CHAPTER 14

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

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

(2) the dispenser's or retailer's licenses
transferred under this section shall count in the computation
of the limitation of the maximum number of licenses that may
be issued in the future in any local option district as
provided in Section 60-6A-18 NMSA 1978 for the purpose of
determining whether additional licenses may be issued in the
local option district under the provisions of Subsection H of
Section 60-63-2 NMSA 1978.

B. Transfer of location of a liquor license
pursuant to Subsection A of this section shall become
effective upon approval of the local governing body, unless
within one hundred twenty days after the effective date of
the Liquor Control Act a petition requesting an election on
the question of approval of statewide transfers of liquor
licenses into that local option district is filed with the
clerk of the local option district and the petition is signed
by at least five percent of the number of registered voters
of the district. The clerk of the district shall verify the
petition signatures. If the petition is verified as
containing the required number of signatures of registered
voters, the governing body shall adopt a resolution calling
an election on the question of approving or disapproving
statewide transfers of liquor licenses into that district.
Notice of such election shall be published as provided in
Section 3-8-35 NMSA 1978, and the election shall be held
within sixty days after the date the petition is verified or
it may be held in conjunction with a regular election of the
governing body if such election occurs within sixty days
after the date of verification. If a majority of the
registered voters of the district voting in such election
votes to approve statewide transfers of liquor licenses into
the local option district, each license proposing to be
transferred shall be subject to the approval of the governing
body. If the voters of the district voting in the election
vote against the approval, then all statewide transfers of
liquor licenses pursuant to Subsection A of this section
shall be prohibited in that district, unless a petition is
filed requesting the question be again submitted to the
voters as provided in this subsection. The question of
approving or disapproving statewide transfers of liquor
licenses into the local option district shall not be
submitted again within two years from the date of the last
election on the question.

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

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