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## FISCAL IMPACT REPORT

ORIGINAL DATE 02/03/11  
 LAST UPDATED 03/17/11    **HB** \_\_\_\_\_

SPONSOR     Ryan    

SHORT TITLE     Lengthening Hours of Sunday Alcohol Sales        **SB**     301/aHBIC    

ANALYST     Graeser    

### APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY11	FY12		
	NFI	Recurring	General Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY11	FY12	FY13	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
<b>Total</b>		NFI	NFI	NFI	Recurring	General Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Regulation and Licensing Department (RLD)  
 New Mexico Corrections Department (NMCD)  
 Department of Public Safety (DPS)

### SUMMARY

#### Synopsis of HBIC amendment

House Business and Industry Committee amendment to Senate Bill 301 adopts both changes suggested by Regulation and Licensing Department. The first was to remove a gratuitous typographical problem and the second was to level the playing field between bars and restaurant licensees for extended hours on New Year 's Day.

#### Synopsis of Original Bill

Senate Bill 301 amends NMSA 1978, Section 60-7A-1 of the Liquor Control Act. This section relates to hours and days of business for sales of alcoholic beverages. SB 301 cleans up and modernizes language in several subsections and amends subsection C relating to Sunday Sales

by the Drink on a licensed premise. The bill changes the legal Sunday start time from noon to 10:00 am for on-premise sales and consumption of alcohol, thus increasing the total number of hours allowed for sales and consumption of alcohol. As in current law, alcohol sales are allowed from 10:00 am to 2:00 am of the following day when December 31 falls on a Sunday. The increase in hours is only effective in electing local option areas. The bill does not amend Sunday start times for off-premise sales of alcohol.

### **FISCAL IMPLICATIONS**

Regulation and Licensing Department reports no fiscal impact. The Department of Public Safety will need to schedule agents earlier in the day to conduct enforcement activities. However, this is unlikely to increase costs.

### **SIGNIFICANT ISSUES**

SB 301 allows dispensers, restaurant licensees or clubs to begin selling alcohol for on-premise consumption at 10:00 a.m. on Sunday, instead of noon as under current law. This increases the number of hours for alcohol consumption on Sundays. The exception is restaurant licensees who could begin serving at 10:00 a.m. on Sunday, but are required to stop serving alcohol when meal service ceases or at 11:00 pm, whichever is earlier. When December 31 falls on a Sunday, SB 301 changes the hours of alcohol service to begin at 10:00 am and end at 2:00 am except in local option districts that have voted to disallow Sunday Sales. ~~The section relating to Sunday sales on December 31 does not contain the language excepting restaurant licensees from remaining open until 2:00 am.~~

### **ADMINISTRATIVE IMPLICATIONS**

SB 301 would require changes in scheduling as enforcement agents would need to patrol establishments beginning earlier in the day.

### **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

Status quo.

### **AMENDMENTS**

Remove the word “either” from line 1 on page 3.

RLD requests consideration of adding, “and for a restaurant license in Section 60-6A-4 NMSA 1978.” after the word “section” on page 3, line 8 to level the playing field between bars and restaurant licensees.

LG/bym:svb