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SENATE BILL 725

47TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2006

INTRODUCED BY

Timothy Z. Jennings

AN ACT

RELATING TO THE LIQUOR CONTROL ACT; CLARIFYING THAT A PERMISSIVE LOTTERY MAY BE CONDUCTED IN CONJUNCTION WITH A PUBLIC CELEBRATION AT WHICH ALCOHOLIC BEVERAGES ARE BEING DISPENSED PURSUANT TO A SPECIAL DISPENSER'S PERMIT.

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

Section 1. Section 60-6A-12 NMSA 1978 (being Laws 1981, Chapter 39, Section 29, as amended) is amended to read:

"60-6A-12. SPECIAL DISPENSER'S PERMITS--STATE AND LOCAL FEES.--

A. Any person holding a dispenser's license in any local option district where a public celebration is to be held may dispense alcoholic beverages at the public celebration upon receiving written approval from the governing body in charge of the public celebration and upon the payment of fifty dollars

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1 (\$50.00) to the department for a special dispenser's permit.

2 B. As used in this section, "public celebration"
3 includes any state fair, county fair, community fiesta,
4 cultural or artistic performance or professional athletic
5 competition of a seasonal nature or activities held on an
6 intermittent basis.

7 C. In addition to the state fee and if previously
8 provided for by ordinance, the governing body of the local
9 option district in which the public celebration is held may
10 charge an additional fee not to exceed twenty-five dollars
11 (\$25.00) per day for each day the permittee dispenses alcoholic
12 beverages. The permittee shall be subject to all state laws
13 and regulations and all local regulations regulating
14 dispenser's privileges and disabilities. All fees collected by
15 the governing body of the local option district may be used to
16 fund free ride home programs.

17 D. Any person holding a dispenser's license may be
18 issued a special dispenser's permit by the director allowing
19 the dispensing of alcoholic beverages at a function catered by
20 that business, provided the governing body of the local option
21 district has given the person seeking the permit written
22 approval to dispense alcoholic beverages at the catered
23 function. The permit shall be valid for no more than twelve
24 hours. To apply for the permit, the holder of a dispenser's
25 license shall submit a fee of twenty-five dollars (\$25.00)

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1 together with such information as the director may require.
2 The permittee shall be subject to all state laws and
3 regulations and all local regulations except that the permittee
4 shall not be required to suspend the dispensing of alcoholic
5 beverages at the licensed premises solely because of the
6 issuance of the special dispenser's permit.

7 E. The person holding a dispenser's license and
8 ~~[his]~~ the person's employees shall be the only persons
9 permitted to dispense alcohol during the function for which the
10 permit was sought. Issuance of the special dispenser's permit
11 is within the director's discretion and is subject to any
12 reasonable requirements imposed by the director.

13 F. Any person holding a dispenser's license in a
14 local option district in which Sunday sales of alcoholic
15 beverages are not otherwise permitted pursuant to the Liquor
16 Control Act may dispense beer and wine on Sunday at any public
17 celebration for which it has received a concession from the
18 governing body in charge of the public celebration, provided
19 the governing body of that local option district has by
20 resolution expressly permitted such beer and wine sales on
21 Sunday at that public celebration in accordance with the
22 provisions of this section.

23 G. Any person holding a dispenser's license who
24 dispenses alcoholic beverages at a church's public celebration
25 under a special dispenser's permit pursuant to this section may

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1 donate to the church holding the public celebration any portion
2 of the profits from the sale of alcoholic beverages at that
3 public celebration. Employees of that dispenser or other
4 individuals who have completed a certified alcohol server
5 training program may donate to the church holding a public
6 celebration their services as servers of alcoholic beverages at
7 that public celebration.

8 H. Nothing in the Liquor Control Act shall be
9 deemed to prohibit a permissive lottery conducted pursuant to
10 Section 30-19-6 NMSA 1978 at a public celebration at which
11 alcoholic beverages are dispensed under the provisions of this
12 section."

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