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AN ACT

RELATING TO LICENSURE; AMENDING A SECTION OF THE LIQUOR CONTROL ACT TO PROVIDE FOR LIMITATIONS ON TRANSFERS OF DISPENSER'S AND RETAILER'S LICENSES TO LOCAL OPTION DISTRICTS.

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 thousand and fifty-seven thousand according to the 1980 federal decennial census, the municipalities located within those class B counties and any municipality or county that prohibits by election the transfer of a license from another local option district, without regard to the limitations on the maximum number of licenses provided in Section 60-6A-18 NMSA 1978, not otherwise contrary to law, subject to the approval of transferring locations of those

1 liquor licenses by the governing body for that location;  
2 provided that the requirements of the Liquor Control Act and  
3 department regulations for the transfer of licenses are  
4 fulfilled; and provided further that:

5 (1) beginning in calendar year 1997, no more  
6 than ten dispenser's or retailer's licenses shall be  
7 transferred to any local option district in any calendar  
8 year; and

9 (2) the dispenser's or retailer's licenses  
10 transferred under this section shall count in the computation  
11 of the limitation of the maximum number of licenses that may  
12 be issued in the future in any local option district as  
13 provided in Section 60-6A-18 NMSA 1978 for the purpose of  
14 determining whether additional licenses may be issued in the  
15 local option district under the provisions of Subsection H of  
16 Section 60-6B-2 NMSA 1978.

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

1 of the district. The clerk of the district shall verify the  
2 petition signatures. If the petition is verified as  
3 containing the required number of signatures of registered  
4 voters, the governing body shall adopt a resolution calling  
5 an election on the question of approving or disapproving  
6 statewide transfers of liquor licenses into that district.  
7 Notice of such election shall be published as provided in  
8 Section 3-8-35 NMSA 1978, and the election shall be held  
9 within sixty days after the date the petition is verified or  
10 it may be held in conjunction with a regular election of the  
11 governing body if such election occurs within sixty days  
12 after the date of verification. If a majority of the  
13 registered voters of the district voting in such election  
14 votes to approve statewide transfers of liquor licenses into  
15 the local option district, each license proposing to be  
16 transferred shall be subject to the approval of the governing  
17 body. If the voters of the district voting in the election  
18 vote against the approval, then all statewide transfers of  
19 liquor licenses pursuant to Subsection A of this section  
20 shall be prohibited in that district, unless a petition is  
21 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  
25 submitted again within two years from the date of the last

1 election on 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  
8 to 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 that they shall not be transferred to any location  
12 within ten miles of another licensed premises; and provided  
13 further that all requirements of the Liquor Control Act and  
14 department regulations for the transfer of licenses are  
15 fulfilled." \_\_\_\_\_

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