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SENATE BILL 712

47TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2006

INTRODUCED BY

James G. Taylor

AN ACT

RELATING TO TRANSFER OF LIQUOR LICENSES; PROVIDING CONDITIONS FOR THE TRANSFER OF CERTAIN LICENSES; REQUIRING RULES AND A TRANSFER FEE.

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

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

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

A. [~~All~~] Dispenser's and retailer's licenses originally issued before July 1, 1981, except rural dispenser's and rural retailer's licenses and canopy licenses that were replaced by dispenser's licenses pursuant to Section 60-6B-16 NMSA 1978, may be transferred to any location within the state, except class [~~B~~] A counties having a population of between [~~fifty-six~~] one hundred thirteen thousand and [~~fifty-seven~~] one

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1 hundred fourteen thousand and class B counties having a
2 population of between seventy-four thousand and seventy-five
3 thousand according to the [~~1980~~] 2000 federal decennial census,
4 the municipalities located within those [~~class B~~] counties and
5 any municipality or county that prohibits by election the
6 transfer of a license from another local option district,
7 without regard to the limitations on the maximum number of
8 licenses provided in Section 60-6A-18 NMSA 1978, not otherwise
9 contrary to law and subject to the approval of transferring
10 locations of [~~such~~] those liquor licenses [~~of~~] by the governing
11 body for that location and provided [~~all~~] the requirements of
12 the Liquor Control Act and department [~~regulations~~] rules for
13 the transfer of licenses are fulfilled and provided further:

14 (1) except as provided in Paragraph (2) of
15 this subsection, the transfer of location does not lower the
16 number of dispenser's and retailer's licenses below that number
17 allowed by law in the local option district from which a
18 license will be transferred;

19 (2) beginning in calendar year 1997, no more
20 than ten dispenser's or retailer's licenses shall be
21 transferred to any local option district in any calendar year;
22 provided that beginning July 1, 2006, five of the ten licenses
23 described in this paragraph may be transferred not subject to
24 the limitation in Paragraph (1) of this subsection but subject
25 to:

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1 (a) rules promulgated by the department
2 to implement this section; and

3 (b) a five-hundred-dollar (\$500)
4 transfer fee, payable to the department;

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

13 (4) the dispenser's or retailer's licenses
14 shall be operated or leased by the person who transfers the
15 license to the local option district for at least a period of
16 one year from the date of the approval of the transfer by the
17 department.

18 B. ~~[Transfers]~~ Transfer of location of ~~[each]~~ a
19 liquor license pursuant to Subsection A of this section shall
20 become effective upon approval of the local governing body,
21 unless within one hundred twenty days after the effective date
22 of the Liquor Control Act a petition requesting an election on
23 the question of approval of statewide transfers of liquor
24 licenses into that local option district is filed with the
25 clerk of the local option district and the petition is signed

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1 by at least five percent of the number of registered voters of
2 the district. The clerk of the district shall verify the
3 petition signatures. If the petition is verified as containing
4 the required number of signatures of registered voters, the
5 governing body shall adopt a resolution calling an election on
6 the question of approving or disapproving statewide transfers
7 of liquor licenses into that district. Notice of such election
8 shall be published as provided in Section 3-8-35 NMSA 1978, and
9 the election shall be held within sixty days after the date the
10 petition is verified or it may be held in conjunction with a
11 regular election of the governing body if such election occurs
12 within sixty days after the date of verification. If a
13 majority of the registered voters of the district voting in
14 such election votes to approve statewide transfers of liquor
15 licenses into the local option district, each license proposing
16 to be transferred shall be subject to the approval of the
17 governing body. If the voters of the district voting in the
18 election vote against the approval, then all statewide
19 transfers of liquor licenses pursuant to Subsection A of this
20 section shall be prohibited in that district, unless a petition
21 is filed requesting the question be again submitted to the
22 voters as provided in this subsection. The question of
23 approving or disapproving statewide transfers of liquor
24 licenses into the local option district shall not be submitted
25 again within two years from the date of the last election on

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1 the question.

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

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