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HOUSE BILL 1133

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

M MICHAEL OLGUIN

AN ACT

RELATING TO LIQUOR LICENSE TRANSFERS; PROVIDING AN ANNUAL LIMIT
ON RETAILER'S AND DISPENSER'S LICENSE TRANSFERS; AMENDING AND
REPEALING SECTIONS OF THE NMSA 1978; DECLARING AN EMERGENCY.

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 counties having a population of between fifty-six
thousand and fifty-seven thousand according to the 1980 federal

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

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

15 (2) beginning in calendar year 1997, no more
16 than [~~five~~] ten dispenser's or retailer's licenses shall be
17 transferred to any local option district in any calendar year;

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

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

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

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

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

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

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1 requirements of the Liquor Control Act and department
2 regulations for the transfer of licenses are fulfilled."

3 Section 2. REPEAL.--Section 60-6B-13 NMSA 1978 (being Laws
4 1981, Chapter 39, Section 115) is repealed.

5 Section 3. EMERGENCY.--It is necessary for the public
6 peace, health and safety that this act take effect immediately.

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State of New Mexico
House of Representatives

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FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

March 4, 1997

Mr. Speaker:

Your **BUSINESS AND INDUSTRY COMMITTEE**, to whom has
been referred

HOUSE BILL 1133

has had it under consideration and reports same with
recommendation that it **DO PASS**, and thence referred to the
JUDICIARY COMMITTEE.

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FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

HBI C/HB 1133

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Respectfully submitted,

Fred Luna, Chairman

Adopted _____

Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 7 For 0 Against

Yes: 7

Excused: Alwin, Hobbs, Kissner, Lutz, Varela

Absent: Getty

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State of New Mexico House of Representatives

**FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997**

March 10, 1997

Mr. Speaker:

Your JUDICIARY COMMITTEE, to whom has been referred

HOUSE BILL 1133

**has had it under consideration and reports same with
recommendation that it DO PASS.**

Respectfully submitted,

Thomas P. Foy, Chairman

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FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

HJC/HB 1133

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Adopted _____ Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 11 For 0 Against

Yes: 11

Excused: King, Rios

Absent: None

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FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

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FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

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March 16, 1997

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10 Mr. President:

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Your PUBLIC AFFAIRS COMMITTEE, to whom has been
referred

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HOUSE BILL 1133

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has had it under consideration and reports same with
recommendation that it DO PASS.

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Respectfully submitted,

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Shannon Robinson, Chairman

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Adopted _____ Not Adopted _____

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

1 HJC/HB 1133

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(Chief Clerk)

(Chief Clerk)

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Date _____

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The roll call vote was 5 For 0 Against

10

Yes: 5

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No: 0

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Excused: Boitano, Garcia, Ingle, Rodarte

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Absent: None

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