

FIFTY-SEVENTH LEGISLATURE
FIRST SESSION

PROPOSED AMENDMENT DIRECTED TO A COMMITTEE

February 20, 2025

Mr. Chair:

I propose to the HOUSE TAXATION AND REVENUE COMMITTEE the following amendments to

HOUSE BILL 417

1. On page 1, line 13, after the semicolon, insert "PROVIDING AN EXEMPTION FROM THE SURTAX FOR MICROBREWERS AND RESTAURANTS;".

2. On page 9, line 22, before "Beginning", insert the subsection designation "A.".

3. On page 10, line 2, strike the closing quotation mark and between lines 2 and 3, insert:

"B. Exempted from the liquor excise surtax are alcoholic beverages sold by a microbrewer and a restaurant.

C. As used in this section, "restaurant" means an establishment that is held out to the public as a place where meals and beverages are prepared and primarily intended to be served for on-premises consumption to the general public in consideration of payment and that has a dining room, a kitchen and the employees necessary for preparing, cooking and serving meals; provided that the restaurant has been issued a permit pursuant to Section 25-1-7 NMSA 1978 that is in good standing and, if the restaurant serves alcoholic beverages, has been issued a license pursuant to Section 60-6A-4 NMSA 1978. "Restaurant" does not include an establishment commonly known as a fast food restaurant that dispenses food intended to be ordered, prepared and served quickly, with minimal or

no table service, and prepared in quantity by a standardized method for consumption on and off premises, and that tends to have any of the following characteristics:

- (1) a menu consisting primarily of pre-cooked items or items prepared in advance and heated quickly;
- (2) placement of orders at a fast serve drive-through or walk-up window;
- (3) service of food solely in disposable wrapping or containers; or
- (4) a menu that exclusively sells hamburgers, sandwiches, salads and other fast foods."".

Respectfully submitted,
