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SENATE BILL 1264

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

INTRODUCED BY

SHANNON ROBINSON

AN ACT

RELATING TO THE PUBLIC PEACE, HEALTH, SAFETY AND WELFARE.

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

1 FORTY-THIRD LEGISLATURE  
2 FIRST SESSION, 1997  
3  
4

5 March 16, 1997  
6

7 Mr. President:  
8

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

11  
12 SENATE BILL 1264  
13

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

16  
17 SENATE PUBLIC AFFAIRS COMMITTEE SUBSTITUTE FOR  
18 SENATE BILL 1264  
19

20 DO PASS, and thence referred to the COMMITTEES' COMMITTEE.  
21  
22

23 Respectfully submitted,  
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\_\_\_\_\_  
Shannon Robinson, Chairman

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

Date \_\_\_\_\_

The roll call vote was 5 For 0 Against

Yes: 5

No: 0

Excused: Boitano, Adair, Vernon, Ingle

Absent: None

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SENATE PUBLIC AFFAIRS COMMITTEE SUBSTITUTE FOR  
SENATE BILL 1264

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

AN ACT

RELATING TO THE PUBLIC PEACE, HEALTH, SAFETY AND WELFARE;  
AMENDING A SECTION OF THE LIQUOR CONTROL ACT TO AUTHORIZE A  
LICENSEE DISPENSING ALCOHOLIC BEVERAGES AT A CHURCH'S PUBLIC  
CELEBRATION TO DONATE PROFITS FROM THOSE SALES TO THE CHURCH AND  
TO ALLOW SERVERS OF ALCOHOLIC BEVERAGES TO DONATE TO THE CHURCH  
THEIR SERVICES AT THAT CELEBRATION.

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

Section 1. Section 60-6A-12 NMSA 1978 (being Laws 1981,  
Chapter 39, Section 29, as amended) is amended to read:

"60-6A-12. SPECIAL DISPENSER'S PERMITS-- STATE AND LOCAL  
FEES. --

A. Any person holding a dispenser's license in any  
local option district where a public celebration is to be held  
may dispense alcoholic beverages at the public celebration upon

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receiving written approval from the board or other governing  
body in charge of the public celebration and upon the payment of  
fifty dollars (\$50.00) to the department for a special  
dispenser's permit.

B. As used in this section, "public celebration"  
includes any state fair, county fair, community fiesta, cultural  
or artistic performance or professional athletic competition of  
a seasonal nature or activities held on an intermittent basis.

C. In addition to the state fee and if previously  
provided for by ordinance, the governing body of the local  
option district in which the public celebration is held may  
charge an additional fee not to exceed twenty-five dollars  
(\$25.00) per day for each day the permittee dispenses alcoholic  
beverages. The permittee shall be subject to all state laws and  
regulations and all local regulations regulating dispenser's  
privileges and disabilities. All fees collected by the  
governing body of the local option district may be used to fund  
free-ride home programs.

D. Any person holding a dispenser's license may be  
issued a special dispenser's permit by the director allowing the  
dispensing of alcoholic beverages at a function catered by that  
business, provided the governing body of the local option  
district has given the person seeking the permit written  
approval to dispense alcoholic beverages at the catered  
function. The permit shall be valid for no more than twelve  
hours. To apply for the permit, the holder of a dispenser's  
license shall submit a fee of twenty-five dollars (\$25.00),  
together with such information as the director may require. The

1     permittee shall be subject to all state laws and regulations and  
2     all local regulations except that the permittee shall not be  
3     required to suspend the dispensing of alcoholic beverages at the  
4     licensed premises solely because of the issuance of the special  
5     dispenser's permit.

6             E. A special dispenser's permit shall not be issued if  
7     the application for the permit was received by the department less  
8     than ten days prior to the function for which the permit was  
9     sought. The person holding a dispenser's license and his employees  
10    shall be the only persons permitted to dispense alcohol during the  
11    function. Issuance of the special dispenser's permit is within the  
12    director's discretion and is subject to any reasonable requirements  
13    imposed by the director.

14            F. Any person holding a dispenser's license in a local  
15    option district in which Sunday sales of alcoholic beverages are  
16    not otherwise permitted under the Liquor Control Act may dispense  
17    beer and wine on Sunday at any public celebration for which it has  
18    received a concession from the board or other governing body in  
19    charge of the public celebration, provided the governing body of  
20    that local option district has by resolution expressly permitted  
21    such beer and wine sales on Sunday at that public celebration in  
22    accordance with the provisions of this section.

23            G. Any person holding a dispenser's license who dispenses  
24    alcoholic beverages at a church's public celebration under a  
25    special dispenser's permit pursuant to this section may donate to

1 the church holding the public celebration any portion of the  
2 profits from the sale of alcoholic beverages at that public  
3 celebration. Employees of that dispenser or other individuals who  
4 have completed a certified alcohol server training program may  
5 donate to the church holding a public celebration their services as  
6 servers of alcoholic beverages at that public celebration."

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**State of New Mexico  
House of Representatives**

FORTY-THIRD LEGISLATURE  
FIRST SESSION, 1997

March 21, 1997

Mr. Speaker:

Your BUSINESS AND INDUSTRY COMMITTEE, to whom has  
been referred

SENATE PUBLIC AFFAIRS COMMITTEE SUBSTITUTE FOR  
SENATE BILL 1264

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



FORTY-THIRD LEGISLATURE  
FIRST SESSION, 1997

HBI/CSSB 1264

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Respectfully submitted,

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

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

Date \_\_\_\_\_

The roll call vote was 6 For 1 Against

Yes: 6

No: Lutz

Excused: Alwin, Corley, Gubbels, Olguin, J. G. Taylor

Absent: Getty

M \S1264