuse, particularly in McKinley County.

ADMINISTRATIVE IMPLICATIONS

RLD does not foresee any administrative implications.

DW/lj:svb