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HOUSE BILL 39

53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017

INTRODUCED BY

Rod Montoya

AN ACT

RELATING TO LIQUOR CONTROL; PROVIDING THAT GOVERNMENTAL
LICENSES MAY BE LEASED FOR USE IN CERTAIN AREAS THAT ARE
DESIGNATED BY A GOVERNMENTAL ENTITY.

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. A governmental entity may sell alcoholic
beverages directly or through its lessee at a governmental
facility or at a qualifying 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 dispensers.

B. A governmental license may be leased to a

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1 qualified lessee and may only be used by the lessee for its
2 operation during events authorized by the governmental entity
3 at the governmental facility, or as authorized by the
4 governmental entity at the qualifying facility, designated on
5 the governmental license. A governmental entity shall
6 establish the lease fee paid by a governmental license lessee
7 that will use the license at a qualifying facility. The
8 governmental entity and its lessee shall not sell alcoholic
9 beverages for consumption off the licensed premises. On the
10 licensed premises of a municipal baseball park, the sale or
11 service of alcoholic beverages in unbroken packages is allowed.
12 Alcoholic beverages shall not be removed from the licensed
13 premises of a municipal baseball park. A server as defined in
14 Section 60-6E-3 NMSA 1978 is not required to be present in a
15 skybox to serve alcoholic beverages to the person leasing the
16 skybox or the person's guests.

17 C. A governmental entity holding a governmental
18 license shall annually and not less than sixty days prior to
19 the date for renewal of its license submit to the director
20 documentary proof that its lessee is fully qualified to be a
21 lessee of a governmental license. If the director finds that
22 the lessee is qualified to lease a governmental license, the
23 director shall renew the license for an additional period of
24 one year. If the director determines that the proof is
25 inadequate, the director shall notify the governing body of the

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1 decision and shall conduct a hearing as provided by law. If
2 the director finds that the lessee does not qualify and the
3 governmental entity does not change its lessee, the director
4 shall revoke the license.

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

7 E. For the purposes of this section:

8 (1) "governmental entity" means a
9 municipality, a county, a state fair that is held for less than
10 ten days per year, the state fair commission, a state museum, a
11 state university or the spaceport authority;

12 (2) "governmental facility" means locations on
13 property owned or operated by a governmental entity, including
14 county fairs; state fairs held for less than ten days per year;
15 convention centers; airports; civic centers; food service
16 facilities in state museums; auditoriums; all facilities on the
17 New Mexico state fairgrounds; facilities used for athletic
18 competitions; golf courses, including golf courses required to
19 be used for municipal purposes notwithstanding that there may
20 be an existing club license at the same location operated by
21 the same club licensee; other facilities used for cultural or
22 artistic performances; and all spaceport authority facilities,
23 but "governmental facility" does not include tennis facilities;

24 (3) "lessee" means an individual, corporation,
25 partnership, firm or association that fulfills the requirements

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1 set forth in Subsections A through D of Section 60-6B-2 NMSA
2 1978;

3 (4) "municipal baseball park" means a
4 governmental facility owned by a governmental entity in a class
5 A county having a population of three hundred fifty thousand or
6 more pursuant to the most recent federal decennial census that
7 is the home stadium of an affiliate of a professional baseball
8 team and that may be used throughout the year for baseball
9 games and other events; [~~and~~]

10 (5) "qualifying facility" means:

11 (a) with respect to a municipality with
12 a population of less than twenty thousand persons based on the
13 most recent federal decennial census, a place of business at
14 which alcoholic beverages may be served and consumed in
15 accordance with this section and other applicable laws; and

16 (b) with respect to a municipality with
17 a population between twenty thousand and fifty thousand persons
18 based on the most recent federal decennial census, a place of
19 business at which alcoholic beverages may be served and
20 consumed in accordance with this section and other applicable
21 laws and that is located in an area designated as: 1) a
22 metropolitan redevelopment area, pursuant to the Metropolitan
23 Redevelopment Code; or 2) a main street project area, pursuant
24 to the Main Street Act; and

25 [~~(5)~~] (6) "skybox" means a room or area of

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1 seating of a municipal baseball park, separated from the
2 general seating and usually located in the upper decks of the
3 park, leased to a person for that person's exclusive use during
4 baseball games and at any other time throughout the year.

5 F. The provisions of Section 60-6B-10 NMSA 1978,
6 with respect to golf courses owned by a governmental entity and
7 civic centers owned and operated by a governmental entity,
8 shall not apply to governmental licenses."

9 SECTION 2. EFFECTIVE DATE.--The effective date of the
10 provisions of this act is July 1, 2017.