

1 SENATE BILL 293

2 **55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021**

3 INTRODUCED BY

4 Jacob R. Candelaria

5
6
7
8
9
10 AN ACT

11 RELATING TO BUSINESS RESTRICTIONS; PROVIDING FOR THE REFUND AND
12 WAIVER OF LICENSE FEES TO CERTAIN BUSINESSES WHOSE OPERATIONS
13 WERE RESTRICTED BY AN EXECUTIVE ORDER MADE PURSUANT TO THE
14 PUBLIC HEALTH EMERGENCY RESPONSE ACT.

15
16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

17 SECTION 1. Section 16-2-9 NMSA 1978 (being Laws 1935,
18 Chapter 57, Section 9, as amended) is amended to read:

19 "16-2-9. CONCESSIONS IN PARKS--CONTRACTS--BOARD OF
20 FINANCE APPROVAL.--

21 A. The secretary has the power to grant concessions
22 in state parks and recreation areas upon such rentals, fees or
23 percentage of income or profits as ~~[he]~~ the secretary may
24 prescribe, but not for a longer period than thirty years. All
25 concessions shall be evidenced by a written contract, the

.219106.1

underscored material = new
[bracketed material] = delete

underscoring material = new
[bracketed material] = delete

1 faithful performance of which shall be secured by such bond as
2 the secretary may prescribe. No contract granting a concession
3 shall be effective until it has been approved by the state
4 board of finance.

5 B. Upon receipt of a written request from a
6 concessionaire that cites that its business was either
7 prohibited from operation or restricted in operations by an
8 executive order made pursuant to the Public Health Emergency
9 Response Act during the 2020 or 2021 calendar years and
10 demonstrates that the business was negatively financially
11 affected by compliance with the executive order, the secretary
12 shall:

13 (1) refund any concession fees paid to the
14 energy, minerals and natural resources department pursuant to
15 this section for the 2020 and 2021 calendar years; and

16 (2) waive any concession fees due to the
17 energy, minerals and natural resources department pursuant to
18 this section for the 2022 and 2023 calendar years."

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

21 "60-6A-15. LICENSE FEES.--

22 A. Every application for the issuance or renewal of
23 the following licenses shall be accompanied by a license fee in
24 the following specified amounts:

25 ~~[A.]~~ (1) manufacturer's license as a

.219106.1

underscored material = new
[bracketed material] = delete

1 distiller, except a brandy manufacturer, three thousand dollars
2 (\$3,000);

3 [B.] (2) manufacturer's license as a brewer,
4 three thousand dollars (\$3,000);

5 [G.] (3) manufacturer's license as a
6 rectifier, one thousand fifty dollars (\$1,050);

7 [D.] (4) wholesaler's license to sell all
8 alcoholic beverages for resale only, two thousand five hundred
9 dollars (\$2,500);

10 [E.] (5) wholesaler's license to sell
11 spirituous liquors and wine for resale only, one thousand seven
12 hundred fifty dollars (\$1,750);

13 [F.] (6) wholesaler's license to sell
14 spirituous liquors for resale only, one thousand five hundred
15 dollars (\$1,500);

16 [G.] (7) wholesaler's license to sell beer and
17 wine for resale only, one thousand five hundred dollars
18 (\$1,500);

19 [H.] (8) wholesaler's license to sell beer for
20 resale only, one thousand dollars (\$1,000);

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

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

25 [K.] (11) dispenser's license, one thousand

.219106.1

underscored material = new
[bracketed material] = delete

1 three hundred dollars (\$1,300);

2 [~~L-~~] (12) canopy license, one thousand three
3 hundred dollars (\$1,300);

4 [~~M-~~] (13) restaurant license, one thousand
5 fifty dollars (\$1,050);

6 [~~N-~~] (14) club license, for clubs with more
7 than two hundred fifty members, one thousand two hundred fifty
8 dollars (\$1,250), and for clubs with two hundred fifty members
9 or fewer, two hundred fifty dollars (\$250);

10 [~~O-~~] (15) wine bottler's license to sell to
11 wholesalers only, five hundred dollars (\$500);

12 [~~P-~~] (16) public service license, one thousand
13 two hundred fifty dollars (\$1,250);

14 [~~Q-~~] (17) nonresident licenses, for a total
15 billing to New Mexico wholesalers:

16 [~~(1)~~] (a) in excess of:

17 \$3,000,000 annually \$10,500;

18 1,000,000 annually 5,250;

19 500,000 annually 3,750;

20 200,000 annually 2,700;

21 100,000 annually 1,800;

22 and

23 50,000 annually 900;

24 and

25 [~~(2)~~] (b) of \$50,000 or less . . . \$300;

underscored material = new
[bracketed material] = delete

1 [~~R-~~] (18) wine wholesaler's license, for
2 persons with sales of five thousand gallons of wine per year or
3 less, twenty-five dollars (\$25.00), and for persons with sales
4 in excess of five thousand gallons of wine per year, one
5 hundred dollars (\$100); and

6 [~~S-~~] (19) beer bottler's license, two hundred
7 dollars (\$200).

8 B. Upon receipt of a written request from a
9 licensee that cites that its business was either prohibited
10 from operation or restricted in operations by an executive
11 order made pursuant to the Public Health Emergency Response Act
12 during the 2020 or 2021 calendar years and demonstrates that
13 the business was negatively financially affected by compliance
14 with the executive order, the department shall:

15 (1) refund any license fees paid to the
16 alcoholic beverage control division of the regulation and
17 licensing department pursuant to this section for the 2020 and
18 2021 calendar years; and

19 (2) waive any license fees due to the
20 alcoholic beverage control division of the regulation and
21 licensing department pursuant to this section for the 2022 and
22 2023 calendar years."