

1 HOUSE BILL 271

2 **54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019**

3 INTRODUCED BY

4 Rod Montoya

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9  
10 AN ACT

11 RELATING TO LIQUOR LICENSES; PROVIDING FOR THE ISSUANCE OF  
12 DISPENSER'S LICENSES TO MUNICIPALITIES AND THE LEASE OF THOSE  
13 LICENSES TO QUALIFIED LESSEES; PERMITTING WHOLESALERS TO SELL  
14 OR OFFER TO SELL ALCOHOLIC BEVERAGES TO QUALIFIED LESSEES.

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

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

19 "60-6A-1. WHOLESALER'S LICENSE.--

20 A. In any local option district, a person qualified  
21 under the provisions of the Liquor Control Act may apply for  
22 and be issued a license as a wholesaler of alcoholic beverages.

23 B. [~~No~~] A wholesaler shall not sell, offer for sale  
24 or ship alcoholic beverages [~~not~~] received at and shipped from  
25 a premises other than the premises specified in the

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1 wholesaler's license. As used in this section, "received at  
2 and shipped from" means that all alcoholic beverages shall be  
3 unloaded at the wholesaler's licensed premises and placed into  
4 inventory before being sold and shipped to a licensed retailer.

5 C. ~~[No]~~ A wholesaler shall not sell or offer for  
6 sale alcoholic beverages to any person other than the holder of  
7 a New Mexico wholesaler's, retailer's, dispenser's, canopy,  
8 restaurant or club license; a qualified lessee of a municipal  
9 dispenser's license; a governmental licensee or its lessee; or  
10 an enterprise owned, operated or licensed by an Indian nation,  
11 tribe or pueblo within the state in conformity with an  
12 ordinance duly adopted by the Indian nation, tribe or pueblo  
13 having jurisdiction over the situs of the transaction within  
14 the area of Indian country, certified by the secretary of the  
15 interior, published in the federal register, according to the  
16 laws of the United States."

17 SECTION 2. A new section of the Liquor Control Act is  
18 enacted to read:

19 "[NEW MATERIAL] MUNICIPAL DISPENSER'S LICENSE.--

20 A. Upon request of the governing body of a  
21 municipality that is, or that is located in, a local option  
22 district, the director shall, for each ten thousand inhabitants  
23 of the municipality as shown by the last federal decennial  
24 census, issue to the municipality a municipal dispenser's  
25 license.

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1           B. A municipality may lease a municipal dispenser's  
2 license to a qualified lessee, who shall be subject to the  
3 provisions of the Liquor Control Act and all rules governing  
4 dispensers, including annual renewal fees and taxes; provided  
5 that the qualified lessee shall have no property right in the  
6 municipal dispenser's license.

7           C. A municipal dispenser's license shall:

8                   (1) be used for the sole purpose of being  
9 leased to a qualified lessee;

10                   (2) not be transferred; and

11                   (3) not expire.

12           D. A municipality shall not be liable or  
13 accountable for the use of its municipal dispenser's license,  
14 including liability for a violation of the Liquor Control Act  
15 and for fees and taxes charged against the license. A  
16 municipal dispenser's license that is revoked for a violation  
17 of the Liquor Control Act by a qualified lessee shall revert to  
18 the municipality.

19           E. A municipality may cancel a lease if the  
20 qualified lessee violates or fails to fulfill a requirement of  
21 the Liquor Control Act or rule governing a dispenser.

22           F. A municipality shall use the proceeds from  
23 leasing a municipal dispenser's license to support economic  
24 development in the municipality.

25           G. The provisions of Section 60-6A-18 NMSA 1978

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1 shall not apply to a municipal dispenser's license.

2 H. For the purposes of this section:

3 (1) "municipal dispenser's license" means a  
4 license issued to a municipality under the provisions of the  
5 Liquor Control Act and for the sole purpose of leasing the  
6 license to a qualified lessee; and

7 (2) "qualified lessee" means a person that  
8 possesses the same qualifications required of a person to  
9 obtain a dispenser's license under the Liquor Control Act."