

1 SENATE BILL 147

2 **52ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2016**

3 INTRODUCED BY

4 John Arthur Smith

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10 AN ACT

11 RELATING TO LIQUOR CONTROL; PROVIDING FOR GOVERNMENTAL LICENSES
12 TO BE ISSUED TO THE SPACEPORT AUTHORITY.

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

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

17 "60-6A-10. GOVERNMENTAL LICENSE.--

18 A. A governmental entity may sell alcoholic
19 beverages directly or through its lessee at a governmental
20 facility if the governing body applies to the director for a
21 governmental license. The governmental entity and its lessee
22 shall be subject to all state laws and regulations governing
23 dispensers.

24 B. A governmental license may be leased to a
25 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 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, the director shall notify the governing body of the
21 decision and shall conduct a hearing as provided by law. If
22 the director finds that the lessee does not qualify and the
23 governmental entity does not change its lessee, the director
24 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
6 [~~or~~], a state university or the spaceport authority;

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
17 cultural or artistic performances; and all spaceport authority
18 facilities, but "governmental facility" does not include tennis
19 facilities;

20 (3) "lessee" means an individual, corporation,
21 partnership, firm or association that fulfills the requirements
22 set forth in Subsections A through D of Section 60-6B-2 NMSA
23 1978;

24 (4) "municipal baseball park" means a
25 governmental facility owned by a governmental entity in a class

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

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

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