

1 SENATE BILL 136

2 **55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021**

3 INTRODUCED BY

4 William P. Soules

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10 AN ACT

11 RELATING TO LIQUOR CONTROL; PROVIDING THAT A LOCAL OPTION
12 DISTRICT MAY HOLD AN ELECTION TO ALLOW THE SALE BY CERTAIN
13 RESTAURANT LICENSEES OF SPIRITUOUS LIQUORS DISTILLED AND
14 BOTTLED IN NEW MEXICO.

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

17 SECTION 1. Section 60-6A-4 NMSA 1978 (being Laws 1981,
18 Chapter 39, Section 21, as amended) is amended to read:

19 "60-6A-4. RESTAURANT LICENSE.--

20 A. A local option district may approve the issuance
21 of restaurant licenses for either the sale of beer and wine
22 only or for the sale of beer and wine and of spirituous liquors
23 distilled and bottled in New Mexico by holding an election on
24 [~~that question~~] either option or both options pursuant to the
25 procedures set out in Section 60-5A-1 NMSA 1978. The election

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1 also may be initiated by a resolution adopted by the governing
2 body of the local option district without a petition from
3 qualified electors having been submitted.

4 B. A local option district that approves the
5 issuance of restaurant licenses for the sale of beer and wine
6 and of spirituous liquors distilled and bottled in New Mexico
7 shall limit the geographic locations in which those licenses
8 are effective to locations designated as:

9 (1) an enterprise zone, pursuant to the
10 Enterprise Zone Act;

11 (2) a tax increment development district,
12 pursuant to the Tax Increment for Development Act;

13 (3) an arts and cultural district, pursuant to
14 the Arts and Cultural District Act;

15 (4) a main street, pursuant to the Main Street
16 Act;

17 (5) a business improvement district, pursuant
18 to the Business Improvement District Act;

19 (6) a frontier community; or

20 (7) any other geographic location within a
21 local option district that has been identified by the main
22 street program coordinator or the relevant local government as
23 a location in need of revitalization or economic development
24 improvements.

25 [~~B.~~] C. After the approval of restaurant licenses

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1 by the qualified electors of the local option district and upon
2 completion of all requirements in the Liquor Control Act for
3 the issuance of licenses, a restaurant located or to be located
4 within the local option district or within a designated
5 location in a local option district as provided for in
6 Subsection B of this section may receive a restaurant license
7 to sell, serve or allow the consumption of beer and wine, and
8 spirituous liquors distilled and bottled in New Mexico, if
9 applicable, subject to the following requirements and
10 restrictions:

11 (1) the applicant shall submit evidence to the
12 department that the applicant has a current valid food service
13 establishment permit;

14 (2) an applicant for a license to sell, serve
15 or allow the consumption of beer and wine and of spirituous
16 liquors distilled and bottled in New Mexico shall submit
17 evidence to the department that the applicant's restaurant is
18 located within the local option district's designated area, as
19 required in Subsection B of this section;

20 [~~2~~] (3) the applicant shall satisfy the
21 director that the primary source of revenue from the operation
22 of the restaurant will be derived from meals and not from the
23 sale of beer and wine, and spirituous liquors distilled and
24 bottled in New Mexico, if applicable;

25 [~~3~~] (4) the director shall condition renewal

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1 upon a requirement that no less than sixty percent of gross
2 receipts from the preceding twelve months' operation of the
3 licensed restaurant was derived from the sale of meals;

4 [~~(4)~~] (5) upon application for renewal, the
5 licensee shall submit an annual report to the director
6 indicating the annual gross receipts from the sale of meals and
7 from the sale of beer and wine [~~sales~~], and spirituous liquors
8 distilled and bottled in New Mexico, if applicable;

9 [~~(5)~~] (6) restaurant licensees shall not sell
10 beer [~~and~~] or wine, or spirituous liquors distilled and bottled
11 in New Mexico, if applicable, for consumption off the licensed
12 premises;

13 [~~(6)~~] (7) all sales, services and consumption
14 of beer and wine, and spirituous liquors distilled and bottled
15 in New Mexico, if applicable, authorized by a restaurant
16 license shall cease at the time meal sales and services cease
17 or at 11:00 p.m., whichever time is earlier;

18 [~~(7)~~] (8) if Sunday sales have been approved
19 in the local option district, a restaurant licensee may serve
20 beer and wine, and spirituous liquors distilled and bottled in
21 New Mexico, if applicable, on Sundays until the time meal sales
22 and services cease or 11:00 p.m., whichever time is earlier;
23 and

24 [~~(8)~~] (9) a restaurant license shall not be
25 transferable from person to person or from one location to

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1 another.

2 ~~[G-]~~ D. The provisions of Section 60-6A-18 NMSA
3 1978 shall not apply to restaurant licenses.

4 ~~[D-]~~ E. Nothing in this section shall prevent a
5 restaurant licensee from receiving other licenses pursuant to
6 the Liquor Control Act."

7 **SECTION 2.** Section 60-6A-15 NMSA 1978 (being Laws 1981,
8 Chapter 39, Section 32, as amended) is amended to read:

9 "60-6A-15. LICENSE FEES.--Every application for the
10 issuance or renewal of the following licenses shall be
11 accompanied by a license fee in the following specified
12 amounts:

13 A. manufacturer's license as a distiller, except a
14 brandy manufacturer, three thousand dollars (\$3,000);

15 B. manufacturer's license as a brewer, three
16 thousand dollars (\$3,000);

17 C. manufacturer's license as a rectifier, one
18 thousand fifty dollars (\$1,050);

19 D. wholesaler's license to sell all alcoholic
20 beverages for resale only, two thousand five hundred dollars
21 (\$2,500);

22 E. wholesaler's license to sell spirituous liquors
23 and wine for resale only, one thousand seven hundred fifty
24 dollars (\$1,750);

25 F. wholesaler's license to sell spirituous liquors

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1 for resale only, one thousand five hundred dollars (\$1,500);

2 G. wholesaler's license to sell beer and wine for
3 resale only, one thousand five hundred dollars (\$1,500);

4 H. wholesaler's license to sell beer for resale
5 only, one thousand dollars (\$1,000);

6 I. wholesaler's license to sell wine for resale
7 only, seven hundred fifty dollars (\$750);

8 J. retailer's license, one thousand three hundred
9 dollars (\$1,300);

10 K. dispenser's license, one thousand three hundred
11 dollars (\$1,300);

12 L. canopy license, one thousand three hundred
13 dollars (\$1,300);

14 M. restaurant license:

15 (1) for the sale of beer and wine only, one
16 thousand fifty dollars (\$1,050); or

17 (2) for the sale of beer and wine and of
18 spirituous liquors distilled and bottled in New Mexico, two
19 thousand dollars (\$2,000);

20 N. club license, for clubs with more than two
21 hundred fifty members, one thousand two hundred fifty dollars
22 (\$1,250), and for clubs with two hundred fifty members or
23 fewer, two hundred fifty dollars (\$250);

24 O. wine bottler's license to sell to wholesalers
25 only, five hundred dollars (\$500);

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1 P. public service license, one thousand two hundred
2 fifty dollars (\$1,250);

3 Q. nonresident licenses, for a total billing to New
4 Mexico wholesalers:

- 5 (1) in excess of:
- 6 \$3,000,000 annually \$10,500;
 - 7 1,000,000 annually 5,250;
 - 8 500,000 annually 3,750;
 - 9 200,000 annually 2,700;
 - 10 100,000 annually 1,800;

11 and
12 50,000 annually 900; and

13 (2) of \$50,000 or less \$300;

14 R. wine wholesaler's license, for persons with
15 sales of five thousand gallons of wine per year or less,
16 twenty-five dollars (\$25.00), and for persons with sales in
17 excess of five thousand gallons of wine per year, one hundred
18 dollars (\$100); and

19 S. beer bottler's license, two hundred dollars
20 (\$200)."

21 SECTION 3. EFFECTIVE DATE.--The effective date of the
22 provisions of this act is July 1, 2021.