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HOUSE BILL 385

45TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2002

INTRODUCED BY

James G. Taylor

AN ACT

**RELATING TO ALCOHOLIC BEVERAGES; PROVIDING THAT ALL FACILITIES
ON THE NEW MEXICO STATE FAIRGROUNDS ARE GOVERNMENTAL
FACILITIES FOR THE PURPOSES OF THE LIQUOR CONTROL ACT;
AMENDING A SECTION OF THE LIQUOR CONTROL ACT.**

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

**Section 1. Section 60-6A-10 NMSA 1978 (being Laws 1981,
Chapter 39, Section 27, as amended) is amended to read:**

"60-6A-10. GOVERNMENTAL LICENSE. --

**A. Except as provided in Subsection G of this
section, a governmental entity may sell alcoholic beverages
directly or through its lessee at a governmental facility if
the governing body applies to the director for a governmental
license. The governmental entity and its lessee shall be
subject to all state laws and regulations governing**

underscored material = new
[bracketed material] = delete

1 dispensers.

2 B. A governmental license may be leased to a
3 qualified lessee and may only be used by the lessee for his
4 operation during events authorized by the governmental entity
5 at the governmental facility designated on the governmental
6 license. The governmental entity and its lessee shall not
7 sell alcoholic beverages for consumption off the licensed
8 premises.

9 C. Each governmental entity holding a governmental
10 license shall annually and not less than sixty days prior to
11 the date for renewal of its license submit to the director
12 documentary proof that its lessee is fully qualified to be a
13 lessee of a governmental license. If the director finds that
14 the lessee is qualified to lease a governmental license, the
15 director shall renew the license for an additional period of
16 one year. If the director determines that the proof is
17 inadequate, he shall notify the governing body of his decision
18 and shall conduct a hearing as provided by law. If the
19 director finds that the lessee does not qualify and the
20 governmental entity does not change its lessee, the director
21 shall revoke the license.

22 D. The provisions of Section 60-6A-18 NMSA 1978
23 shall not apply to governmental licenses.

24 E. For the purposes of this section:

25 (1) "governmental entity" means a

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1 municipality, a county or state fair which is held for less
2 than ten days per year, the New Mexico state fair commission
3 or a state university;

4 (2) "governmental facility" means locations
5 on property owned or operated by a governmental entity and
6 includes county fairs, state fairs held for less than ten days
7 per year, convention centers, airports, civic centers,
8 auditoriums, all facilities on the New Mexico state
9 fairgrounds, facilities used for athletic competitions, golf
10 courses, including golf courses required to be used for
11 municipal purposes notwithstanding that there may be an
12 existing club license at the same location operated by the
13 same club licensee, and other facilities used for cultural or
14 artistic performances, but the term does not include tennis
15 facilities; and

16 (3) "lessee" means [~~any~~] an individual,
17 corporation, partnership, firm or association if it fulfills
18 the requirements set forth in Subsections A through D of
19 Section 60-6B-2 NMSA 1978.

20 F. The provisions of Section 60-6B-10 NMSA 1978 as
21 regards to golf courses owned by a governmental entity and
22 civic centers owned and operated by a governmental entity
23 shall not apply to governmental licenses.

24 G. A governmental entity that sells alcoholic
25 beverages directly or indirectly through a lessee at a

underscored material = new
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1 governmental facility that is a golf course required to be
2 used for municipal purposes may only sell beer and wine. "

3 Section 2. EFFECTIVE DATE. -- The effective date of the
4 provisions of this act is July 1, 2002.

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