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SENATE BILL 19

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

INTRODUCED BY

Ron Griggs

AN ACT

RELATING TO LIQUOR LICENSES; ALLOWING A DISPENSER'S LICENSEE TO  
SELECT ONE OF TWO SALE OPTIONS UPON TRANSFER OUT OF A LOCAL  
OPTION DISTRICT.

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 AND INTER-COUNTY  
TRANSFERS.--

A. 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 counties having a population of between fifty-six

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

13 (1) beginning in calendar year 1997, no more  
14 than ten dispenser's or retailer's licenses shall be  
15 transferred to any local option district in any calendar year;  
16 and

17 (2) the dispenser's or retailer's licenses  
18 transferred under this section shall count in the computation  
19 of the limitation of the maximum number of licenses that may be  
20 issued in the future in any local option district as provided  
21 in Section 60-6A-18 NMSA 1978 for the purpose of determining  
22 whether additional licenses may be issued in the local option  
23 district under the provisions of Subsection H of Section  
24 60-6B-2 NMSA 1978.

25 B. Transfer of location of a liquor license

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

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1 all statewide transfers of liquor licenses pursuant to  
2 Subsection A of this section shall be prohibited in that  
3 district, unless a petition is filed requesting the question be  
4 again submitted to the voters as provided in this subsection.  
5 The question of approving or disapproving statewide transfers  
6 of liquor licenses into the local option district shall not be  
7 submitted again within two years from the date of the last  
8 election on the question.

9 C. Any dispenser's license transferred pursuant to  
10 this section outside its local option district shall only  
11 entitle the licensee to select either to:

12 (1) sell, serve or permit the consumption of  
13 alcoholic beverages by the drink on the licensed premises; or

14 (2) sell alcoholic beverages in unbroken  
15 packages.

16 D. The selection of sale option pursuant to  
17 Subsection C of this section shall be made by the licensee at  
18 the time of application for transfer. Once made, the selection  
19 of sale option shall not be changed.

20 [~~D.~~] E. Rural dispenser's, rural retailer's and  
21 rural club licenses issued under any former act may be  
22 transferred to any location, subject to the restrictions as to  
23 location contained in the Liquor Control Act, within the  
24 unincorporated area of the county in which they are currently  
25 located; provided that they shall not be transferred to any

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1 location within ten miles of another licensed premises; and  
2 provided further that all requirements of the Liquor Control  
3 Act and department regulations for the transfer of licenses are  
4 fulfilled."

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