

HOUSE STATE GOVERNMENT, INDIAN AND VETERANS AFFAIRS  
COMMITTEE SUBSTITUTE FOR  
HOUSE BILL 39

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

AN ACT

RELATING TO LIQUOR CONTROL; PROVIDING THAT A LIMITED NUMBER OF  
GOVERNMENTAL LICENSES MAY BE ISSUED TO A GOVERNMENTAL ENTITY  
FOR A QUALIFYING FACILITY; DEFINING "QUALIFYING FACILITY";  
PROVIDING THAT EXISTING LICENSEES BE OFFERED THE OPPORTUNITY TO  
LEASE ANY GOVERNMENTAL LICENSES ISSUED FOR A QUALIFYING  
FACILITY.

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

1 director may issue to any one governmental entity no more than  
2 five governmental licenses for which the premises to be  
3 licensed is a qualifying facility and, before a governmental  
4 entity may be issued such a license, that entity shall contact  
5 each person who currently holds a license issued pursuant to  
6 the Liquor Control Act for a premises in the same local option  
7 district, if any, offer each person the opportunity to lease  
8 the governmental license upon its issuance and lease the  
9 governmental license to any such person who wishes to lease the  
10 license. The governmental entity and its lessee shall be  
11 subject to all state laws and regulations governing dispensers.

12 B. A governmental license may be leased to a  
13 qualified lessee and may only be used by the lessee for its  
14 operation during events authorized by the governmental entity  
15 at the governmental facility, or authorized by the governmental  
16 entity at the qualifying facility, designated on the  
17 governmental license. A governmental entity shall establish  
18 the lease fee paid by a governmental license lessee that will  
19 use the license at a qualifying facility. The governmental  
20 entity and its lessee shall not sell alcoholic beverages for  
21 consumption off the licensed premises. On the licensed  
22 premises of a municipal baseball park, the sale or service of  
23 alcoholic beverages in unbroken packages is allowed. Alcoholic  
24 beverages shall not be removed from the licensed premises of a  
25 municipal baseball park. A server as defined in Section 60-6E-

.206715.2

1 3 NMSA 1978 is not required to be present in a skybox to serve  
2 alcoholic beverages to the person leasing the skybox or the  
3 person's guests.

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

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

19 E. For the purposes of this section:

20 (1) "governmental entity" means a  
21 municipality, a county, a state fair that is held for less than  
22 ten days per year, the state fair commission, a state museum, a  
23 state university or the spaceport authority;

24 (2) "governmental facility" means locations on  
25 property owned or operated by a governmental entity, including

.206715.2

1 county fairs; state fairs held for less than ten days per year;  
2 convention centers; airports; civic centers; food service  
3 facilities in state museums; auditoriums; all facilities on the  
4 New Mexico state fairgrounds; facilities used for athletic  
5 competitions; golf courses, including golf courses required to  
6 be used for municipal purposes notwithstanding that there may  
7 be an existing club license at the same location operated by  
8 the same club licensee; other facilities used for cultural or  
9 artistic performances; and all spaceport authority facilities,  
10 but "governmental facility" does not include tennis facilities;

11 (3) "lessee" means an individual, corporation,  
12 partnership, firm or association that fulfills the requirements  
13 set forth in Subsections A through D of Section 60-6B-2 NMSA  
14 1978;

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

22 (5) "qualifying facility" means only:

23 (a) with respect to a municipality with  
24 a population of less than twenty thousand persons based on the  
25 most recent federal decennial census, a place of business at

1 which alcoholic beverages may be served and consumed in  
 2 accordance with this section and other applicable laws; and

3 (b) with respect to a municipality with  
 4 a population between twenty thousand and fifty thousand persons  
 5 based on the most recent federal decennial census, a place of  
 6 business at which alcoholic beverages may be served and  
 7 consumed in accordance with this section and other applicable  
 8 laws and that is located in an area designated as: 1) a  
 9 metropolitan redevelopment area, pursuant to the Metropolitan  
 10 Redevelopment Code; or 2) a main street project area, pursuant  
 11 to the Main Street Act; and

12 [~~5~~] (6) "skybox" means a room or area of  
 13 seating of a municipal baseball park, separated from the  
 14 general seating and usually located in the upper decks of the  
 15 park, leased to a person for that person's exclusive use during  
 16 baseball games and at any other time throughout the year.

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

21 **SECTION 2. EFFECTIVE DATE.**--The effective date of the  
 22 provisions of this act is July 1, 2017.