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AN ACT

RELATING TO ALCOHOL SALES; AMENDING A SECTION OF THE LIQUOR CONTROL ACT TO PROVIDE FOR HOURS OF SALES WHEN DECEMBER 31 FALLS ON A SUNDAY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 60-7A-1 NMSA 1978 (being Laws 1981, Chapter 39, Section 47, as amended) is amended to read:

"60-7A-1. HOURS AND DAYS OF BUSINESS--SUNDAY SALES--CHRISTMAS DAY SALES--SUNDAY SALES FOR CONSUMPTION OFF THE LICENSED PREMISES--ELECTIONS.--

A. Provided that nothing in this section shall prohibit the consumption at any time of alcoholic beverages in guest rooms of hotels, alcoholic beverages shall be sold, served and consumed on licensed premises only during the following hours and days:

(1) on Mondays from 7:00 a.m. until midnight;

(2) on Tuesdays through Saturdays from after midnight of the previous day until 2:00 a.m., then from 7:00 a.m. until midnight, except as provided in Subsections D and F of this section; and

(3) on Sundays only after midnight of the previous day until 2:00 a.m., except as provided in

Subsections C and E of this section and Section 60-7A-2 NMSA

1 1978.

2 B. Alcoholic beverages shall be sold by a  
3 dispenser or a retailer in unbroken packages, for consumption  
4 off the licensed premises and not for resale, on Mondays  
5 through Saturdays from 7:00 a.m. until midnight, except as  
6 provided in Subsections D and F of this section.

7 C. A dispenser, restaurant licensee or club may,  
8 upon payment of an additional fee of one hundred dollars  
9 (\$100), obtain a permit to sell, serve or permit the  
10 consumption of alcoholic beverages by the drink on the  
11 licensed premises on Sundays, subject to approval obtained  
12 pursuant to the process set forth in Subsection E of this  
13 section. Alcoholic beverages may be sold, served and  
14 consumed from 11:00 a.m. until midnight as set forth in the  
15 licensee's Sunday sales permit, and in those years when  
16 December 31 falls on a Sunday, from 11:00 a.m. until 2:00  
17 a.m. of the following day, except as otherwise provided for a  
18 restaurant licensee in Section 60-6A-4 NMSA 1978. The Sunday  
19 sales permit shall expire on June 30 of each year and may be  
20 renewed from year to year upon application for renewal and  
21 payment of the required fee. The permit fee shall not be  
22 prorated. Sales made pursuant to this subsection or  
23 Subsection G of this section shall be called "Sunday sales".

24 D. Retailers, dispensers, canopy licensees that  
25 were replaced by dispenser's licensees pursuant to Section

1 60-6B-16 NMSA 1978, restaurant licensees, club licensees and  
2 governmental licensees or their lessees shall not sell,  
3 serve, deliver or allow the consumption of alcoholic  
4 beverages on the licensed premises from 2:00 a.m. on  
5 Christmas day until 7:00 a.m. on the day after Christmas,  
6 except as permitted pursuant to Subsection F of this section.

7 E. Sunday sales pursuant to the provisions of  
8 Subsection C of this section are permitted in a local option  
9 district that voted to permit them. If in that election a  
10 majority of the voters in a local option district voted "no"  
11 on the question "Shall Sunday sales of alcoholic beverages by  
12 the drink for consumption on the licensed premises of  
13 licensees be allowed in this local option district?", Sunday  
14 sales are unlawful in that local option district upon  
15 certification of the election returns unless the provisions  
16 of Subsection J of this section apply. The question shall  
17 not again be placed on the ballot in that local option  
18 district until:

19 (1) at least one year has passed; and

20 (2) a petition is filed with the local  
21 governing body bearing the signatures of registered qualified  
22 electors of the local option district equal in number to ten  
23 percent of the number of votes cast and counted in the local  
24 option district for governor in the last preceding general  
25 election in which a governor was elected. The signatures on

1 the petition shall be verified by the clerk of the county in  
2 which the local option district is situated.

3 F. On and after July 1, 2002, dispensers, canopy  
4 licensees that were replaced by dispenser's licensees  
5 pursuant to Section 60-6B-16 NMSA 1978, restaurant licensees,  
6 club licensees and governmental licensees or lessees of these  
7 licensees, provided that the licensees have current, valid  
8 food service establishment permits, may sell, serve or allow  
9 the consumption of alcoholic beverages by the drink on  
10 licensed premises from noon until 10:00 p.m. on Christmas  
11 day, except in a local option district in which, pursuant to  
12 petition and election under this subsection, a majority of  
13 the voters voting on the question votes against continuing  
14 such sales or consumption on Christmas day. An election  
15 shall be held on the question of whether to continue to allow  
16 the sale, service or consumption of alcoholic beverages by  
17 the drink on licensed premises from noon until 10:00 p.m. on  
18 Christmas day in a local option district, if a petition  
19 requesting the governing body of that district to call the  
20 election is signed by at least ten percent of the registered  
21 voters of the district and is filed with the clerk of the  
22 governing body of the district. Upon verification by the  
23 clerk that the petition contains the required number of  
24 signatures of registered voters, the governing body shall  
25 adopt a resolution calling an election on the question of

1 allowing the sale, service or consumption of alcoholic  
2 beverages by the drink on licensed premises from noon until  
3 10:00 p.m. on Christmas day. The election shall be held  
4 within sixty days after the date the petition is verified, or  
5 it may be held in conjunction with a regular election of the  
6 governing body if that election occurs within sixty days of  
7 such verification. The election shall be called, conducted,  
8 counted and canvassed in substantially the same manner as  
9 provided for general elections in the county under the  
10 Election Code or for special municipal elections in a  
11 municipality under the Municipal Election Code. If a  
12 majority of the voters voting on the question votes against  
13 continuing the sale, service or consumption of alcoholic  
14 beverages by the drink on licensed premises from noon until  
15 10:00 p.m. on Christmas day, then such sales and consumption  
16 shall be prohibited. If a majority of the voters voting on  
17 the question votes to allow continued sale, service and  
18 consumption of alcoholic beverages by the drink on licensed  
19 premises from noon until 10:00 p.m. on Christmas day, then  
20 such sales and consumption shall be allowed to continue. The  
21 question then shall not be submitted again to the voters  
22 within two years of the date of the last election on the  
23 question.

24 G. Notwithstanding the provisions of Subsection E  
25 of this section, any Indian nation, tribe or pueblo whose

1 lands are wholly situated within the state that has, by  
2 statute, ordinance or resolution, elected to permit the sale,  
3 possession or consumption of alcoholic beverages on lands  
4 within the territorial boundaries of the Indian nation, tribe  
5 or pueblo may, by statute, ordinance or resolution of the  
6 governing body of the Indian nation, tribe or pueblo, permit  
7 Sunday sales by the drink on the licensed premises of  
8 licensees on lands within the territorial boundaries of the  
9 Indian nation, tribe or pueblo; provided that a certified  
10 copy of such enactment is filed with the office of the  
11 director and with the secretary of state.

12 H. Subject to the provisions of Subsection I of  
13 this section, a dispenser or retailer, upon payment of an  
14 additional fee of one hundred dollars (\$100), may obtain a  
15 permit to sell alcoholic beverages in unbroken packages for  
16 consumption off the licensed premises on Sundays from noon  
17 until midnight, and in those years when December 31 falls on  
18 a Sunday, from noon on December 31 until 2:00 a.m. of the  
19 following day. The permit shall expire on June 30 of each  
20 year and may be renewed from year to year upon application  
21 for renewal and payment of the required fee. The permit fee  
22 shall not be prorated. Sales made pursuant to the provisions  
23 of this subsection shall be called "Sunday package sales".

24 I. If a petition requesting the governing body of  
25 a local option district to call an election on the question

1 of continuing to allow sales of alcoholic beverages in  
2 unbroken packages for consumption off the licensed premises  
3 on Sundays is filed with the clerk of the governing body and  
4 that petition is signed by at least ten percent of the number  
5 of registered voters of the local option district and the  
6 clerk of the governing body verifies the petition signatures,  
7 the governing body shall adopt a resolution calling an  
8 election on the question. The election shall be held within  
9 sixty days of the date that the petition is verified, or it  
10 may be held in conjunction with a regular election of the  
11 governing body, if the regular election occurs within sixty  
12 days of the petition verification. The election shall be  
13 called, conducted, counted and canvassed substantially in the  
14 manner provided by law for general elections within a county  
15 or for special municipal elections within a municipality. If  
16 a majority of the voters of the local option district voting  
17 in the election votes to allow the sale of alcoholic  
18 beverages in unbroken packages for consumption off the  
19 licensed premises, then those sales shall continue to be  
20 allowed. If a majority of the voters of the local option  
21 district voting in the election votes not to allow the Sunday  
22 package sales, then those Sunday package sales shall be  
23 prohibited commencing the first Sunday after the results of  
24 the election are certified. Following the election, the  
25 question of allowing the Sunday package sales shall not be

