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SENATE BILL 132

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

INTRODUCED BY

ROMAN M MAES, III

AN ACT

RELATING TO SMALL BREWERS; PROVIDING FOR OFF-PREMISES TASTING  
ROOMS; AMENDING SECTIONS OF THE NMSA 1978; DECLARING AN  
EMERGENCY.

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

Section 1. Section 60-6A-26.1 NMSA 1978 (being Laws 1985,  
Chapter 217, Section 5, as amended) is amended to read:

"60-6A-26.1. SMALL BREWER'S LICENSE. --

A. In any local option district, a person qualified  
under the provisions of the Liquor Control Act, except as  
otherwise provided in the Domestic Winery and Small Brewery Act,  
may apply for and be issued a small brewer's license.

B. A small brewer's license authorizes the person to  
whom it is issued to ~~[do any of the following]~~:

- (1) become a manufacturer or producer of beer;

Underscored material = new  
[bracketed material] = delete

1 (2) [to] package, label and export beer,  
2 whether manufactured, bottled or produced by him or any other  
3 person;

4 (3) [to] sell only [such] beer [as] that is  
5 packaged by or for him to a person holding a wholesaler's  
6 license or a small brewer's license;

7 (4) [to] deal in warehouse receipts for beer;

8 (5) [to] conduct beer tastings and sell for  
9 consumption on or off premises, but not for resale, beer  
10 produced and bottled by, or produced and packaged for, [such]  
11 the licensee on the small brewer's premises; [and]

12 (6) [to] be deemed a manufacturer for purposes  
13 of the Gross Receipts and Compensating Tax Act;

14 (7) allow members of the public, on the  
15 licensed premises and under the direct supervision of the  
16 licensee, to manufacture beer for personal consumption and not  
17 for resale using the licensee's equipment and ingredients;

18 (8) at no more than two other locations off the  
19 small brewer's premises, after the small brewer has paid the  
20 applicable fee for a small brewer's off-premises permit, after  
21 the director has determined that the off-premises locations meet  
22 the requirements of the Liquor Control Act and department  
23 regulations for new liquor license locations and after the  
24 director has issued a small brewer's off-premises permit for  
25 each off-premises location, conduct beer tastings and sell by

Underscored material = new  
[bracketed material] = delete

1 the glass or in unbroken packages for consumption off the small  
2 brewer's off-premises location, but not for resale, beer  
3 produced and bottled by or for the small brewer; and  
4 (9) at public celebrations off the small  
5 brewer's premises, after the small brewer has paid the  
6 applicable fee for a small brewer's public celebration permit,  
7 conduct tastings and sell by the glass or in unbroken packages,  
8 but not for resale, beer produced and bottled by or for the  
9 small brewer.

10 C. Sales and tastings of beer authorized in this  
11 section shall be permitted during the hours set forth in  
12 Subsection A of Section 60-7A-1 NMSA 1978 and between the hours  
13 of noon and midnight on Sunday and shall conform to the  
14 limitations regarding Christmas and voting-day sales found in  
15 Section 60-7A-1 NMSA 1978 and the expansion of Sunday sales  
16 hours to 2:00 a.m. on January 1, when December 31 falls on a  
17 Sunday. "

18 Section 2. Section 60-6A-27 NMSA 1978 (being Laws 1983,  
19 Chapter 280, Section 8, as amended) is amended to read:

20 "60-6A-27. LICENSE FEES. -- Every application for the  
21 issuance or annual renewal of the following licenses and permits  
22 shall be accompanied by a license fee or permit fee in the  
23 following specified amounts:

24 A. brandy manufacturer's license, seven hundred  
25 fifty dollars (\$750);

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[bracketed material] = delete

- 1                   B. small brewer's license, seven hundred fifty
- 2 dollars (\$750);
- 3                   C. winer's license, seven hundred fifty dollars
- 4 (\$750);
- 5                   D. wine blender's license, seven hundred fifty
- 6 dollars (\$750);
- 7                   E. wine exporter's license, five hundred dollars
- 8 (\$500);
- 9                   F. winer's off-premises permit, two hundred dollars
- 10 (\$200) for each off-premises location; [~~and~~]
- 11                   G. winer's public celebrations permit, [~~ten dollars~~
- 12 ~~(\$10)~~] ten dollars (\$10.00) for each public celebration;
- 13                   H. small brewer's off-premises permit, two hundred
- 14 dollars (\$200) for each off-premises location; and
- 15                   I. small brewer's public celebrations permit, ten
- 16 dollars (\$10.00) for each public celebration. "

17                   Section 3. EMERGENCY. --It is necessary for the public

18 peace, health and safety that this act take effect immediately.

1 FORTY-THIRD LEGISLATURE

2 FIRST SESSION, 1997

3  
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5  
6 February 26, 1997

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8 Mr. President:

9  
10 Your PUBLIC AFFAIRS COMMITTEE, to whom has been  
11 referred

12  
13 SENATE BILL 132

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15 has had it under consideration and reports same with  
16 recommendation that it DO NOT PASS, but that

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19 SENATE PUBLIC AFFAIRS COMMITTEE SUBSTITUTE FOR

20 SENATE BILL 132

21  
22 DO PASS, and thence referred to the CORPORATIONS &  
23 TRANSPORTATION COMMITTEE.

24  
25 Respectfully submitted,

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Shannon Robinson, Chairman

Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_  
(Chief Clerk) (Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 5 For 0 Against

Yes: 5

No: 0

Excused: Adair, Boitano, Vernon, Smith

Absent: None

S0132PA1

SENATE PUBLIC AFFAIRS COMMITTEE SUBSTITUTE FOR

SENATE BILL 132

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

AN ACT

RELATING TO SMALL BREWERS; AMENDING SECTIONS OF THE NMSA 1978;  
DECLARING AN EMERGENCY.

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

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may apply for and be issued a small brewer's license.

B. A small brewer's license authorizes the person to  
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- (1) become a manufacturer or producer of beer;
- (2) ~~[to]~~ package, label and export beer, whether

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1 manufactured, bottled or produced by him or any other person;

2 (3) ~~[\t\o]~~ sell only ~~[such]~~ beer ~~[as]~~ that is  
3 packaged by or for him to a person holding a wholesaler's  
4 license or a small brewer's license;

5 (4) ~~[\t\o]~~ deal in warehouse receipts for beer;

6 (5) ~~[\t\o]~~ conduct beer tastings and sell for  
7 consumption on or off premises, but not for resale, beer  
8 produced and bottled by, or produced and packaged for, ~~[such]~~  
9 the licensee on the small brewer's premises; ~~[and]~~

10 (6) ~~[\t\o]~~ be deemed a manufacturer for purposes of  
11 the Gross Receipts and Compensating Tax Act; and

12 (7) at public celebrations off the small brewer's  
13 premises, after the small brewer has paid the applicable fee for  
14 a small brewer's public celebration permit, conduct tastings and  
15 sell by the glass or in unbroken packages, but not for resale,  
16 beer produced and bottled by or for the small brewer.

17 C. Sales and tastings of beer authorized in this  
18 section shall be permitted during the hours set forth in  
19 Subsection A of Section 60-7A-1 NMSA 1978 and between the hours  
20 of noon and midnight on Sunday and shall conform to the  
21 limitations regarding Christmas and voting-day sales found in  
22 Section 60-7A-1 NMSA 1978 and the expansion of Sunday sales  
23 hours to 2:00 a.m. on January 1, when December 31 falls on a  
24 Sunday. "

25 Section 2. Section 60-6A-27 NMSA 1978 (being Laws 1983,

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1 Chapter 280, Section 8, as amended) is amended to read:

2 "60-6A-27. LICENSE FEES. -- Every application for the issuance  
3 or annual renewal of the following licenses and permits shall be  
4 accompanied by a license fee or permit fee in the following  
5 specified amounts:

6 A. brandy manufacturer's license, seven hundred fifty  
7 dollars (\$750);

8 B. small brewer's license, seven hundred fifty dollars  
9 (\$750);

10 C. winer's license, seven hundred fifty dollars (\$750);

11 D. wine blender's license, seven hundred fifty dollars  
12 (\$750);

13 E. wine exporter's license, five hundred dollars (\$500);

14 F. winer's off-premises permit, two hundred dollars  
15 (\$200) for each off-premises location; [and]

16 G. winer's public celebrations permit, [~~ten dollars~~  
17 ~~(\$10)~~] ten dollars (\$10.00) for each public celebration; and

18 H. small brewer's public celebrations permit, ten dollars  
19 (\$10.00) for each public celebration."

20 Section 3. EMERGENCY. -- It is necessary for the public peace,  
21 health and safety that this act take effect immediately.

SPAC/SB132

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FORTY-THIRD LEGISLATURE  
FIRST SESSION, 1997

March 6, 1997

Mr. President:

Your CORPORATIONS & TRANSPORTATION COMMITTEE, to whom  
has been referred

SENATE PUBLIC AFFAIRS COMMITTEE SUBSTITUTE FOR  
SENATE BILL 132

has had it under consideration and reports same with recommendation  
that it DO PASS.

Respectfully submitted,

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Roman M. Maes, III, Chairman

Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_  
(Chief Clerk) (Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 6 For 0 Against

Yes: 6

No: 0

Excused: Fidel, Howes, McKibben, Robinson

Absent: None

S0132CT1

**State of New Mexico**  
**House of Representatives**

**FORTY-THIRD LEGISLATURE**  
**FIRST SESSION, 1997**

**March 18, 1997**

**Mr. Speaker:**

**Your BUSINESS AND INDUSTRY COMMITTEE, to whom has  
been referred**

**SENATE PUBLIC AFFAIRS COMMITTEE SUBSTITUTE FOR  
SENATE BILL 132**

**has had it under consideration and reports same with  
recommendation that it DO PASS.**

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FORTY-THIRD LEGISLATURE  
FIRST SESSION, 1997

HBI C/SB 132

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Respectfully submitted,

\_\_\_\_\_  
Fred Luna, Chairman

Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_  
(Chief Clerk) (Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 9 For 0 Against

Yes: 9

Excused: Alwin, Hobbs, Varela

Absent: Getty

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FORTY-THIRD LEGISLATURE  
FIRST SESSION, 1997

1 HBIC/SB 132

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FORTY-THIRD LEGISLATURE  
FIRST SESSION, 1997

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February 26, 1997

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10 Mr. President:

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Your PUBLIC AFFAIRS COMMITTEE, to whom has been referred

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SENATE BILL 132

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SENATE PUBLIC AFFAIRS COMMITTEE SUBSTITUTE FOR

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SENATE BILL 132

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Respectfully submitted,

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FORTY-THIRD LEGISLATURE  
FIRST SESSION, 1997

1 HBIC/SB 132

Page 15

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Shannon Robinson, Chairman

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Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_

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(Chief Clerk)

(Chief Clerk)

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Date \_\_\_\_\_

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11 The roll call vote was 5 For 0 Against

12 Yes: 5

13 No: 0

14 Excused: Adair, Boitano, Vernon, Smith

15 Absent: None

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