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SENATE BILL 349

46TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2004

INTRODUCED BY

Leonard Tsosie

FOR THE INDIAN AFFAIRS COMMITTEE

AN ACT

RELATING TO ALCOHOLIC BEVERAGES; CHANGING THE PROCEDURES AND
AUTHORITY FOR APPROVAL OF NEW LIQUOR LICENSES AND TRANSFER OF
EXISTING LICENSES; AMENDING AND ENACTING SECTIONS OF THE NMSA
1978.

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

Section 1. Section 60-6B-2 NMSA 1978 (being Laws 1981,
Chapter 39, Section 38, as amended) is amended to read:

"60-6B-2. APPLICATIONS.--

A. Before a new license authorized by the Liquor
Control Act may be issued by the director, the applicant for
the license shall:

(1) submit to the director a written
application for the license under oath, in the form prescribed
by and stating the information required by the director,

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1 together with a nonrefundable application fee of two hundred
2 dollars (\$200);

3 (2) submit to the director for [~~his~~] approval
4 a description, including floor plans, in a form prescribed by
5 the director, that shows the proposed licensed premises for
6 which the license application is submitted. The area
7 represented by the approved description shall become the
8 licensed premises;

9 (3) if the applicant is a corporation, be
10 required to submit as part of its application the following:

11 (a) a certified copy of its articles of
12 incorporation or, if a foreign corporation, a certified copy of
13 its certificate of authority;

14 (b) the names and addresses of all
15 officers and directors and those stockholders owning ten
16 percent or more of the voting stock of the corporation and the
17 amounts of stock held by each stockholder; provided, however, a
18 corporation may not be licensed if an officer, manager,
19 director or holder of more than ten percent of the stock would
20 not be eligible to hold a license pursuant to the Liquor
21 Control Act [~~except that~~]. The provision of Subsection D of
22 Section 60-6B-1 NMSA 1978 shall not apply if the stock is
23 listed with a national securities exchange;

24 (c) the name of the resident agent of
25 the corporation authorized to accept service of process for all

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1 purposes, including orders and notices of the director, which
2 agent shall be approved by the director [~~with respect to his~~
3 ~~character~~];

4 (d) a duly executed power of attorney
5 authorizing the agent described in Subparagraph (c) of this
6 paragraph to exercise full authority, control and
7 responsibility for the conduct of [~~all~~] business and
8 transactions of the corporation within the state relative to
9 the sale of alcoholic beverages under authority of the license
10 requested; and

11 (e) [~~such~~] additional information
12 regarding the corporation as the director may require to assure
13 full disclosure of the corporation's structure and financial
14 responsibility;

15 (4) if the applicant is a limited partnership,
16 submit as part of its application the following:

17 (a) a certified copy of its certificate
18 of limited partnership;

19 (b) the names and addresses of [~~all~~]
20 each general [~~partners~~] partner and of [~~all~~] each limited
21 [~~partners~~] partner contributing ten percent or more of the
22 total value of contributions made to the limited partnership or
23 entitled to ten percent or more of the profits earned or other
24 income paid by the limited partnership. A limited partnership
25 shall not receive a license if [~~any~~] each partner designated in

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1 this subsection would not be eligible to hold a license issued
2 pursuant to the Liquor Control Act; and

3 (c) [~~such~~] additional information
4 regarding the limited partnership as the director may require
5 to assure full disclosure of the limited partnership's
6 structure and financial responsibility; and

7 (5) obtain approval for the issuance from the
8 governing body of the local option district in which the
9 proposed licensed premises are to be located in accordance with
10 the provisions of the Liquor Control Act.

11 B. [~~Every~~] An applicant for a new license [~~or for a~~
12 ~~transfer of ownership of a license~~], if an individual or
13 general partnership, shall file with the application two
14 complete sets of fingerprints of each individual, taken under
15 the supervision of and certified to by an officer of the New
16 Mexico state police, a county sheriff or a municipal chief of
17 police. If the applicant is a corporation, it shall file two
18 complete sets of fingerprints [~~for~~] of each stockholder holding
19 ten percent or more of the outstanding stock and of the
20 principal officer, director and [~~the~~] agent responsible for the
21 operation of the licensed business. The fingerprints shall be
22 taken and certified to as provided for an individual or
23 partnership. If the applicant is a limited partnership, it
24 shall file two complete sets of fingerprints [~~for~~] of each
25 general partner and [~~for~~] of each limited partner contributing

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1 ten percent or more of the total value of contributions made to
2 the limited partnership or entitled to ten percent or more of
3 the profits earned or other compensation by way of income paid
4 by the limited partnership. The fingerprints shall be taken
5 and certified to as provided for an individual or partnership.

6 C. Upon submission of a sworn affidavit from each
7 person who is required to file fingerprints stating that the
8 person has not been convicted of a felony in any jurisdiction
9 and pending the results of background investigations, a
10 temporary license for ninety days may be issued. The temporary
11 license may be extended by the director for an additional
12 ninety days if the director determines there is not sufficient
13 time to complete the background investigation or obtain reviews
14 of fingerprints from appropriate agencies. A temporary license
15 shall be surrendered immediately upon order of the director.

16 D. An applicant who files a false affidavit shall
17 be denied a license. When the director determines a false
18 affidavit has been filed, ~~[he]~~ the director shall refer the
19 matter to the attorney general or district attorney for
20 prosecution of perjury.

21 E. If an applicant is not a resident of New Mexico,
22 fingerprints may be taken under supervision and certification
23 of comparable officers in the state of residence of the
24 applicant.

25 ~~[F. Before issuing a license, the department shall~~

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1 hold a public hearing within thirty days after receipt of the
2 application pursuant to Subsection K of this section.

3 G. An application for transfer of ownership shall
4 be filed with the department no later than thirty days after
5 the date a person acquired an ownership interest in a license.
6 It shall contain the actual date of sale of the license and
7 shall be accompanied by a sworn affidavit from the owner of
8 record of the license agreeing to the sale of the license to
9 the applicant as well as attesting to the accuracy of the
10 information required by this section to be filed with the
11 department. A license shall not be transferred unless it will
12 be placed into operation in an actual location within one
13 hundred twenty days of issuance of the license, unless for good
14 cause shown the director grants an additional extension for a
15 length of time determined by the director.

16 H.] F. Whenever [it appears to] the director
17 determines that there will be more applications for new
18 licenses than the available number of new licenses [~~during any~~
19 ~~time period~~], a random selection method for the qualification,
20 approval and issuance of new licenses shall be provided by the
21 director. The random selection method shall allow each
22 applicant an equal opportunity to obtain an available license,
23 provided that all dispenser's and retailer's licenses issued in
24 [any] a calendar year shall be issued to residents of the
25 state. For the purposes of random selection, the director

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1 shall also set a reasonable deadline by which applications for
2 the available licenses shall be filed. A person shall not file
3 more than one application for each available license and no
4 more than three applications per calendar year.

5 ~~[F.]~~ G. After the deadline set in accordance with
6 Subsection ~~[H]~~ F of this section, no more than ten applications
7 per available license shall be selected at random for priority
8 of qualification and approval. Within thirty days after the
9 random selection for the ten priority positions for each
10 license, a hearing ~~[pursuant to Subsection K of this section]~~
11 shall be held to determine the qualifications of the applicant
12 having the highest priority for each available license. If
13 necessary, ~~[such]~~ a hearing shall be held on each selected
14 application by priority until a qualified applicant for each
15 available license is approved. Further random selections for
16 priority positions shall also be held pursuant to this section
17 as necessary.

18 ~~[J.]~~ H. All applications submitted for a license
19 shall expire upon the director's final approval of a qualified
20 applicant for that available license.

21 ~~[K. The director shall notify the applicant by~~
22 ~~certified mail of the date, time and place of the hearing. The~~
23 ~~hearing shall be held in Santa Fe. The director may designate~~
24 ~~a hearing officer to take evidence at the hearing. The~~
25 ~~director or the hearing officer shall have the power to~~

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1 ~~administer oaths.~~

2 ~~L. In determining whether a license shall be~~
3 ~~issued, the director shall take into consideration all~~
4 ~~requirements of the Liquor Control Act. In the issuance of a~~
5 ~~license, the director shall specifically consider the nature~~
6 ~~and number of prior violations of the Liquor Control Act by the~~
7 ~~applicant or of any citations issued within the prior five~~
8 ~~years against a license held by the applicant or in which the~~
9 ~~applicant had an ownership interest required to be disclosed~~
10 ~~under the Liquor Control Act. The director shall disapprove~~
11 ~~the issuance or give preliminary approval of the issuance of~~
12 ~~the license based upon a review of all documentation submitted~~
13 ~~and any investigation deemed necessary by the director.~~

14 ~~M. Before a new license is issued for a location,~~
15 ~~the director shall cause a notice of the application therefor~~
16 ~~to be posted conspicuously, on a sign not smaller than thirty~~
17 ~~inches by forty inches, on the outside of the front wall or~~
18 ~~front entrance of the immediate premises for which the license~~
19 ~~is sought or, if no building or improvements exist on the~~
20 ~~premises, the notice shall be posted at the front entrance of~~
21 ~~the immediate premises for which the license is sought, on a~~
22 ~~billboard not smaller than five feet by five feet. The~~
23 ~~contents of the notice shall be in the form prescribed by the~~
24 ~~department, and such posting shall be over a continuous period~~
25 ~~of twenty days prior to preliminary approval of the license.~~

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1 ~~N. A license shall not be issued until the posting~~
2 ~~requirements of Subsection M of this section have been met.~~

3 ~~O. All costs of publication and posting shall be~~
4 ~~paid by the applicant.~~

5 ~~P. It is unlawful for a person to remove or deface~~
6 ~~a notice posted in accordance with this section. A person~~
7 ~~convicted of a violation of this subsection shall be punished~~
8 ~~by a fine of not more than three hundred dollars (\$300) or by~~
9 ~~imprisonment in the county jail for not more than one hundred~~
10 ~~twenty days or by both.]~~

11 I. The director shall investigate the applicant's
12 records to determine the nature and number of prior violations
13 of the Liquor Control Act by the applicant and the nature and
14 number of citations issued within the previous five years
15 against a license held by the applicant or in which the
16 applicant had an ownership interest required to be disclosed
17 pursuant to the Liquor Control Act.

18 J. A license shall not be issued until the
19 applicant meets all the requirements of the Liquor Control Act.
20 The director shall establish a process for verification and
21 clarification of the information submitted by the applicant.

22 K. The director shall forward to the local
23 governing body where the license is located:

24 (1) a certification that the application is
25 complete along with the information necessary to identify the

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1 applicant and the location of the license; and

2 (2) a request that the local governing body
3 consider the application for approval.

4 [Q-] L. A person aggrieved by a decision made by
5 the director as to the approval or disapproval of the issuance
6 of a license may appeal to the district court pursuant to the
7 provisions of Section 39-3-1.1 NMSA 1978. If the disapproval
8 is based upon local option district disapproval pursuant to
9 Subsection [H] I of Section 60-6B-4 NMSA 1978, the local option
10 district shall be a necessary party to [~~any~~] the appeal. The
11 decision of the director shall continue in force, pending a
12 reversal or modification by the district court, unless
13 otherwise ordered by the court."

14 Section 2. A new section of the Liquor Control Act,
15 Section 60-6B-2.1 NMSA 1978, is enacted to read:

16 "60-6B-2.1. [NEW MATERIAL] APPLICATIONS FOR TRANSFER OF
17 OWNERSHIP.--

18 A. An application for transfer of ownership shall
19 be filed with the director no later than thirty days after the
20 date a person acquired an ownership interest in a license. It
21 shall contain the actual date of sale of the license and shall
22 be accompanied by a sworn affidavit from the owner of record of
23 the license agreeing to the sale of the license to the
24 applicant as well as attesting to the accuracy of the
25 information required by this section to be filed with the

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1 director. Applications for transfer of ownership shall include
2 all the information required by Section 60-6B-2 NMSA 1978.

3 B. A license shall not be transferred unless:

4 (1) it will be placed into operation in an
5 actual location within one hundred twenty days of issuance of
6 the license; or

7 (2) upon a showing of good cause, the director
8 grants an additional extension for a length of time determined
9 by the director.

10 C. The application shall include a certification
11 that all wholesalers who are creditors of the licensee have
12 been paid or that satisfactory arrangements have been made
13 between the licensee and the wholesaler for the payment of
14 debts. Such debts shall constitute a lien on the license, and
15 the lien shall be deemed to have arisen on the date the debt
16 was originally incurred. An application for transfer of
17 ownership is not complete until the director certifies that the
18 requirements of this section have been met.

19 D. Upon receipt of an application for transfer of
20 ownership of a liquor license, the director shall investigate
21 whether there are outstanding unresolved citations against the
22 licensee for violations of the Liquor Control Act. An
23 application for transfer of ownership is not complete until all
24 outstanding citations against the licensee have been resolved
25 and the director so certifies.

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1 E. The application shall include a certification
2 that gross receipts taxes due have been paid and that no tax
3 liens against the license exist.

4 F. A license shall not be transferred until the
5 applicant meets all the requirements of the Liquor Control Act.
6 The director shall establish a process for verification and
7 clarification of the information submitted by the applicant.

8 G. The director shall forward a certification that
9 the application is complete, along with the information
10 necessary to identify the applicant and the location of the
11 license, to the local governing body where the license is
12 located for approval consideration."

13 Section 3. A new section of the Liquor Control Act,
14 Section 60-6B-2.2 NMSA 1978, is enacted to read:

15 "60-6B-2.2. [NEW MATERIAL] APPLICATIONS FOR TRANSFER OF
16 LOCATION.--

17 A. An application for transfer of an existing
18 liquor license to a different location within the same local
19 option district shall be filed with the director.

20 B. The application shall include a certification
21 that all wholesalers who are creditors of the licensee have
22 been paid or that satisfactory arrangements have been made
23 between the licensee and the wholesaler for the payment of
24 debts. Such debts shall constitute a lien on the license, and
25 the lien shall be deemed to have arisen on the date the debt

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1 was originally incurred. An application for the transfer of
2 location is not complete until the director certifies that the
3 requirements of this section have been met.

4 C. Upon receipt of an application for transfer of
5 location of a liquor license, the director shall investigate
6 whether there are outstanding unresolved citations against the
7 licensee for violations of the Liquor Control Act. An
8 application for transfer of location is not complete until all
9 outstanding citations against the licensee have been resolved
10 and the director so certifies.

11 D. The application shall include a certification
12 that gross receipts taxes due have been paid and that no tax
13 liens against the license exist.

14 E. An existing license shall not be transferred to
15 a different location unless the application meets all the
16 requirements of the Liquor Control Act. The director shall
17 establish a process for verification and clarification of the
18 information submitted by the applicant.

19 F. The director shall forward a certification that
20 the application is complete, along with the information
21 necessary to identify the applicant and the location of the
22 license, to the local governing body where the license is
23 located for approval consideration."

24 Section 4. Section 60-6B-4 NMSA 1978 (being Laws 1981,
25 Chapter 39, Section 40) is amended to read:

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1 "60-6B-4. ISSUANCE OR TRANSFER OF LICENSE--APPROVAL OF
2 APPROPRIATE GOVERNING BODY.--

3 A. Prior to the approval of the issuance of a new
4 license, and prior to the approval of ~~[any]~~ a transfer
5 permitted by Section ~~[39 or 113 of the Liquor Control Act]~~
6 60-6B-2.1 or 60-6B-12 NMSA 1978, the director shall ~~[notify the~~
7 ~~governing body of his preliminary approval of the issuance or~~
8 ~~transfer of the license. Notice]~~ forward the certification of
9 the application for issuance or transfer of the license to the
10 governing body of the political subdivision where the license
11 is located for approval consideration. The certification shall
12 be forwarded to the governing body ~~[shall be]~~ by certified
13 mail.

14 B. A governing body ~~[which]~~ that has received a
15 ~~[notice of preliminary approval of]~~ certification of an
16 application for the issuance or transfer of a license from the
17 ~~[department]~~ director may approve or disapprove the issuance or
18 transfer of the license in accordance with the provisions of
19 this section.

20 ~~[C. Within forty-five days after receipt of a~~
21 ~~notice of preliminary approval from the department, the~~
22 ~~governing body shall hold a public hearing on the question of~~
23 ~~whether the department should approve the proposed issuance or~~
24 ~~transfer.]~~

25 C. Within twenty-one days of receipt of the

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1 certification, the local governing body shall cause a notice of
2 the application to be posted conspicuously, on a sign not
3 smaller than thirty inches by forty inches, on the outside of
4 the front wall or front entrance of the immediate premises for
5 which the license is sought or, if no building or improvements
6 exist on the premises, the notice shall be posted at the front
7 entrance of the immediate premises for which the license is
8 sought, on a billboard not smaller than five feet by five feet.

9 The contents of the notice shall be in the form prescribed by
10 the director, and the posting shall be over a continuous period
11 of twenty days prior to the public hearing on the question of
12 approval of the issuance or transfer of the license.

13 D. Within forty-five days after the receipt of a
14 certification of an application for issuance or transfer of a
15 liquor license, the local governing body shall hold a public
16 hearing to consider whether to approve the proposed issuance or
17 transfer.

18 ~~[D.]~~ E. Notice of the public hearing required by
19 Subsection ~~[G]~~ D of this section shall be given by the
20 governing body by:

21 (1) publishing a notice of the date, time and
22 place of the hearing at least once a week for two consecutive
23 weeks in a newspaper of general circulation within the
24 territorial limits of the governing body. The notice shall set
25 forth:

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1 (a) the name and address of the
2 licensee;

3 (b) the action proposed to be taken by
4 the department;

5 (c) the location of the licensee's
6 premises; and

7 (d) such other information as may be
8 required by the department; and

9 (2) sending a notice by certified mail to the
10 applicant of the date, time and place of the public hearing.

11 F. All costs of publication and posting shall be
12 paid by the applicant.

13 G. It is unlawful for a person to remove or deface
14 a notice posted in accordance with this section. A person
15 convicted of a violation of this subsection shall be punished
16 by a fine of not more than three hundred dollars (\$300) or by
17 imprisonment in the county jail for not more than one hundred
18 twenty days, or both.

19 [~~E.~~] H. The governing body may designate a hearing
20 officer to conduct the hearing. A record shall be made of the
21 hearing.

22 [~~F.~~] I. The governing body may disapprove the
23 issuance or transfer of the license if:

24 (1) the proposed location is within an area
25 where the sale of alcoholic beverages is prohibited by the laws

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1 of New Mexico;

2 (2) the issuance or transfer would be in
3 violation of a zoning or other ordinance of the governing body;
4 or

5 (3) the issuance or transfer would be
6 detrimental to the public health, safety or morals of the
7 residents of the local option district.

8 J. Disapproval shall be supported by substantial
9 evidence, but general health and safety concerns of the
10 community as a whole, without considering the specific location
11 where the license is proposed to be transferred, are sufficient
12 to support a decision to disapprove issuance or transfer of the
13 liquor license.

14 [~~G.~~] K. Within thirty days after the public
15 hearing, the governing body shall notify the [~~department as to~~]
16 director whether the governing body has approved or disapproved
17 the proposed issuance or transfer of the license. [~~If the~~
18 ~~governing body fails to either approve or disapprove the~~
19 ~~issuance or transfer of the license within thirty days after~~
20 ~~the public hearing, the director may give final approval to the~~
21 ~~issuance or transfer of the license.~~

22 ~~H. If the governing body disapproves the issuance~~
23 ~~or transfer of the license, it shall notify the department~~
24 ~~within the time required by Subsection G of this section~~
25 ~~setting forth the reasons for the disapproval. A copy of the~~

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1 ~~minutes of the public hearing shall be submitted to the~~
2 ~~department by the governing body with the notice of~~
3 ~~disapproval. If the governing body disapproves of the issuance~~
4 ~~or transfer of the license, the director shall disapprove the~~
5 ~~issuance or transfer of the license.~~

6 ~~I. If the governing body approves the issuance or~~
7 ~~transfer of the license, it shall notify the department within~~
8 ~~the time required by Subsection G of this section of its~~
9 ~~approval. If the governing body approves of the issuance or~~
10 ~~transfer of the license, the director shall approve the~~
11 ~~issuance or transfer of the license.]~~

12 L. Within fifteen days after receipt of the notice
13 of the governing body's decision, the director shall issue the
14 license if the governing body has:

15 (1) approved issuance or transfer; or

16 (2) neither approved nor disapproved issuance
17 or transfer.

18 M. The director shall not issue the license if the
19 governing body has disapproved issuance or transfer.

20 N. A person aggrieved by a decision made by the
21 director as to the approval or disapproval of the issuance of a
22 license may appeal to the district court pursuant to the
23 provisions of Section 39-3-1.1 NMSA 1978. If the disapproval
24 is based upon local option district disapproval pursuant to
25 Subsection I of Section 60-6B-4 NMSA 1978, the local option

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1 district shall be a necessary party to the appeal. The
2 decision of the director shall continue in force, pending a
3 reversal or modification by the district court, unless
4 otherwise ordered by the court."

5 Section 5. Section 60-6B-12 NMSA 1978 (being Laws 1981,
6 Chapter 39, Section 113, as amended) is amended to read:

7 "60-6B-12. INTER-LOCAL OPTION DISTRICT TRANSFERS.--

8 A. ~~All~~ Dispenser's and retailer's licenses
9 originally issued before July 1, 1981, except rural dispenser's
10 and rural retailer's licenses and canopy licenses that were
11 replaced by dispenser's licenses pursuant to Section 60-6B-16
12 NMSA 1978, may be transferred to any location within the state,
13 except class B counties having a population of between
14 fifty-six thousand and fifty-seven thousand according to the
15 1980 federal decennial census, the municipalities located
16 within those class B counties and any municipality or county
17 that prohibits by election the transfer of a license from
18 another local option district, without regard to the
19 limitations on the maximum or minimum number of licenses
20 provided in Section 60-6A-18 NMSA 1978, not otherwise contrary
21 to law subject to the approval of transferring locations of
22 ~~such~~ liquor licenses of the governing body for that location
23 and provided ~~all~~ the requirements of the Liquor Control Act
24 and department regulations for the transfer of licenses are
25 fulfilled and provided ~~further~~:

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1 (1) the transfer of location does not lower
2 the number of dispenser's and retailer's licenses below that
3 number allowed by law in the local option district from which a
4 license will be transferred;

5 (2) [~~beginning in calendar year 1997~~] no more
6 than ten dispenser's or retailer's licenses shall be
7 transferred to [~~any~~] a local option district in [~~any~~] a
8 calendar year;

9 (3) the dispenser's or retailer's licenses
10 transferred under this section shall count in the computation
11 of the limitation of the maximum number of licenses that may be
12 issued in the future in [~~any~~] a local option district as
13 provided in Section 60-6A-18 NMSA 1978 for the purpose of
14 determining whether additional licenses may be issued in the
15 local option district under the provisions of Subsection [~~E~~] K
16 of Section [~~60-6B-2~~] 60-6B-4 NMSA 1978; and

17 (4) the dispenser's or retailer's licenses
18 shall be operated or leased by the person who transfers the
19 license to the local option district for at least a period of
20 one year from the date of the approval of the transfer by the
21 [~~department~~] director.

22 B. Transfers of location of each liquor license
23 pursuant to Subsection A of this section shall become effective
24 upon approval of the local governing body, unless within one
25 hundred twenty days after the effective date of the Liquor

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1 Control Act a petition requesting an election on the question
2 of approval of statewide transfers of liquor licenses into that
3 local option district is filed with the clerk of the local
4 option district and the petition is signed by at least five
5 percent of the number of registered voters of the district.
6 The clerk of the district shall verify the petition signatures.
7 If the petition is verified as containing the required number
8 of signatures of registered voters, the governing body shall
9 adopt a resolution calling an election on the question of
10 approving or disapproving statewide transfers of liquor
11 licenses into that district. Notice of [~~such~~] the election
12 shall be published as provided in Section 3-8-35 NMSA 1978, and
13 the election shall be held within sixty days after the date the
14 petition is verified or it may be held in conjunction with a
15 regular election of the governing body if [~~such~~] the election
16 occurs within sixty days after the date of verification. If a
17 majority of the registered voters of the district voting in
18 [~~such~~] the election votes to approve statewide transfers of
19 liquor licenses into the local option district, each license
20 proposing to be transferred shall be subject to the approval of
21 the governing body. If the voters of the district voting in
22 the election vote against the approval, then all statewide
23 transfers of liquor licenses pursuant to Subsection A of this
24 section shall be prohibited in that district, unless a petition
25 is filed requesting the question be again submitted to the

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1 voters as provided in this subsection. The question of
2 approving or disapproving statewide transfers of liquor
3 licenses into the local option district shall not be submitted
4 again within two years from the date of the last election on
5 the question.

6 C. ~~[Any]~~ A dispenser's license transferred pursuant
7 to this section outside its local option district shall only
8 entitle the licensee to sell, serve or permit the consumption
9 of alcoholic beverages by the drink on the licensed premises.

10 D. Rural dispenser's, rural retailer's and rural
11 club licenses issued under ~~[any]~~ a former act may be
12 transferred to any location, subject to the location
13 restrictions ~~[as to location]~~ contained in the Liquor Control
14 Act, within the unincorporated area of the county in which they
15 are currently located; provided they shall not be transferred
16 to ~~[any]~~ a location within ten miles of another licensed
17 premises; and provided further that ~~[all]~~ requirements of the
18 Liquor Control Act and department regulations for the transfer
19 of licenses are fulfilled."