

1 HOUSE BILL 614

2 **51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013**

3 INTRODUCED BY

4 Rodolpho "Rudy" S. Martinez

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10 AN ACT

11 RELATING TO ALCOHOLIC BEVERAGES; REMOVING THE RESTRICTION THAT
12 PREVENTS THE TRANSFER OF A DISPENSER'S LICENSE IF IT LOWERS THE
13 NUMBER OF LICENSES BELOW THAT ALLOWED BY LAW IN THE LOCAL
14 OPTION DISTRICT FROM WHICH IT IS TRANSFERRED.

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

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

19 "60-6B-12. INTER-LOCAL OPTION DISTRICT 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 [~~(3)]~~ (2) the dispenser's or retailer's
21 licenses transferred under this section shall count in the
22 computation of the limitation of the maximum number of licenses
23 that may be issued in the future in any local option district
24 as provided in Section 60-6A-18 NMSA 1978 for the purpose of
25 determining whether additional licenses may be issued in the

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1 local option district under the provisions of Subsection [~~E~~] H
2 of Section 60-6B-2 NMSA 1978; and

3 [~~(4)~~] (3) the dispenser's or retailer's
4 licenses shall be operated or leased by the person who
5 transfers the license to the local option district for at least
6 a period of one year from the date of the approval of the
7 transfer by the department.

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

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

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

21 D. Rural dispenser's, rural retailer's and rural
22 club licenses issued under any former act may be transferred to
23 any location, subject to the restrictions as to location
24 contained in the Liquor Control Act, within the unincorporated
25 area of the county in which they are currently located;

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