

1 SENATE BILL 241

2 **52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015**

3 INTRODUCED BY

4 Phil A. Griego

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10 AN ACT

11 RELATING TO LICENSURE; AMENDING A SECTION OF THE LIQUOR CONTROL
12 ACT TO PROVIDE FOR LIMITATIONS ON TRANSFERS OF DISPENSER'S AND
13 RETAILER'S LICENSES TO LOCAL OPTION DISTRICTS.

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

16 SECTION 1. Section 60-6B-12 NMSA 1978 (being Laws 1981,
17 Chapter 39, Section 113, as amended) is amended to read:

18 "60-6B-12. INTER-LOCAL OPTION DISTRICT AND INTER-COUNTY
19 TRANSFERS.--

20 A. ~~All~~ Dispenser's and retailer's licenses
21 originally issued before July 1, 1981, except rural dispenser's
22 and rural retailer's licenses and canopy licenses that were
23 replaced by dispenser's licenses pursuant to Section 60-6B-16
24 NMSA 1978, may be transferred to any location within the state,
25 except class B counties having a population of between fifty-

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1 six thousand and fifty-seven thousand according to the 1980
2 federal decennial census, the municipalities located within
3 those class B counties and any municipality or county that
4 prohibits by election the transfer of a license from another
5 local option district, without regard to the limitations on the
6 maximum number of licenses provided in Section 60-6A-18 NMSA
7 1978, not otherwise contrary to law, subject to the approval of
8 transferring locations of [~~such~~] those liquor licenses [~~of~~] by
9 the governing body for that location; [~~and~~] provided [~~all~~] that
10 the requirements of the Liquor Control Act and department
11 regulations for the transfer of licenses are fulfilled; and
12 provided further that:

13 [~~(1)~~] ~~the transfer of location does not lower~~
14 ~~the number of dispenser's and retailer's licenses below that~~
15 ~~number allowed by law in the local option district from which a~~
16 ~~license will be transferred;~~

17 ~~(2)~~] (1) beginning in calendar year 1997, no
18 more than ten dispenser's or retailer's licenses shall be
19 transferred to any local option district in any calendar year;
20 and

21 [~~(3)~~] (2) the dispenser's or retailer's
22 licenses transferred under this section shall count in the
23 computation of the limitation of the maximum number of licenses
24 that may be issued in the future in any local option district
25 as provided in Section 60-6A-18 NMSA 1978 for the purpose of

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1 determining whether additional licenses may be issued in the
2 local option district under the provisions of Subsection [E] H
3 of Section 60-6B-2 NMSA 1978 [~~and~~

4 ~~(4) the dispenser's or retailer's licenses~~
5 ~~shall be operated or leased by the person who transfers the~~
6 ~~license to the local option district for at least a period of~~
7 ~~one year from the date of the approval of the transfer by the~~
8 ~~department].~~

9 B. [~~Transfers~~] Transfer of location of [~~each~~] a
10 liquor license pursuant to Subsection A of this section shall
11 become effective upon approval of the local governing body,
12 unless within one hundred twenty days after the effective date
13 of the Liquor Control Act a petition requesting an election on
14 the question of approval of statewide transfers of liquor
15 licenses into that local option district is filed with the
16 clerk of the local option district and the petition is signed
17 by at least five percent of the number of registered voters of
18 the district. The clerk of the district shall verify the
19 petition signatures. If the petition is verified as containing
20 the required number of signatures of registered voters, the
21 governing body shall adopt a resolution calling an election on
22 the question of approving or disapproving statewide transfers
23 of liquor licenses into that district. Notice of such election
24 shall be published as provided in Section 3-8-35 NMSA 1978, and
25 the election shall be held within sixty days after the date the

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1 petition is verified or it may be held in conjunction with a
2 regular election of the governing body if such election occurs
3 within sixty days after the date of verification. If a
4 majority of the registered voters of the district voting in
5 such election votes to approve statewide transfers of liquor
6 licenses into the local option district, each license proposing
7 to be transferred shall be subject to the approval of the
8 governing body. If the voters of the district voting in the
9 election vote against the approval, then all statewide
10 transfers of liquor licenses pursuant to Subsection A of this
11 section shall be prohibited in that district, unless a petition
12 is filed requesting the question be again submitted to the
13 voters as provided in this subsection. The question of
14 approving or disapproving statewide transfers of liquor
15 licenses into the local option district shall not be submitted
16 again within two years from the date of the last election on
17 the question.

18 C. Any dispenser's license transferred pursuant to
19 this section outside its local option district shall only
20 entitle the licensee to sell, serve or permit the consumption
21 of alcoholic beverages by the drink on the licensed premises.

22 D. Rural dispenser's, rural retailer's and rural
23 club licenses issued under any former act may be transferred to
24 any location, subject to the restrictions as to location
25 contained in the Liquor Control Act, within the unincorporated

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1 area of the county in which they are currently located;
2 provided that they shall not be transferred to any location
3 within ten miles of another licensed premises; and provided
4 further that all requirements of the Liquor Control Act and
5 department regulations for the transfer of licenses are
6 fulfilled."

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