

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

HOUSE BILL 1238

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

MIGUEL P. GARCIA

AN ACT

RELATING TO ALCOHOLIC BEVERAGES; AMENDING THE LIQUOR CONTROL ACT TO PROHIBIT CERTAIN PERSONS FROM CONTROLLING OR BENEFITING FROM A LICENSE; AMENDING A SECTION OF THE NMSA 1978.

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

Section 1. Section 60-6B-1 NMSA 1978 (being Laws 1981, Chapter 39, Section 37, as amended) is amended to read:

"60-6B-1. PERSONS PROHIBITED FROM RECEIVING OR HOLDING LICENSES. --

A. The following classes of persons shall be prohibited from receiving or holding licenses ~~under~~ pursuant to the provisions of the Liquor Control Act:

~~[A.]~~ (1) a person who has been convicted of two separate misdemeanor or petty misdemeanor violations of the Liquor Control Act in any calendar year or of any felony, unless

Underscored material = new
[bracketed material] = delete

1 the person is restored to the privilege of receiving and holding
2 licenses by the governor or unless the director determines that
3 the person merits the public trust, in which case the person
4 shall receive licenses under reasonable terms and conditions
5 fixed by the director, which shall include that the person pay
6 an administrative penalty of two thousand five hundred dollars
7 (\$2,500) for each license held by that person;

8 [B-] (2) a person whose ~~[spouse had]~~ family
9 member has been convicted of a felony unless the person
10 ~~[demonstrates that the convicted spouse]~~ provides an affidavit
11 to the liquor director affirming that the convicted family
12 member will have no involvement in the operation, management,
13 profits or finances of the license;

14 [C-] (3) a minor; or

15 [D-] (4) a corporation that is not duly
16 qualified to do business in New Mexico, unless the licensee
17 holds a public service license or a nonresident license issued
18 ~~[under]~~ as provided in Section 60-6A-7 NMSA 1978; provided,
19 however, that a corporation that owns stock in a corporation
20 that owns a New Mexico liquor license does not need to be
21 qualified to do business in New Mexico regardless of the size of
22 the ownership interest.

23 B. As used in this section "family member" means
24 spouse, uncle, aunt, sibling, child or parent of a person or a
25 sibling, child or parent of the spouse of the person."

.117087.1

State of New Mexico House of Representatives

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

March 6, 1997

Mr. Speaker:

Your BUSINESS AND INDUSTRY COMMITTEE, to whom has
been referred

HOUSE BILL 1238

has had it under consideration and reports same WITHOUT
RECOMMENDATION, amended as follows:

1. On page 1, line 12, strike "OR BENEFITING".
2. On page 2, line 13, strike "profits".
3. On page 2, line 24, strike "uncle, aunt,".

and thence referred to the JUDICIARY COMMITTEE.

.117087.1

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

HBI C/HB 1238

Page 4

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Respectfully submitted,

Fred Luna, Chairman

Adopted _____ Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 7 For 0 Against

Yes: 7

Excused: Alwin, Gubbels, Kissner, Luna, Olguin, J.G. Taylor

Absent: None

.118238.1

M \H1238

.117087.1

State of New Mexico House of Representatives

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

March 14, 1997

Mr. Speaker:

Your JUDICIARY COMMITTEE, to whom has been referred

HOUSE BILL 1238, as amended

has had it under consideration and reports same with
recommendation that it DO PASS, amended as follows:

1. On page 1, line 12, strike the second occurrence of the
word "FROM".,

and thence referred to the APPROPRIATIONS AND FINANCE
COMMITTEE.

.117087.1

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Respectfully submitted,

Thomas P. Foy, Chairman

Adopted _____ Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 9 For 2 Against

Yes: 9

No: Pederson, Vaughn

Excused: Rios, Sanchez

Absent: None

M \ H1238

State of New Mexico House of Representatives

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

March 14, 1997

Mr. Speaker:

Your JUDICIARY COMMITTEE, to whom has been referred

HOUSE BILL 1238, as amended

has had it under consideration and reports same with
recommendation that it DO PASS, amended as follows:

1. On page 1, line 12, strike the second occurrence of the
word "FROM".,

and thence referred to the APPROPRIATIONS AND FINANCE
COMMITTEE.

