

AN ACT

RELATING TO ALCOHOL; AMENDING A SECTION OF THE NMSA 1978 TO ALLOW SALES OF ALCOHOLIC BEVERAGES IN FOOD SERVICE FACILITIES IN STATE MUSEUMS.

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 dispensers.

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

C. Each governmental entity holding a governmental license shall annually and not less than sixty

days prior to the date for renewal of its license submit to the director documentary proof that its lessee is fully qualified to be a lessee of a governmental license. If the director finds that the lessee is qualified to lease a governmental license, the director shall renew the license for an additional period of one year. If the director determines that the proof is inadequate, he shall notify the governing body of his decision and shall conduct a hearing as provided by law. If the director finds that the lessee does not qualify and the governmental entity does not change its lessee, the director shall revoke the license.

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

E. For the purposes of this section:

(1) "governmental entity" means a municipality, a county or a state fair that is held for less than ten days per year, a state museum or a state university;

(2) "governmental facility" means a location on property owned or operated by a governmental entity and includes county fairs, state fairs held for less than ten days per year, convention centers, food service facilities in state museums, airports, civic centers, auditoriums, facilities used for athletic competitions, golf courses, including golf courses required to be used for municipal purposes notwithstanding that there may be an existing club

license at the same location operated by the same club licensee, and other facilities used for cultural or artistic performances, but the term does not include tennis facilities; and

(3) "lessee" means any individual, corporation, partnership, firm or association that fulfills the requirements set forth in Subsections A through D of Section 60-6B-2 NMSA 1978.

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

G. A governmental entity that sells alcoholic beverages directly or indirectly through a lessee at a governmental facility that is a state museum or a golf course required to be used for municipal purposes may only sell beer and wine. "

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