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HOUSE BILL 198

52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015

INTRODUCED BY

Antonio "Moe" Maestas

AN ACT

RELATING TO LIQUOR CONTROL; PROVIDING THAT A MUNICIPAL GOLF COURSE MAY SELL BEER, WINE AND DISTILLED SPIRITS.

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

SECTION 1. Section 60-6A-10 NMSA 1978 (being Laws 1981, Chapter 39, Section 27, as amended) is amended to read:

"60-6A-10. GOVERNMENTAL LICENSE.--

A. Except as provided in Subsection G of this section, a governmental entity may sell alcoholic beverages directly or through its lessee at a governmental facility if the governing body applies to the director for a governmental license. The governmental entity and its lessee shall be subject to all state laws and regulations governing dispensers.

B. A governmental license may be leased to a qualified lessee and may only be used by the lessee for its

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1 operation during events authorized by the governmental entity
2 at the governmental facility designated on the governmental
3 license. The governmental entity and its lessee shall not sell
4 alcoholic beverages for consumption off the licensed premises.
5 On the licensed premises of a municipal baseball park, the sale
6 or service of alcoholic beverages in unbroken packages is
7 allowed. Alcoholic beverages shall not be removed from the
8 licensed premises of a municipal baseball park. A server as
9 defined in Section 60-6E-3 NMSA 1978 is not required to be
10 present in a skybox to serve alcoholic beverages to the person
11 leasing the skybox or ~~[his]~~ the person's guests.

12 C. A governmental entity holding a governmental
13 license shall annually and not less than sixty days prior to
14 the date for renewal of its license submit to the director
15 documentary proof that its lessee is fully qualified to be a
16 lessee of a governmental license. If the director finds that
17 the lessee is qualified to lease a governmental license, the
18 director shall renew the license for an additional period of
19 one year. If the director determines that the proof is
20 inadequate, ~~[he]~~ the director shall notify the governing body
21 of ~~[his]~~ the decision and shall conduct a hearing as provided
22 by law. If the director finds that the lessee does not qualify
23 and the governmental entity does not change its lessee, the
24 director shall revoke the license.

25 D. The provisions of Section 60-6A-18 NMSA 1978

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1 shall not apply to governmental licenses.

2 E. For the purposes of this section:

3 (1) "governmental entity" means a
4 municipality, a county, a state fair that is held for less than
5 ten days per year, the state fair commission, a state museum or
6 a state university;

7 (2) "governmental facility" means locations on
8 property owned or operated by a governmental entity, including
9 county fairs; state fairs held for less than ten days per year;
10 convention centers; airports; civic centers; food service
11 facilities in state museums; auditoriums; all facilities on the
12 New Mexico state fairgrounds; facilities used for athletic
13 competitions; golf courses, including golf courses required to
14 be used for municipal purposes notwithstanding that there may
15 be an existing club license at the same location operated by
16 the same club licensee; and other facilities used for cultural
17 or artistic performances, but "governmental facility" does not
18 include tennis facilities;

19 (3) "lessee" means an individual, corporation,
20 partnership, firm or association that fulfills the requirements
21 set forth in Subsections A through D of Section 60-6B-2 NMSA
22 1978;

23 (4) "municipal baseball park" means a
24 governmental facility owned by a ~~[government]~~ governmental
25 entity in a class A county having a population of three hundred

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1 fifty thousand or more pursuant to the most recent federal
2 decennial census that is the home stadium of an affiliate of a
3 professional baseball team and that may be used throughout the
4 year for baseball games and other events; and

5 (5) "skybox" means a room or area of seating
6 of a municipal baseball park, separated from the general
7 seating and usually located in the upper decks of the park,
8 leased to a person for that person's exclusive use during
9 baseball games and at any other time throughout the year.

10 F. The provisions of Section 60-6B-10 NMSA 1978 [~~as~~
11 ~~regards~~], with respect to golf courses owned by a governmental
12 entity and civic centers owned and operated by a governmental
13 entity, shall not apply to governmental licenses.

14 G. A governmental entity that sells alcoholic
15 beverages directly or indirectly through a lessee at a
16 governmental facility that is a food service facility in a
17 state museum [~~or a golf course required to be used for~~
18 ~~municipal purposes~~] may only sell beer and wine."