

1 SENATE BILL 93

2 **53RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2018**

3 INTRODUCED BY

4 Ron Griggs

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10 AN ACT

11 RELATING TO LIQUOR LICENSES; ALLOWING DISPENSER'S LICENSES TO  
12 BE TRANSFERRED OUT OF A LOCAL OPTION DISTRICT INTACT; ALLOWING  
13 CERTAIN DISPENSER'S LICENSES TO REINSTATE RETAIL PRIVILEGES.

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

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

18 "60-6B-12. INTER-LOCAL OPTION DISTRICT AND INTER-COUNTY  
19 TRANSFERS.--

20 A. Dispenser's and retailer's licenses originally  
21 issued before July 1, 1981, except rural dispenser's and rural  
22 retailer's licenses and canopy licenses that were replaced by  
23 dispenser's licenses pursuant to Section 60-6B-16 NMSA 1978,  
24 may be transferred to any location within the state, except  
25 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 NMSA 1978, and the  
16 election shall be held within sixty days after the date the  
17 petition is verified or it may be held in conjunction with a  
18 regular election of the governing body if such election occurs  
19 within sixty days after the date of verification. If a  
20 majority of the registered voters of the district voting in  
21 such election votes to approve statewide transfers of liquor  
22 licenses into the local option district, each license proposing  
23 to be transferred shall be subject to the approval of the  
24 governing body. If the voters of the district voting in the  
25 election vote against the approval, then all statewide

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

9 ~~[G. Any dispenser's license transferred pursuant to~~  
10 ~~this section outside its local option district shall only~~  
11 ~~entitle the licensee to sell, serve or permit the consumption~~  
12 ~~of alcoholic beverages by the drink on the licensed premises.~~

13 ~~D.]~~ C. Rural dispenser's, rural retailer's and  
14 rural club licenses issued under any former act may be  
15 transferred to any location, subject to the restrictions as to  
16 location contained in the Liquor Control Act, within the  
17 unincorporated area of the county in which they are currently  
18 located; provided that they shall not be transferred to any  
19 location within ten miles of another licensed premises; and  
20 provided further that all requirements of the Liquor Control  
21 Act and department regulations for the transfer of licenses are  
22 fulfilled.

23 D. A dispenser's license that, under previous law,  
24 lost the privilege to sell alcoholic beverages in unbroken  
25 packages for consumption and not for resale off the licensed

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1 premises as a result of transferring out of its original local  
2 option district may have the privilege reinstated if the  
3 licensee pays seventy-five thousand dollars (\$75,000) to the  
4 department."

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