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SENATE BILL 34

**53RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2018**

INTRODUCED BY

William P. Soules and Rod Montoya

AN ACT

RELATING TO LIQUOR CONTROL; PROVIDING THAT A LOCAL OPTION DISTRICT MAY HOLD AN ELECTION TO ALLOW THE SALE BY CERTAIN RESTAURANT LICENSEES OF SPIRITUOUS LIQUORS DISTILLED AND BOTTLED IN NEW MEXICO.

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

SECTION 1. Section 60-6A-4 NMSA 1978 (being Laws 1981, Chapter 39, Section 21, as amended) is amended to read:

"60-6A-4. RESTAURANT LICENSE.--

A. At any time after the effective date of the Liquor Control Act, a local option district may approve the issuance of restaurant licenses for either the sale of beer and wine only or for the sale of beer and wine and of spirituous liquors distilled and bottled in New Mexico by holding an election on ~~[that question]~~ either option or both options

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1 pursuant to the procedures set out in Section 60-5A-1 NMSA  
2 1978. The election also may be initiated by a resolution  
3 adopted by the governing body of the local option district  
4 without a petition from registered qualified electors having  
5 been submitted.

6 B. A local option district that approves the  
7 issuance of restaurant licenses for the sale of beer and wine  
8 and of spirituous liquors distilled and bottled in New Mexico  
9 shall limit the geographic locations in which those licenses  
10 are effective to locations designated as:

11 (1) an enterprise zone, pursuant to the  
12 Enterprise Zone Act;

13 (2) a tax increment development district,  
14 pursuant to the Tax Increment for Development Act;

15 (3) an arts and cultural district, pursuant to  
16 the Arts and Cultural District Act;

17 (4) a main street, pursuant to the Main Street  
18 Act;

19 (5) a business improvement district, pursuant  
20 to the Business Improvement District Act;

21 (6) a frontier community; or

22 (7) any other geographic location within a  
23 local option district that has been identified by the main  
24 street program coordinator or the relevant local government as  
25 a location in need of revitalization or economic development

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1 improvements.

2 [B-] C. After the approval of restaurant licenses  
3 by the registered qualified electors of the local option  
4 district and upon completion of all requirements in the Liquor  
5 Control Act for the issuance of licenses, a restaurant located  
6 or to be located within the local option district or within a  
7 designated location in a local option district as provided for  
8 in Subsection B of this section may receive a restaurant  
9 license to sell, serve or allow the consumption of beer and  
10 wine, and spirituous liquors distilled and bottled in New  
11 Mexico, if applicable, subject to the following requirements  
12 and restrictions:

13 (1) the applicant shall submit evidence to the  
14 department that ~~he~~ the applicant has a current valid food  
15 service establishment permit;

16 (2) an applicant for a license to sell, serve  
17 or allow the consumption of beer and wine and of spirituous  
18 liquors distilled and bottled in New Mexico shall submit  
19 evidence to the department that the applicant's restaurant is  
20 located within the local option district's designated area, as  
21 required in Subsection B of this section;

22 [+2] (3) the applicant shall satisfy the  
23 director that the primary source of revenue from the operation  
24 of the restaurant will be derived from meals and not from the  
25 sale of beer and wine, and spirituous liquors distilled and

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1 bottled in New Mexico, if applicable;

2 [~~(3)~~] (4) the director shall condition renewal  
3 upon a requirement that no less than sixty percent of gross  
4 receipts from the preceding twelve months' operation of the  
5 licensed restaurant was derived from the sale of meals;

6 [~~(4)~~] (5) upon application for renewal, the  
7 licensee shall submit an annual report to the director  
8 indicating the annual gross receipts from the sale of meals and  
9 from the sale of beer and wine [~~sales~~], and spirituous liquors  
10 distilled and bottled in New Mexico, if applicable;

11 [~~(5)~~] (6) restaurant licensees shall not sell  
12 beer [~~and~~] or wine, or spirituous liquors distilled and bottled  
13 in New Mexico, if applicable, for consumption off the licensed  
14 premises;

15 [~~(6)~~] (7) all sales, services and consumption  
16 of beer and wine, and spirituous liquors distilled and bottled  
17 in New Mexico, if applicable, authorized by a restaurant  
18 license shall cease at the time meals sales and services cease  
19 or at 11:00 p.m., whichever time is earlier;

20 [~~(7)~~] (8) if Sunday sales have been approved  
21 in the local option district, a restaurant licensee may serve  
22 beer and wine, and spirituous liquors distilled and bottled in  
23 New Mexico, if applicable, on Sundays until the time meals  
24 sales and services cease or 11:00 p.m., whichever time is  
25 earlier; and

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1                    [~~8~~] (9) a restaurant license shall not be  
2 transferable from person to person or from one location to  
3 another.

4                    [~~6~~] D. The provisions of Section 60-6A-18 NMSA  
5 1978 shall not apply to restaurant licenses.

6                    [~~D~~] E. Nothing in this section shall prevent a  
7 restaurant licensee from receiving other licenses pursuant to  
8 the Liquor Control Act."

9                    **SECTION 2.** Section 60-6A-15 NMSA 1978 (being Laws 1981,  
10 Chapter 39, Section 32, as amended) is amended to read:

11                    "60-6A-15. LICENSE FEES.--Every application for the  
12 issuance or renewal of the following licenses shall be  
13 accompanied by a license fee in the following specified  
14 amounts:

15                    A. manufacturer's license as a distiller, except a  
16 brandy manufacturer, three thousand dollars (\$3,000);

17                    B. manufacturer's license as a brewer, three  
18 thousand dollars (\$3,000);

19                    C. manufacturer's license as a rectifier, one  
20 thousand fifty dollars (\$1,050);

21                    D. wholesaler's license to sell all alcoholic  
22 beverages for resale only, two thousand five hundred dollars  
23 (\$2,500);

24                    E. wholesaler's license to sell spirituous liquors  
25 and wine for resale only, one thousand seven hundred fifty

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1 dollars (\$1,750);

2 F. wholesaler's license to sell spirituous liquors  
3 for resale only, one thousand five hundred dollars (\$1,500);

4 G. wholesaler's license to sell beer and wine for  
5 resale only, one thousand five hundred dollars (\$1,500);

6 H. wholesaler's license to sell beer for resale  
7 only, one thousand dollars (\$1,000);

8 I. wholesaler's license to sell wine for resale  
9 only, seven hundred fifty dollars (\$750);

10 J. retailer's license, one thousand three hundred  
11 dollars (\$1,300);

12 K. dispenser's license, one thousand three hundred  
13 dollars (\$1,300);

14 L. canopy license, one thousand three hundred  
15 dollars (\$1,300);

16 M. restaurant license:

17 (1) for the sale of beer and wine only, one  
18 thousand fifty dollars (\$1,050); or

19 (2) for the sale of beer and wine and of  
20 spirituous liquors distilled and bottled in New Mexico, two  
21 thousand dollars (\$2,000);

22 N. club license, for clubs with more than two  
23 hundred fifty members, one thousand two hundred fifty dollars  
24 (\$1,250), and for clubs with two hundred fifty members or  
25 fewer, two hundred fifty dollars (\$250);

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1           O. wine bottler's license to sell to wholesalers  
2 only, five hundred dollars (\$500);

3           P. public service license, one thousand two hundred  
4 fifty dollars (\$1,250);

5           Q. nonresident licenses, for a total billing to New  
6 Mexico wholesalers:

- 7                   (1) in excess of:
- |  |           |
|--|-----------|
| 8       \$3,000,000 annually . . . . . | \$10,500; |
| 9       1,000,000 annually . . . . .   | 5,250;    |
| 10      500,000 annually . . . . .     | 3,750;    |
| 11      200,000 annually . . . . .     | 2,700;    |
| 12      100,000 annually . . . . .     | 1,800;    |

13 and  
14       50,000 annually . . . . . 900;

15 and  
16                   (2) of \$50,000 or less . . . . . \$300;

17           R. wine wholesaler's license, for persons with  
18 sales of five thousand gallons of wine per year or less,  
19 twenty-five dollars (\$25.00), and for persons with sales in  
20 excess of five thousand gallons of wine per year, one hundred  
21 dollars (\$100); and

22           S. beer bottler's license, two hundred dollars  
23 (\$200)."

24           **SECTION 3. EFFECTIVE DATE.**--The effective date of the  
25 provisions of this act is July 1, 2018.

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