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SENATE BILL 78

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

INTRODUCED BY

William P. Soules

AN ACT

RELATING TO LIQUOR CONTROL; PROVIDING THAT A LOCAL OPTION DISTRICT MAY HOLD AN ELECTION TO ALLOW THE SALE BY CERTAIN RESTAURANT LICENSEES OF SPIRITUOUS LIQUORS DISTILLED AND BOTTLED IN NEW MEXICO.

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

SECTION 1. Section 60-6A-4 NMSA 1978 (being Laws 1981, Chapter 39, Section 21, as amended) is amended to read:

"60-6A-4. RESTAURANT LICENSE.--

A. At any time after the effective date of the Liquor Control Act, a local option district may approve the issuance of restaurant licenses for either the sale of beer and wine only or for the sale of beer and wine and of spirituous liquors distilled and bottled in New Mexico by holding an election on ~~[that question]~~ either option or both options

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1 pursuant to the procedures set out in Section 60-5A-1 NMSA
2 1978. The election also may be initiated by a resolution
3 adopted by the governing body of the local option district
4 without a petition from registered qualified electors having
5 been submitted.

6 B. A local option district that approves the
7 issuance of restaurant licenses for the sale of beer and wine
8 and of spirituous liquors distilled and bottled in New Mexico
9 shall limit the geographic locations in which those licenses
10 are effective to locations designated as:

11 (1) an enterprise zone, pursuant to the
12 Enterprise Zone Act;

13 (2) a tax increment development district,
14 pursuant to the Tax Increment for Development Act;

15 (3) an arts and cultural district, pursuant to
16 the Arts and Cultural District Act;

17 (4) a main street, pursuant to the Main Street
18 Act;

19 (5) a business improvement district, pursuant
20 to the Business Improvement District Act;

21 (6) a frontier community; or

22 (7) any other geographic location within a
23 local option district that has been identified by the main
24 street program coordinator or the relevant local government as
25 a location in need of revitalization or economic development

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1 improvements.

2 [B-] C. After the approval of restaurant licenses
3 by the registered qualified electors of the local option
4 district and upon completion of all requirements in the Liquor
5 Control Act for the issuance of licenses, a restaurant located
6 or to be located within the local option district or within a
7 designated location in a local option district as provided for
8 in Subsection B of this section may receive a restaurant
9 license to sell, serve or allow the consumption of beer and
10 wine, and spirituous liquors distilled and bottled in New
11 Mexico, if applicable, subject to the following requirements
12 and restrictions:

13 (1) the applicant shall submit evidence to the
14 department that ~~he~~ the applicant has a current valid food
15 service establishment permit;

16 (2) an applicant for a license to sell, serve
17 or allow the consumption of beer and wine and of spirituous
18 liquors distilled and bottled in New Mexico shall submit
19 evidence to the department that the applicant's restaurant is
20 located within the local option district's designated area, as
21 required in Subsection B of this section;

22 [+2] (3) the applicant shall satisfy the
23 director that the primary source of revenue from the operation
24 of the restaurant will be derived from meals and not from the
25 sale of beer and wine, and spirituous liquors distilled and

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1 bottled in New Mexico, if applicable;

2 [~~(3)~~] (4) the director shall condition renewal
3 upon a requirement that no less than sixty percent of gross
4 receipts from the preceding twelve months' operation of the
5 licensed restaurant was derived from the sale of meals;

6 [~~(4)~~] (5) upon application for renewal, the
7 licensee shall submit an annual report to the director
8 indicating the annual gross receipts from the sale of meals and
9 from the sale of beer and wine [~~sales~~], and spirituous liquors
10 distilled and bottled in New Mexico, if applicable;

11 [~~(5)~~] (6) restaurant licensees shall not sell
12 beer [~~and~~] or wine, or spirituous liquors distilled and bottled
13 in New Mexico, if applicable, for consumption off the licensed
14 premises;

15 [~~(6)~~] (7) all sales, services and consumption
16 of beer and wine, and spirituous liquors distilled and bottled
17 in New Mexico, if applicable, authorized by a restaurant
18 license shall cease at the time meals sales and services cease
19 or at 11:00 p.m., whichever time is earlier;

20 [~~(7)~~] (8) if Sunday sales have been approved
21 in the local option district, a restaurant licensee may serve
22 beer and wine, and spirituous liquors distilled and bottled in
23 New Mexico, if applicable, on Sundays until the time meals
24 sales and services cease or 11:00 p.m., whichever time is
25 earlier; and

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1 [~~8~~] (9) a restaurant license shall not be
2 transferable from person to person or from one location to
3 another.

4 [~~G~~] D. The provisions of Section 60-6A-18 NMSA
5 1978 shall not apply to restaurant licenses.

6 [~~D~~] E. Nothing in this section shall prevent a
7 restaurant licensee from receiving other licenses pursuant to
8 the Liquor Control Act."

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

11 "60-6A-15. LICENSE FEES.--Every application for the
12 issuance or renewal of the following licenses shall be
13 accompanied by a license fee in the following specified
14 amounts:

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

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

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

21 D. wholesaler's license to sell all alcoholic
22 beverages for resale only, two thousand five hundred dollars
23 (\$2,500);

24 E. wholesaler's license to sell spirituous liquors
25 and wine for resale only, one thousand seven hundred fifty

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1 dollars (\$1,750);

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

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

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

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

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

12 K. dispenser's license, one thousand three hundred
13 dollars (\$1,300);

14 L. canopy license, one thousand three hundred
15 dollars (\$1,300);

16 M. restaurant license:

17 (1) for the sale of beer and wine only, one
18 thousand fifty dollars (\$1,050); or

19 (2) for the sale of beer and wine and of
20 spirituous liquors distilled and bottled in New Mexico, two
21 thousand dollars (\$2,000);

22 N. club license, for clubs with more than two
23 hundred fifty members, one thousand two hundred fifty dollars
24 (\$1,250), and for clubs with two hundred fifty members or
25 fewer, two hundred fifty dollars (\$250);

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

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

5 Q. nonresident licenses, for a total billing to New
6 Mexico wholesalers:

- 7 (1) in excess of:
- 8 \$3,000,000 annually \$10,500;
- 9 1,000,000 annually 5,250;
- 10 500,000 annually 3,750;
- 11 200,000 annually 2,700;
- 12 100,000 annually 1,800;

13 and
14 50,000 annually 900;

15 and
16 (2) of \$50,000 or less \$300;

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

22 S. beer bottler's license, two hundred dollars
23 (\$200)."

24 SECTION 3. EFFECTIVE DATE.--The effective date of the
25 provisions of this act is July 1, 2019.

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