

AN ACT

RELATING TO ALCOHOL BUSINESS LICENSES; AMENDING SECTIONS OF THE NMSA 1978 TO CHANGE PROVISIONS FOR SPECIAL DISPENSER'S PERMIT, REGISTRATION AND LICENSE FEES; PROVIDING FOR NONRESIDENT LICENSES AND COMMON CARRIER REGISTRATIONS.

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

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

C. In addition to the state fee and if previously provided for by ordinance, the governing body of the local

option district in which the public celebration is held may charge an additional fee not to exceed twenty-five dollars (\$25.00) per day for each day the permittee dispenses alcoholic beverages. The permittee shall be subject to all state laws and regulations and all local regulations regulating dispenser's privileges and disabilities. All fees collected by the governing body of the local option district may be used to fund free ride home programs.

D. Any person holding a dispenser's license may be issued a special dispenser's permit by the director allowing the dispensing of alcoholic beverages at a function catered by that business, provided the governing body of the local option district has given the person seeking the permit written approval to dispense alcoholic beverages at the catered function. The permit shall be valid for no more than twelve hours. To apply for the permit, the holder of a dispenser's license shall submit a fee of twenty-five dollars (\$25.00) together with such information as the director may require. The permittee shall be subject to all state laws and regulations and all local regulations except that the permittee shall not be required to suspend the dispensing of alcoholic beverages at the licensed premises solely because of the issuance of the special dispenser's permit.

E. The person holding a dispenser's license and his employees shall be the only persons permitted to dispense

alcohol during the function for which the permit was sought. Issuance of the special dispenser's permit is within the director's discretion and is subject to any reasonable requirements imposed by the director.

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

G. Any person holding a dispenser's license who dispenses alcoholic beverages at a church's public celebration under a special dispenser's permit pursuant to this section may donate to the church holding the public celebration any portion of the profits from the sale of alcoholic beverages at that public celebration. Employees of that dispenser or other individuals who have completed a certified alcohol server training program may donate to the church holding a public celebration their services as servers of alcoholic beverages at that public celebration."

1981, Chapter 39, Section 30) is amended to read:

"60-6A-13. REGISTRATION TO TRANSPORT. -- For the renewal year beginning on July 1, 1998 and every three years thereafter, every common carrier transporting alcoholic beverages into and for delivery within the state shall register with the department and pay a registration fee of fifty dollars (\$50.00)."

Section 3. Section 60-6A-15 NMSA 1978 (being Laws 1981, Chapter 39, Section 32, as amended) is amended to read:

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

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

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

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

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

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

- F. wholesaler's license to sell spirituous liquors for resale only, one thousand five hundred dollars (\$1,500);
- G. wholesaler's license to sell beer and wine for resale only, one thousand five hundred dollars (\$1,500);
- H. wholesaler's license to sell beer for resale only, one thousand dollars (\$1,000);
- I. wholesaler's license to sell wine for resale only, seven hundred fifty dollars (\$750);
- J. retailer's license, one thousand two hundred fifty dollars (\$1,250);
- K. dispenser's license, one thousand two hundred fifty dollars (\$1,250);
- L. canopy license, one thousand two hundred fifty dollars (\$1,250);
- M. restaurant license, one thousand dollars (\$1,000);
- N. club license, one thousand two hundred fifty dollars (\$1,250);
- O. wine bottler's license to sell to wholesalers only, five hundred dollars (\$500);
- P. public service license, one thousand two hundred fifty dollars (\$1,250);
- Q. nonresident licenses, for a total billing to New Mexico wholesalers in excess of:

\$3,000,000 annually . . . . .	\$10,500;
1,000,000 annually . . . . .	5,250;
500,000 annually . . . . .	3,750;
200,000 annually . . . . .	2,700;
100,000 annually . . . . .	1,800; and
50,000 or less annually . . . . .	900;

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

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

Section 4. Section 60-6A-16 NMSA 1978 (being Laws 1981, Chapter 39, Section 33) is amended to read:

"60-6A-16. PRORATION OF FEES. --

A. The license fees required of retailers, dispensers, restaurants, clubs and public service licensees shall be prorated so that licenses issued prior to October 1 of any year shall be subject to the full amount of the annual license fee. Licenses issued on or subsequent to October 1 and prior to January 1 shall be subject to three-fourths of the annual license fee. Licenses issued on or subsequent to January 1 and prior to April 1 of a year shall be subject to one-half of the annual license fee. Licenses issued on or

subsequent to April 1 shall be subject to one-fourth of the annual license fee.

B. All licenses issued to manufacturers, wine bottlers and wholesalers shall be paid for at the yearly rate regardless of the date issued and shall expire on June 30 of the fiscal year for which the licenses are issued.

C. Nonresident licenses and carrier registrations shall be prorated so that licenses issued before the end of the first year of the three-year license period are subject to the full amount of the license fee. Licenses issued on or after the end of the first year and before the end of the second year are subject to two-thirds of the license fee. Licenses issued on or after the end of the second year are subject to one-third of the license fee."

Section 5. Section 60-6B-5 NMSA 1978 (being Laws 1981, Chapter 39, Section 41) is amended to read:

"60-6B-5. EXPIRATION AND RENEWAL OF LICENSES. -- All licenses provided for in the Liquor Control Act, except nonresident licenses and common carrier registrations, shall expire on June 30 of each year and may be renewed from year to year under the rules of the department. Current nonresident licenses and common carrier registrations shall expire on June 30, 1998 and may be renewed for three-year periods thereafter. The director shall determine whether any of the licensees under his jurisdiction are delinquent in any

taxes administered by the taxation and revenue department as of June 1 of each renewal period. The director shall also determine whether or not there exists any other reason why a license should not be renewed. If the director determines that the license should not be renewed, he shall enter an order requiring the licensee, after notice, to show cause why his license should be renewed, and he shall conduct a hearing on the matter. If, after the hearing, the director finds that the licensee is qualified, he shall renew the license."