

LFC Requester:	Charlene Cerny
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**AGENCY BILL ANALYSIS
2015 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:

LFC@NMLEGIS.GOV

and

DFA@STATE.NM.US

{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Check all that apply:

Original **Amendment**
Correction **Substitute**

Date January 28, 2015
Bill No: SB258

Sponsor: Sen. Jacob R. Candelaria **Agency Code:** Attorney General's Office
Short Sale of Alcohol **Person Writing** Caroline Manierre , AAG
Title: Growlers **Phone:** 505-827-6079 **Email** cmanierre@nmag.gov

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY15	FY16		

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY15	FY16	FY17		

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY15	FY16	FY17	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
Duplicates/Relates to Appropriation in the General Appropriation Act:

SECTION III: NARRATIVE

This analysis is neither a formal Attorney General’s Opinion nor an Attorney General’s Advisory Letter. This is a staff analysis in response to an agency’s, committee’s, or legislator’s request.

BILL SUMMARY

Synopsis:

Senate Bill 258 is an act amending the Liquor Control Act to include cider and the sale of growlers. The bill cleans up some of the existing language in the Act, as well as repeals “Laws 2001, Chapter 248, Section 2” which contains language that conflicts with “Laws 2001, Chapter 260, Section 2,” which is the same section.

FISCAL IMPLICATIONS N/A

Note: major assumptions underlying fiscal impact should be documented.

Note: if additional operating budget impact is estimated, assumptions and calculations should be reported in this section.

SIGNIFICANT ISSUES

Though there are no issues with the language Senate Bill 258 amends, the definition for wine in this statute is different than that in the Liquor Excise Tax, NMSA 1978, Section 7-17-2 (K), which contains the same definition of “cider” that is being added by Senate Bill 258. This is relevant only because the definition under the Liquor Excise Tax includes the phrase “‘wine’ means an alcoholic beverage other than cider” NMSA 1978, Section 7-17-2 (K), which NMSA 1978, Section 60-3A-3, does not.

PERFORMANCE IMPLICATIONS: N/A

ADMINISTRATIVE IMPLICATIONS: N/A

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP: None

TECHNICAL ISSUES:

Senate Bill 258 amends the language for a “Winegrower’s license” to include “wine or cider in growlers.” It might be helpful to include references to what a person with a winegrower’s license is permitted to do with cider (manufacture, store, sell, transport, etc.) under the winegrower’s license rather than simply giving permission for someone with a winegrower’s license to sell cider in a growler (i.e., how is the licensee permitted to obtain the cider?).

OTHER SUBSTANTIVE ISSUES: N/A

ALTERNATIVES: N/A

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL: Status quo

AMENDMENTS: N/A