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SENATE BILL 675

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

Leonard Tsosie

AN ACT

RELATING TO ALCOHOLIC BEVERAGES; PROHIBITING THE DIRECTOR OF
THE ALCOHOL AND GAMING DIVISION OF THE REGULATION AND LICENSING
DEPARTMENT FROM ISSUING LICENSES NEAR CERTAIN TRIBAL LAND;
ENACTING A SECTION OF THE NMSA 1978.

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

Section 1. A new section of the Liquor Control Act is enacted to read:

"~~[NEW MATERIAL]~~ LOCATION NEAR CERTAIN TRIBAL LAND--
RESTRICTIONS ON LICENSING.--

A. Except when the proposed licensed premises are located in a municipality with a population of more than four hundred thousand according to the 2000 federal decennial census, the director shall not issue, renew or transfer to a new owner or lessee a license for the sale of alcoholic beverages at a location that is within fifty miles of tribal

underscored material = new
[bracketed material] = delete

1 land of a tribe that has not enacted a tribal ordinance
2 permitting the sale of alcoholic beverages within its exterior
3 boundaries.

4 B. A license may be granted for a proposed licensed
5 premises to allow the sale of alcoholic beverages within fifty
6 miles of a tribe, if the owner or lessee of the proposed
7 licensed premises has obtained a waiver from each tribal
8 government located within fifty miles of the proposed licensed
9 premises that has not enacted a tribal ordinance permitting the
10 sale of alcoholic beverages within its exterior boundaries.

11 C. For purposes of this section, all measurements
12 taken in order to determine the location of licensed premises
13 in relation to tribal land shall be the straight-line distance
14 to the point of the tribal land closest to the proposed
15 location of the licensed premises from the property line of the
16 proposed licensed premises.

17 D. For purposes of this section:

18 (1) "tribal land" means:

19 (a) all land within a tribal reservation
20 or pueblo grant; and

21 (b) all land, title to which is either
22 held in trust by the United States for the benefit of a tribe
23 or a member of a tribe, or held by a tribe or a member of a
24 tribe subject to restriction by the United States against
25 alienation and over which the tribe exercises governmental
authority; and

(2) "tribe" means an Indian nation, tribe or
pueblo located wholly or partially in New Mexico."

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