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HOUSE BILL 632

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

INTRODUCED BY

James G. Taylor

AN ACT

RELATING TO WINEGROWERS; PERMITTING INTRASTATE USE OF COMMON CARRIERS FOR TRANSPORTING SMALL AMOUNTS OF WINE; DECLARING AN EMERGENCY.

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

Section 1. Section 60-6A-11 NMSA 1978 (being Laws 1981, Chapter 39, Section 28, as amended) is amended to read:

"60-6A-11. WINEGROWER'S LICENSE. - -

A. Exempt from the procurement of any other license pursuant to the terms of the Liquor Control Act, but not from the procurement of a winegrower's license, is any person in this state who produces wine. Except during periods of shortage or reduced availability, at least fifty percent of a winegrower's overall annual production of wine shall be produced from grapes or other agricultural products grown in

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1 this state pursuant to regulations adopted by the director.

2 B. A person issued a winegrower's license pursuant
3 to this section may do any of the following:

4 (1) manufacture or produce wine, including
5 blending, mixing, flavoring, coloring, bottling and labeling,
6 whether the wine is manufactured or produced by or for the
7 winegrower;

8 (2) store, transport, import or export wines;

9 (3) sell wines to a holder of a New Mexico
10 winegrower's, wine wholesaler's, wholesaler's or wine
11 exporter's license or to a winegrower's agent;

12 (4) transport not more than one hundred cases
13 of wine in a calendar year to another location within New
14 Mexico by common carrier;

15 [~~(4)~~] (5) deal in warehouse receipts for
16 wine;

17 [~~(5)~~] (6) sell wines in other states or
18 foreign jurisdictions to the holders of any license issued
19 under the authority of that state or foreign jurisdiction
20 authorizing the purchase of wine;

21 [~~(6)~~] (7) buy wine or distilled wine products
22 from other persons, including licensees and permittees under
23 the Liquor Control Act, for use in blending, mixing or
24 bottling of wines;

25 [~~(7)~~] (8) conduct wine tastings and sell, by

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1 the glass or by the bottle or sell in unbroken packages for
2 consumption off the premises but not for resale wine of his
3 own production on the winegrower's premises;

4 [~~(8)~~] (9) at no more than three off-premises
5 locations, conduct wine tastings and sell in unbroken packages
6 for consumption off premises, but not for resale, wine of his
7 own production after the director has determined that the
8 off-premises locations meet the requirements of the Liquor
9 Control Act and the department regulations for new liquor
10 license locations;

11 [~~(9)~~] (10) be deemed a manufacturer for
12 purposes of the Gross Receipts and Compensating Tax Act;

13 [~~(10)~~] (11) at public celebrations on or off
14 the winegrower's premises, after the winegrower has paid the
15 applicable fees and been issued the appropriate permit, to
16 conduct wine tastings, sell by the glass or the bottle or sell
17 in unbroken packages, for consumption off premises but not for
18 resale, wine produced by or for the winegrower; and

19 [~~(11)~~] (12) apply to the department for a
20 permit to join with other licensed winegrowers to sell wine
21 produced by or for winegrowers at a common facility at which
22 there may be products of two or more licensed winegrowers
23 offered for tasting and sale by the glass or bottle or for
24 sale in unbroken packages for consumption off premises but not
25 for resale.

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1 C. Except as limited by Subsection D of Section
2 60-7A-1 NMSA 1978, sales of wine as provided for in this
3 section shall be permitted between the hours of 7:00 a.m. and
4 midnight Monday through Saturday, and the holder of a
5 winegrower's license or public celebration permit may conduct
6 wine tastings and sell, by the glass or bottle or in unbroken
7 packages for consumption off premises but not for resale, wine
8 of his own production on the winegrower's premises between the
9 hours of 12:00 noon and midnight on Sunday.

10 D. At public celebrations off the winegrower's
11 premises in any local option district permitting the sale of
12 alcoholic beverages, the holder of a winegrower's license
13 shall pay ten dollars (\$10.00) to the department for a
14 "winegrower's public celebration permit" to be issued under
15 rules adopted by the director. Upon request, the department
16 may issue to a holder of a winegrower's license a public
17 celebration permit for a location at the public celebration
18 that is to be shared with other permittees. As used in this
19 subsection, "public celebration" includes any state or county
20 fair, community fiesta, cultural or artistic event or sporting
21 competition of a seasonal nature or activities held on an
22 intermittent basis.

23 E. Every application for the issuance or annual
24 renewal of a winegrower's license shall be on a form
25 prescribed by the director and accompanied by a license fee to

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1 be computed as follows on the basis of total annual wine
2 produced or blended:

3 (1) less than five thousand gallons per year,
4 twenty-five dollars (\$25.00) per year;

5 (2) between five thousand and one hundred
6 thousand gallons per year, one hundred dollars (\$100) per
7 year; and

8 (3) over one hundred thousand gallons per
9 year, two hundred fifty dollars (\$250) per year. "

10 Section 2. EMERGENCY.--It is necessary for the public
11 peace, health and safety that this act take effect
12 immediately.

1 FORTY-FOURTH LEGISLATURE
2 FIRST SESSION, 1999
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6 March 2, 1999
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8 Mr. Speaker:
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10 Your BUSINESS AND INDUSTRY COMMITTEE, to whom has
11 been referred
12

13 HOUSE BILL 632
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15 has had it under consideration and reports same with
16 recommendation that it DO PASS.

17 Respectfully submitted,
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22 Debbie A. Rodella, Vice
23 Chairwoman
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FORTY-FOURTH LEGISLATURE
FIRST SESSION, 1999

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4 Adopted _____ Not Adopted _____

6 (Chief Clerk)

(Chief Clerk)

8 Date _____

10 The roll call vote was 9 For 0 Against

11 Yes: 9

12 Excused: Kissner, Mohorovic, Luna

13 Absent: None

15 J: \99BillSWP\H0632

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FIRST SESSION, 1999

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FORTY-FOURTH LEGISLATURE
FIRST SESSION, 1999

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March 10, 1999

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Mr. President:

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Your CORPORATIONS & TRANSPORTATION COMMITTEE, to

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whom has been referred

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HOUSE BILL 632

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recommendation that it DO PASS.

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Respectfully submitted,

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Roman M. Maes, Chairman

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Adopted _____ Not

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Adopted _____

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(Chief Clerk)

(Chief Clerk)

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Date _____

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The roll call vote was 7 For 0 Against

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Yes: 7

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No: 0

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Excused: Aragon, Rawson, Robinson

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Absent: None

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