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SENATE BILL 134

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

INTRODUCED BY

R. L. Stockard

AN ACT

RELATING TO ALCOHOLIC BEVERAGES; REMOVING THE PROHIBITION ON THE SALE OR SERVICE OF ALCOHOLIC BEVERAGES BY LICENSEES DURING VOTING HOURS ON ELECTION DAYS; AMENDING A SECTION OF THE LIQUOR CONTROL ACT.

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

Section 1. Section 60-7A-1 NMSA 1978 (being Laws 1981, Chapter 39, Section 47, as amended) is amended to read:

"60-7A-1. HOURS AND DAYS OF BUSINESS--SUNDAY SALES-- CHRISTMAS DAY SALES--SUNDAY SALES FOR CONSUMPTION OFF THE LICENSED PREMISES-- ELECTIONS. --

A. Alcoholic beverages shall be sold, served and consumed on licensed premises only during the following hours and days:

- (1) on Mondays from 7:00 a.m. until midnight;

underscored material = new
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underscored material = new
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1 (2) on other weekdays from after midnight of
2 the previous day until 2:00 a.m., then from 7:00 a.m. until
3 midnight, except as provided in Subsections D [~~E and G~~] and F
4 of this section; and

5 (3) on Sundays only after midnight of the
6 previous day until 2:00 a.m., except as provided in
7 Subsections C and [~~F~~] E of this section; provided, however,
8 nothing in this section shall prohibit the consumption at any
9 time of alcoholic beverages in guest rooms of hotels.

10 B. Alcoholic beverages shall be sold by a
11 dispenser or a retailer in unbroken packages, for consumption
12 off the licensed premises and not for resale, on Mondays
13 through Saturdays from 7:00 a.m. until 12:00 a.m. on the
14 following day, except as provided in Subsections D [~~E and G~~]
15 and F of this section.

16 C. Subject to the provisions of Subsections [~~F and~~
17 ~~H~~] E and G of this section, a dispenser, restaurant licensee
18 or club may, upon payment of an additional fee of one hundred
19 dollars (\$100), obtain a permit to sell, serve or permit the
20 consumption of alcoholic beverages by the drink on the
21 licensed premises on Sundays from 12:00 noon until midnight
22 and in those years when December 31 falls on a Sunday from
23 12:00 noon until 2:00 a.m. of the following day, except as
24 otherwise provided in Subsection [~~F~~] E of this section. The
25 permit shall expire on June 30 of each year and may be renewed

underscored material = new
[bracketed material] = delete

1 from year to year upon application for renewal and payment of
2 the required fee. The permit fee shall not be prorated.
3 Sales made pursuant to this subsection or Subsection [H] G of
4 this section shall be called "Sunday sales".

5 ~~[D. Retailers, dispensers, canopy licensees,~~
6 ~~restaurant licensees, club licensees and governmental~~
7 ~~licensees or their lessees shall not sell, serve, deliver or~~
8 ~~allow the consumption of alcoholic beverages on the licensed~~
9 ~~premises during voting hours on the days of the primary~~
10 ~~election, general election, elections for officers of a~~
11 ~~municipality or any other election as prescribed by the rules~~
12 ~~and regulations of the director.~~

13 ~~E.]~~ D. Retailers, dispensers, canopy licensees
14 that were replaced by dispenser's licensees pursuant to
15 Section 60-6B-16 NMSA 1978, restaurant licensees, club
16 licensees and governmental licensees or their lessees shall
17 not sell, serve, deliver or allow the consumption of alcoholic
18 beverages on the licensed premises from 2:00 a. m. on Christmas
19 day until 7:00 a. m. on the day after Christmas, except as
20 permitted pursuant to Subsection [G] F of this section.

21 ~~[F.]~~ E. At the 1984 general election, the
22 secretary of state shall order placed on the ballot in each
23 local option district the question "Shall Sunday sales of
24 alcoholic beverages by the drink for consumption on the
25 licensed premises of licensees be allowed in this local option

underscored material = new
[bracketed material] = delete

1 district?". If the secretary of state determines a need, he
2 may authorize the use of paper ballots for the purpose of the
3 election provided for pursuant to this subsection. Until such
4 election, Sunday sales shall be permitted on the same basis in
5 any local option district as provided under any former act,
6 and the election held at the first general election following
7 the effective date of the Liquor Control Act shall have no
8 effect on whether Sunday sales are permitted in any local
9 option district. If the question is disapproved by a majority
10 of those voting upon the question in the local option
11 district, Sunday sales shall be unlawful in that local option
12 district upon certification of the election returns, and the
13 question shall not again be placed on the ballot in that local
14 option district until:

- 15 (1) at least one year has passed; and
- 16 (2) a petition is filed with the local
17 governing body bearing the signatures of registered qualified
18 electors of the local option district equal in number to ten
19 percent of the number of votes cast and counted in the local
20 option district for governor in the last preceding general
21 election in which a governor was elected. The signatures on
22 the petition shall be verified by the clerk of the county in
23 which the local option district is situated.

24 [G.] F. On and after July 1, 1989, dispensers,
25 canopy licensees that were replaced by dispenser's licensees

underscored material = new
~~[bracketed material]~~ = delete

1 pursuant to Section 60-6B-16 NMSA 1978, restaurant licensees,
2 club licensees and governmental licensees or lessees of these
3 licensees may sell, serve or allow the consumption of beer and
4 wine with meals on licensed premises from noon until 10:00
5 p.m. on Christmas day, except in a local option district in
6 which, pursuant to petition and election under this
7 subsection, a majority of the voters voting on the question
8 votes against continuing such sales or consumption on
9 Christmas day. An election shall be held on the question of
10 whether to continue to allow the sale, service or consumption
11 of beer and wine with meals on licensed premises from noon
12 until 10:00 p.m. on Christmas day in a local option district,
13 if a petition requesting the governing body of that district
14 to call the election is signed by at least ten percent of the
15 registered voters of the district and is filed with the clerk
16 of the governing body of the district. Upon verification by
17 the clerk that the petition contains the required number of
18 signatures of registered voters, the governing body shall
19 adopt a resolution calling an election on the question of
20 allowing the sale, service or consumption of beer and wine
21 with meals on licensed premises from noon until 10:00 p.m. on
22 Christmas day. The election shall be held within sixty days
23 after the date the petition is verified, or it may be held in
24 conjunction with a regular election of the governing body if
25 that election occurs within sixty days of such verification.

. 124760. 1

underscored material = new
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1 The election shall be called, conducted, counted and canvassed
2 in substantially the same manner as provided for general
3 elections in the county under the Election Code or for special
4 municipal elections in a municipality under the Municipal
5 Election Code. If a majority of the voters voting on the
6 question votes against continuing the sale, service or
7 consumption of beer and wine with meals on licensed premises
8 from noon until 10:00 p.m. on Christmas day, then such sales
9 and consumption shall be prohibited. If a majority of the
10 voters voting on the question votes to allow continued sale,
11 service and consumption of beer and wine with meals on
12 licensed premises from noon until 10:00 p.m. on Christmas day,
13 then such sales and consumption shall be allowed to continue.
14 The question then shall not be submitted again to the voters
15 within two years of the date of the last election on the
16 question.

17 [H.] G. Notwithstanding the provisions of
18 Subsection [F] E of this section, any Indian tribe or pueblo
19 whose lands are wholly situated within the state that has, by
20 statute, ordinance or resolution, elected to permit the sale,
21 possession or consumption of alcoholic beverages on lands
22 within the territorial boundaries of the tribe or pueblo may,
23 by statute, ordinance or resolution of the governing body of
24 the Indian tribe or pueblo, permit Sunday sales by the drink
25 on the licensed premises of licensees on lands within the

. 124760. 1

underscored material = new
[bracketed material] = delete

1 territorial boundaries of the tribe or pueblo; provided that a
2 certified copy of such enactment is filed with the office of
3 the director and of the secretary of state.

4 [~~F.~~] H. Subject to the provisions of Subsection
5 [~~F.~~] I. of this section, a dispenser or retailer, upon payment
6 of an additional fee of one hundred dollars (\$100), may obtain
7 a permit to sell alcoholic beverages in unbroken packages for
8 consumption off the licensed premises on Sundays from 12:00
9 noon until midnight, and in those years when December 31 falls
10 on a Sunday, from 12:00 noon on December 31 until 2:00 a.m. of
11 the following day. The permit shall expire on June 30 of each
12 year and may be renewed from year to year upon application for
13 renewal and payment of the required fee. The permit fee shall
14 not be prorated. Sales made pursuant to the provisions of
15 this subsection shall be called "Sunday package sales".

16 [~~F.~~] I. If a petition requesting the governing
17 body of a local option district to call an election on the
18 question of continuing to allow sales of alcoholic beverages
19 in unbroken packages for consumption off the licensed premises
20 on Sundays is filed with the clerk of the governing body and
21 that petition is signed by at least ten percent of the number
22 of registered voters of the local option district and the
23 clerk of the governing body verifies the petition signatures,
24 the governing body shall adopt a resolution calling an
25 election on the question. The election shall be held within

underscored material = new
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1 sixty days of the date the petition is verified, or it may be
2 held in conjunction with a regular election of the governing
3 body, if the regular election occurs within sixty days of the
4 petition verification. The election shall be called,
5 conducted, counted and canvassed substantially in the manner
6 provided by law for general elections within a county or
7 special municipal elections within a municipality. If a
8 majority of the voters of the local option district voting in
9 the election votes to allow the sale of alcoholic beverages in
10 unbroken packages for consumption off the licensed premises,
11 then those sales shall continue to be allowed. If a majority
12 of the voters of the local option district voting in the
13 election votes not to allow the Sunday package sales, then
14 those Sunday package sales shall be prohibited commencing the
15 first Sunday after the results of the election are certified.
16 Following the election, the question of allowing the Sunday
17 package sales shall not be submitted again to the voters
18 within two years of the date of the last election on the
19 question. "

20 Section 2. EFFECTIVE DATE. --The effective date of the
21 provisions of this act is July 1, 1999.

1 FORTY-FOURTH LEGISLATURE

2 FIRST SESSION, 1999

6 February 10, 1999

8 Mr. President:

10 Your PUBLIC AFFAIRS COMMITTEE, to whom has been
11 referred

13 SENATE BILL 134

15 has had it under consideration and reports same with
16 recommendation that it DO PASS.

19 Respectfully submitted,

24 _____
25 Shannon Robinson, Chairman

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1 Adopted _____ Not

2 Adopted _____

3 (Chief Clerk)

(Chief Clerk)

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10 The roll call vote was 5 For 1 Against

11 Yes: 5

12 No: Boitano

13 Excused: Feldman, Garcia, Smith

14 Absent: None

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1 FORTY- FOURTH LEGISLATURE

2 FIRST SESSI ON, 1999

3
4
5 February 4, 1999

6
7 Mr. Presi dent:

8
9 Your RULES COMMITTEE, to whom has been referred

10
11 SENATE BILL 134

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13 has had it under consideration and reports same with
14 recommendation that it DO PASS, and thence referred to the
15 PUBLIC AFFAIRS COMMITTEE.
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18 Respectfully submit ted,

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3 (Chief Clerk)

(Chief Clerk)

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6 Date _____

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9 The roll call vote was 8 For 0 Against

10 Yes: 8

11 No: 0

12 Excused: None

13 Absent: None

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1 FORTY-FOURTH LEGISLATURE
2 FIRST SESSION, 1999
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6 March 16, 1999
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8 Mr. Speaker:
9

10 Your BUSINESS AND INDUSTRY COMMITTEE, to whom has
11 been referred
12

13 SENATE BILL 134
14

15 has had it under consideration and reports same with
16 recommendation that it DO PASS.

17 Respectfully submitted,
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22 Fred Luna, Chairman
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FORTY-FOURTH LEGISLATURE
FIRST SESSION, 1999

3 HBIC/SB 134

Page 14

4 Adopted _____ Not Adopted _____
5 (Chief Clerk) (Chief Clerk)

7 Date _____

9 The roll call vote was 8 For 1 Against

10 Yes: 8

11 No: Rodella

12 Excused: Chavez, Hobbs, J. G. Taylor

13 Absent: None

15 J: \99BillSWP\S0134

underscored material = new
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1 FORTY- FOURTH LEGISLATURE
2 FIRST SESSION, 1999

3
4 March 16, 1999

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6
7 Mr. Speaker:

8
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11 SENATE BILL 134

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21 Fred Luna, Chairman
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FORTY-FOURTH LEGISLATURE
FIRST SESSION, 1999

3 HBIC/SB 134

Page 16

4 Adopted _____ Not Adopted _____
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10 Yes: 8

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