

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 358

43RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 1998

INTRODUCED BY

LISA L. LUTZ

AN ACT

RELATING TO ALCOHOL BUSINESS LICENSES; AMENDING SECTIONS OF
THE NMSA 1978 TO CHANGE PROVISIONS FOR SPECIAL DISPENSER'S
PERMIT, REGISTRATION AND LICENSE FEES; PROVIDING FOR
NONRESIDENT LICENSES AND COMMON CARRIER REGISTRATIONS.

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 receiving written approval from the [~~board or other~~]
governing body in charge of the public celebration and upon

Underscored material = new
[bracketed material] = delete

1 the payment of fifty dollars (\$50.00) to the department for a
2 special dispenser's permit.

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

8 C. In addition to the state fee and if previously
9 provided for by ordinance, the governing body of the local
10 option district in which the public celebration is held may
11 charge an additional fee not to exceed twenty-five dollars
12 (\$25.00) per day for each day the permittee dispenses
13 alcoholic beverages. The permittee shall be subject to all
14 state laws and regulations and all local regulations
15 regulating dispenser's privileges and disabilities. All fees
16 collected by the governing body of the local option district
17 may be used to fund free ride home programs.

18 D. Any person holding a dispenser's license may be
19 issued a special dispenser's permit by the director allowing
20 the dispensing of alcoholic beverages at a function catered by
21 that business, provided the governing body of the local option
22 district has given the person seeking the permit written
23 approval to dispense alcoholic beverages at the catered
24 function. The permit shall be valid for no more than twelve
25 hours. To apply for the permit, the holder of a dispenser's

Underscored material = new
[bracketed material] = delete

1 license shall submit a fee of twenty-five dollars (\$25.00)
2 together with such information as the director may require.
3 The permittee shall be subject to all state laws and
4 regulations and all local regulations except that the
5 permittee shall not be required to suspend the dispensing of
6 alcoholic beverages at the licensed premises solely because of
7 the issuance of the special dispenser's permit.

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

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

Underscored material = new
[bracketed material] = delete

1 with the provisions of this section.

2 G. Any person holding a dispenser's license who
3 dispenses alcoholic beverages at a church's public
4 celebration under a special dispenser's permit pursuant to
5 this section may donate to the church holding the public
6 celebration any portion of the profits from the sale of
7 alcoholic beverages at that public celebration. Employees
8 of that dispenser or other individuals who have completed a
9 certified alcohol server training program may donate to the
10 church holding a public celebration their services as
11 servers of alcoholic beverages at that public celebration."

12 Section 2. Section 60-6A-13 NMSA 1978 (being Laws
13 1981, Chapter 39, Section 30) is amended to read:

14 "60-6A-13. REGISTRATION TO TRANSPORT. -- [~~On July 1 of~~
15 ~~each year~~] For the renewal year beginning on July 1, 1998
16 and every three years thereafter, every common carrier
17 transporting alcoholic beverages into and for delivery
18 within the state shall register with the department and pay
19 a registration fee of [~~fifteen dollars (\$15.00)~~] fifty
20 dollars (\$50.00)."

21 Section 3. Section 60-6A-15 NMSA 1978 (being Laws
22 1981, Chapter 39, Section 32, as amended) is amended to
23 read:

24 "60-6A-15. LICENSE FEES. -- Every application for the
25 issuance or [~~annual~~] renewal of the following licenses shall

Underscored material = new
[bracketed material] = delete

1 be accompanied by a license fee in the following specified
2 amounts:

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

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

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

9 D. wholesaler's license to sell all alcoholic
10 beverages for resale only, two thousand five hundred dollars
11 (\$2,500);

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

15 F. wholesaler's license to sell spirituous
16 liquors for resale only, one thousand five hundred dollars
17 (\$1,500);

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

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

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

24 J. retailer's license, one thousand two hundred
25 fifty dollars (\$1,250);

. 121844. 1

Underscored material = new
[bracketed material] = delete

1 K. dispenser's license, one thousand two hundred
2 fifty dollars (\$1, 250);

3 L. canopy license, one thousand two hundred
4 fifty dollars (\$1, 250);

5 M. restaurant license, one thousand dollars
6 (\$1, 000);

7 N. club license, one thousand two hundred fifty
8 dollars (\$1, 250);

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

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

13 Q. nonresident licenses, for a total billing to
14 New Mexico wholesalers in excess of:

15	\$3, 000, 000 annually	[\$3,500]	<u>\$10, 500</u> ;
16	1, 000, 000 annually	[1,750]	<u>5, 250</u> ;
17	500, 000 annually	[1,250]	<u>3, 750</u> ;
18	200, 000 annually	[900]	<u>2, 700</u> ;
19	100, 000 annually	[600]	<u>1, 800</u> ; and
20	50, 000 or less annually	[300]	<u>900</u> ;

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

Underscored material = new
[bracketed material] = delete

1 S. beer bottler's license, two hundred dollars
2 (\$200). "

3 Section 4. Section 60-6A-16 NMSA 1978 (being Laws
4 1981, Chapter 39, Section 33) is amended to read:

5 "60-6A-16. PRORATION OF FEES. --

6 A. The license fees required of retailers,
7 dispensers, restaurants, clubs and public service licensees
8 shall be prorated so that licenses issued prior to October 1
9 of any year shall be subject to the full amount of the
10 annual license fee. Licenses issued on or subsequent to
11 October 1 and prior to January 1 shall be subject to three-
12 fourths of the annual license fee. Licenses issued on or
13 subsequent to January 1 and prior to April 1 of a year shall
14 be subject to one-half of the annual license fee. Licenses
15 issued on or subsequent to April 1 shall be subject to one-
16 fourth of the annual license fee.

17 B. All licenses issued to manufacturers, wine
18 bottlers [~~nonresident licensees~~] and wholesalers shall be
19 paid for at the yearly rate regardless of the date issued
20 and shall expire on June 30 of the fiscal year for which the
21 licenses are issued.

22 C. Nonresident licenses and carrier
23 registrations shall be prorated so that licenses issued
24 before the end of the first year of the three-year license
25 period are subject to the full amount of the license fee.

Underscored material = new
[bracketed material] = delete

1 Licenses issued on or after the end of the first year and
2 before the end of the second year are subject to two-thirds
3 of the license fee. Licenses issued on or after the end of
4 the second year are subject to one-third of the license
5 fee. "

6 Section 5. Section 60-6B-5 NMSA 1978 (being Laws 1981,
7 Chapter 39, Section 41) is amended to read:

8 "60-6B-5. EXPIRATION AND RENEWAL OF LICENSES. -- All
9 licenses provided for in the Liquor Control Act, except
10 nonresident licenses and common carrier registrations, shall
11 expire on June 30 of each year and may be renewed from year
12 to year under the rules [~~and regulations~~] of the department.
13 Current nonresident licenses and common carrier
14 registrations shall expire on June 30, 1998 and may be
15 renewed for three-year periods thereafter. The director
16 shall determine whether any of the licensees under his
17 jurisdiction are delinquent in any taxes administered by the
18 taxation and revenue department as of June 1 of each [year]
19 renewal period. The director shall also determine whether
20 or not there exists any other reason why a license should
21 not be renewed. If the director determines that the license
22 should not be renewed, he shall enter an order requiring the
23 licensee, after notice, to show cause why his license should
24 be renewed, and he shall conduct a hearing on the matter.
25 If, after the hearing, the director finds that the licensee

Underscored material = new
~~[bracketed material]~~ = delete

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

is qualified, he shall renew the license."

1 FORTY-THIRD LEGISLATURE

2 SECOND SESSION, 1998

3
4
5
6 February 5, 1998

7
8 Mr. Speaker:

9
10 Your BUSINESS AND INDUSTRY COMMITTEE, to whom
11 has been referred

12
13 HOUSE BILL 358

14
15 has had it under consideration and reports same with
16 recommendation that it DO PASS, and thence referred to
17 the JUDICIARY COMMITTEE.

18 Respectfully submitted,

19
20
21
22 _____
23 Fred Luna, Chairman
24
25

1 FORTY-THIRD LEGISLATURE
2 SECOND SESSION, 1998

3 HBIC/HB 358

Page 11

4 Adopted _____ Not Adopted _____

5
6 (Chief Clerk)

(Chief Clerk)

7
8 Date _____

9
10 The roll call vote was 7 For 0 Against

11 Yes: 7

12 Excused: Gubbels, Olguin, J. G. Taylor, Varela, Rodella

13 Absent: Getty

14
15 G:\BILLTEXT\BILLW_98\H0358

16
17
18
19
20
21
22
23
24
25
Underscored material = new
[bracketed material] = delete

1 FORTY-THIRD LEGISLATURE
2 SECOND SESSION, 1998

3
4 February 14, 1998

5
6
7 Mr. Speaker:

8
9 Your JUDICIARY COMMITTEE, to whom has been
10 referred

11 HOUSE BILL 358

12
13 has had it under consideration and reports same with
14 recommendation that it DO PASS.

15
16 Respectfully submitted,

17
18
19
20 _____
21 Thomas P. Foy, Chairman
22
23
24
25

1 FORTY-THIRD LEGISLATURE
2 SECOND SESSION, 1998

4 Adopted _____ Not Adopted _____

5
6 (Chief Clerk)

(Chief Clerk)

7
8 Date _____

9
10 The roll call vote was 7 For 0 Against

11 Yes: 7

12 Excused: Alwin, King, Larranaga, Rios, Sanchez, Stewart

13 Absent: None

14
15 G:\BILLTEXT\BILLW_98\H0358

16
17
18
19
20
21
22
23
24
25
Underscored material = new
[bracketed material] = delete

FORTY-THIRD LEGISLATURE
SECOND SESSION, 1998

Page 14

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

FORTY-THIRD LEGISLATURE
SECOND SESSION, 1998

February 16, 1998

Mr. President:

Your PUBLIC AFFAIRS COMMITTEE, to whom has been
referred

HOUSE BILL 358

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

Respectfully submitted,

Shannon Robinson, Chairman

. 121844. 1

Underscored material = new
[bracketed material] = delete

FORTY-THIRD LEGISLATURE
SECOND SESSION, 1998

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

Adopted _____ Not

Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 5 For 0 Against

Yes: 5

No: 0

Excused: Boitano, Ingle, Smith, Vernon

Absent: None

H0358PA1

Underscored material = new
[bracketed material] = delete