

1 SENATE BILL 247

2 **53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017**

3 INTRODUCED BY

4 George K. Munoz

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10 AN ACT

11 RELATING TO TAXATION; AMENDING THE DEFINITION OF "COUNTY" IN
12 THE LOCAL LIQUOR EXCISE TAX ACT; INCREASING THE LOCAL LIQUOR
13 EXCISE TAX RATE.

14
15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

16 SECTION 1. Section 7-24-9 NMSA 1978 (being Laws 1989,
17 Chapter 326, Section 2) is amended to read:

18 "7-24-9. DEFINITIONS.--As used in the Local Liquor Excise
19 Tax Act:

20 A. "alcoholic beverages" means distilled or
21 rectified spirits, potable alcohol, brandy, whiskey, rum, gin
22 and aromatic bitters or any similar alcoholic beverage,
23 including blended or fermented beverages, dilutions or mixtures
24 of one or more of the foregoing containing more than one-half
25 of one percent alcohol, but excluding medicinal bitters;

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1 B. "county" means a class B county having a
2 population of more than [~~fifty-six~~] seventy thousand but less
3 than [~~seventy-five~~] eighty thousand, according to the most
4 recent federal decennial census [~~or any subsequent decennial~~
5 ~~census~~], and having a net taxable value for rate-setting
6 purposes for the [~~1988~~] 2016 or any subsequent property tax
7 year of more than [~~five hundred million dollars (\$500,000,000)]~~
8 eight hundred million dollars (\$800,000,000) but less than
9 [~~seven hundred million dollars (\$700,000,000)]~~ nine hundred
10 million dollars (\$900,000,000);

11 C. "department" means the taxation and revenue
12 department, the secretary of taxation and revenue or any
13 employee of the department exercising authority lawfully
14 delegated to that employee by the secretary;

15 D. "governing body" means the board of county
16 commissioners of a county;

17 E. "person" means any individual, estate, trust,
18 receiver, cooperative association, club, corporation, company,
19 firm, partnership, joint venture, syndicate or other
20 association; "person" also means, to the extent permitted by
21 law, any federal, state or other governmental unit or
22 subdivision or agency, department or instrumentality thereof;

23 F. "price" means the total amount of money or the
24 reasonable value of other consideration or both paid for
25 alcoholic beverages, inclusive of the amount of any tax paid

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1 pursuant to the Liquor Excise Tax Act; and

2 G. "retailer" means any person having a place of
3 business within the county who sells, offers for sale or
4 possesses for the purpose of selling alcoholic beverages within
5 the county."

6 SECTION 2. Section 7-24-10 NMSA 1978 (being Laws 1989,
7 Chapter 326, Section 3, as amended) is amended to read:

8 "7-24-10. AUTHORIZATION TO IMPOSE LOCAL LIQUOR EXCISE
9 TAX--RATE--USE OF PROCEEDS--ELECTION REQUIRED.--

10 A. The majority of the members elected to the
11 governing body may enact an ordinance imposing on any retailer
12 an excise tax on the price paid by the retailer for alcoholic
13 beverages purchased by the retailer upon which the tax imposed
14 by this section has not been paid. The tax may be imposed at a
15 rate not to exceed [~~six~~] nine percent, provided that any lower
16 rate shall be an even multiple of one percent. The tax imposed
17 under this section may be referred to as the "local liquor
18 excise tax". Any tax imposed under this section shall be for a
19 period of not more than three years from the effective date of
20 the ordinance imposing the tax.

21 B. The governing body at the time of enacting an
22 ordinance imposing the tax authorized in Subsection A of this
23 section shall dedicate the revenue to fund educational programs
24 and prevention and treatment, including social detoxification,
25 of alcoholism and drug abuse within the county and for no other

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1 purpose. After approval of the imposition of a local liquor
2 excise tax by the voters but before the effective date of the
3 ordinance, the governing body shall hold a public meeting for
4 the purpose of inviting comment on and suggestions for the most
5 appropriate programs on which to expend the revenue produced by
6 the tax. The governing body shall invite representatives from
7 the appropriate Indian tribes, nations and pueblos to the
8 meeting. If the governing body awards any contract using funds
9 derived from the local liquor excise tax, it shall do so only
10 through a selection process requiring submission of sealed bids
11 or proposals after public notice of the opportunity to submit
12 the sealed bids or proposals.

13 C. The governing body enacting an ordinance
14 imposing the local liquor excise tax shall submit the question
15 of imposing the tax to the qualified voters of the county at a
16 regular or special election.

17 D. Only those voters who are registered within the
18 county shall be permitted to vote. The election shall be
19 called, conducted and canvassed in substantially the same
20 manner as provided by law for general elections.

21 E. If at an election called pursuant to this
22 section the majority of the voters voting on the question vote
23 in the affirmative on the question, then the ordinance imposing
24 the local liquor excise tax shall be approved. If at such an
25 election the majority of the voters voting on the question fail

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1 to approve the question, then the ordinance shall be
2 disapproved and the question required to be submitted by
3 Subsection B of this section shall not be submitted to the
4 voters for a period of at least one year from the date of the
5 election.

6 F. Any ordinance enacted under the provisions of
7 this section that imposes a local liquor excise tax or changes
8 the rate of tax imposed shall include an effective date that is
9 the first day of any month that begins no earlier than ninety
10 days after the date of the election. A certified copy of any
11 ordinance imposing a local liquor excise tax shall be mailed or
12 personally delivered to the department within five days after
13 the ordinance is certified to have been approved by the voters.

14 G. Any ordinance repealing the imposition of a tax
15 under the provisions of this section shall contain an effective
16 date that is the first day of any month beginning no earlier
17 than sixty days from the date the ordinance repealing the tax
18 is adopted by the governing body. A certified copy of any
19 ordinance repealing a local liquor excise tax shall be mailed
20 or personally delivered to the department within five days of
21 the date the ordinance is adopted."

22 SECTION 3. EFFECTIVE DATE.--The effective date of the
23 provisions of this act is July 1, 2017.

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