

The Legislature
of the
State of New Mexico

52nd Legislature, 1st Session

LAWS 2015

CHAPTER 114

SENATE BILL 241

Introduced by

SENATOR PHIL A. GRIEGO



CHAPTER 114

AN ACT

1
2 RELATING TO LICENSURE; AMENDING A SECTION OF THE LIQUOR
3 CONTROL ACT TO PROVIDE FOR LIMITATIONS ON TRANSFERS OF
4 DISPENSER'S AND RETAILER'S LICENSES TO LOCAL OPTION
5 DISTRICTS.

6
7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

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

10 "60-6B-12. INTER-LOCAL OPTION DISTRICT AND INTER-COUNTY
11 TRANSFERS.--

12 A. Dispenser's and retailer's licenses originally
13 issued before July 1, 1981, except rural dispenser's and
14 rural retailer's licenses and canopy licenses that were
15 replaced by dispenser's licenses pursuant to Section 60-6B-16
16 NMSA 1978, may be transferred to any location within the
17 state, except class B counties having a population of between
18 fifty-six thousand and fifty-seven thousand according to the
19 1980 federal decennial census, the municipalities located
20 within those class B counties and any municipality or county
21 that prohibits by election the transfer of a license from
22 another local option district, without regard to the
23 limitations on the maximum number of licenses provided in
24 Section 60-6A-18 NMSA 1978, not otherwise contrary to law,
25 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

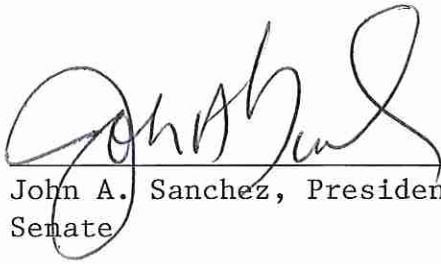
1 of the district. The clerk of the district shall verify the
2 petition signatures. If the petition is verified as
3 containing the required number of signatures of registered
4 voters, the governing body shall adopt a resolution calling
5 an election on the question of approving or disapproving
6 statewide 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

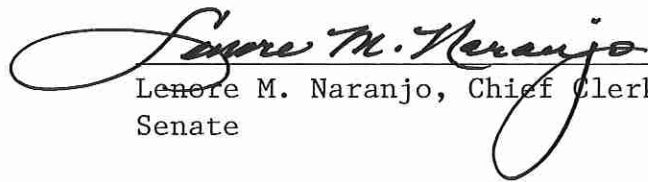
1 election on the question.

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.

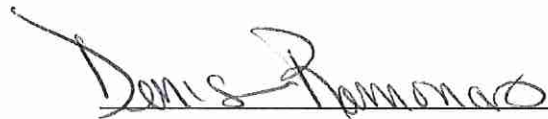
6 D. Rural dispenser's, rural retailer's and rural
7 club licenses issued under any former act may be transferred
8 to any location, subject to the restrictions as to location
9 contained in the Liquor Control Act, within the unincorporated
10 area of the county in which they are currently located;
11 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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John A. Sanchez, President
Senate


Lenore M. Naranjo, Chief Clerk
Senate


Don L. Tripp, Speaker
House of Representatives


Denise Ramonas, Chief Clerk
House of Representatives

Approved by me this 9th day of April, 2015


Governor Susana Martinez
State of New Mexico