

1 SENATE BILL 464

2 **50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011**

3 INTRODUCED BY

4 Howie Morales

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10 AN ACT

11 RELATING TO ALCOHOLIC BEVERAGE CONTROL; PROVIDING FOR CERTAIN
12 TRANSFERRED LICENSES TO RETAIN THE PRIVILEGES THAT EXISTED
13 PRIOR TO TRANSFER; ALLOWING THE NUMBER OF DISPENSER'S OR
14 RETAILER'S LICENSES TO DECREASE IN A LOCAL OPTION DISTRICT
15 BELOW THE NUMBER ALLOWED BY LAW.

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

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

20 "60-6B-12. INTER-LOCAL OPTION DISTRICT TRANSFERS.--

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

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

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

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

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)]~~ (3) the dispenser's or retailer's
5 licenses shall be operated or leased by the person who
6 transfers the license to the local option district for at least
7 a period of one year from the date of the approval of the
8 transfer by the 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]~~ by the local governing
12 body, unless within one hundred twenty days after the effective
13 date of the Liquor Control Act a petition requesting an
14 election on the question of approval of statewide transfers of
15 liquor licenses into that local option district is filed with
16 the clerk of the local option district and the petition is
17 signed by at least five percent of the number of registered
18 voters of the district. The clerk of the district shall verify
19 the petition signatures. If the petition is verified as
20 containing the required number of signatures of registered
21 voters, the governing body shall adopt a resolution calling an
22 election on the question of approving or disapproving statewide
23 transfers of liquor licenses into that district. Notice of
24 such election shall be published as provided in Section 3-8-35
25 NMSA 1978, and the election shall be held within sixty days

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

24 D. Rural dispenser's, rural retailer's and rural
25 club licenses issued under any former act may be transferred to

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