AN ACT

RELATING TO BUSINESS RESTRICTIONS; PROVIDING FOR THE REFUND AND
WAIVER OF LICENSE FEES TO CERTAIN BUSINESSES WHOSE OPERATIONS
WERE RESTRICTED BY AN EXECUTIVE ORDER MADE PURSUANT TO THE
PUBLIC HEALTH EMERGENCY RESPONSE ACT.

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

SECTION 1. Section 16-2-9 NMSA 1978 (being Laws 1935,
Chapter 57, Section 9, as amended) is amended to read:

"16-2-9. CONCESSIONS IN PARKS--CONTRACTS--BOARD OF
FINANCE APPROVAL.--

A. The secretary has the power to grant concessions
in state parks and recreation areas upon such rentals, fees or
percentage of income or profits as [he] the secretary may
prescribe, but not for a longer period than thirty years. All
concessions shall be evidenced by a written contract, the
faithful performance of which shall be secured by such bond as the secretary may prescribe. No contract granting a concession shall be effective until it has been approved by the state board of finance.

B. Upon receipt of a written request from a concessionaire that cites that its business was either prohibited from operation or restricted in operations by an executive order made pursuant to the Public Health Emergency Response Act during the 2020 or 2021 calendar years and demonstrates that the business was negatively financially affected by compliance with the executive order, the secretary shall:

(1) refund any concession fees paid to the energy, minerals and natural resources department pursuant to this section for the 2020 and 2021 calendar years; and

(2) waive any concession fees due to the energy, minerals and natural resources department pursuant to this section for the 2022 and 2023 calendar years."

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

"60-6A-15. LICENSE FEES.--

A. Every application for the issuance or renewal of the following licenses shall be accompanied by a license fee in the following specified amounts:

[A] (1) manufacturer's license as a
distiller, except a brandy manufacturer, three thousand dollars
($3,000);

[\textit{B}.] \textit{(2)} manufacturer's license as a brewer,
three thousand dollars ($3,000);

[\textit{C}.] \textit{(3)} manufacturer's license as a
rectifier, one thousand fifty dollars ($1,050);

[\textit{D}.] \textit{(4)} wholesaler's license to sell all
alcoholic beverages for resale only, two thousand five hundred
dollars ($2,500);

[\textit{E}.] \textit{(5)} wholesaler's license to sell
spirituous liquors and wine for resale only, one thousand seven
hundred fifty dollars ($1,750);

[\textit{F}.] \textit{(6)} wholesaler's license to sell
spirituous liquors for resale only, one thousand five hundred
dollars ($1,500);

[\textit{G}.] \textit{(7)} wholesaler's license to sell beer and
wine for resale only, one thousand five hundred dollars
($1,500);

[\textit{H}.] \textit{(8)} wholesaler's license to sell beer for
resale only, one thousand dollars ($1,000);

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

[\textit{J}.] \textit{(10)} retailer's license, one thousand
three hundred dollars ($1,300);

[\textit{K}.] \textit{(11)} dispenser's license, one thousand
three hundred dollars ($1,300);

[L.] (12) canopy license, one thousand three
hundred dollars ($1,300);

[M.] (13) restaurant license, one thousand
fifty dollars ($1,050);

[N.] (14) club license, for clubs with more
than two hundred fifty members, one thousand two hundred fifty
dollars ($1,250), and for clubs with two hundred fifty members
or fewer, two hundred fifty dollars ($250);

[O.] (15) wine bottler's license to sell to
wholesalers only, five hundred dollars ($500);

[P.] (16) public service license, one thousand
two hundred fifty dollars ($1,250);

[Q.] (17) nonresident licenses, for a total
billing to New Mexico wholesalers:

[(++) (a) in excess of:

$3,000,000 annually ................ $10,500;
1,000,000 annually ................ 5,250;
500,000 annually ................ 3,750;
200,000 annually ................ 2,700;
100,000 annually ................ 1,800;

and

50,000 annually ................ 900;

and

[(++) (b) of $50,000 or less . . . $300;
(R.) (18) wine wholesaler's license, for persons with sales of five thousand gallons of wine per year or less, twenty-five dollars ($25.00), and for persons with sales in excess of five thousand gallons of wine per year, one hundred dollars ($100); and

(S.) (19) beer bottler's license, two hundred dollars ($200).

B. Upon receipt of a written request from a licensee that cites that its business was either prohibited from operation or restricted in operations by an executive order made pursuant to the Public Health Emergency Response Act during the 2020 or 2021 calendar years and demonstrates that the business was negatively financially affected by compliance with the executive order, the department shall:

(1) refund any license fees paid to the alcoholic beverage control division of the regulation and licensing department pursuant to this section for the 2020 and 2021 calendar years; and

(2) waive any license fees due to the alcoholic beverage control division of the regulation and licensing department pursuant to this section for the 2022 and 2023 calendar years."