

2375

2009-2010 Regular Sessions

I N   S E N A T E

February 19, 2009

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Introduced by Sen. PADAVAN -- read twice and ordered printed, and when printed to be committed to the Committee on Commerce, Economic Development and Small Business

AN ACT to amend the alcoholic beverage control law, in relation to licenses to sell liquor at retail for consumption off the premises

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. Section 63 of the alcoholic beverage control law is amended  
2     by adding a new subdivision 2-a to read as follows:  
3     2-A. NOTWITHSTANDING ANY OTHER PROVISION OF THIS CHAPTER, UPON RECEIPT  
4     OF AN APPLICATION FOR A LICENSE UNDER THIS SECTION OR AN APPLICATION FOR  
5     RENEWAL UNDER SECTION ONE HUNDRED NINE OF THIS CHAPTER, THE APPLICANT  
6     SHALL NOTIFY THE CLERK OF THE VILLAGE, TOWN OR CITY, AS THE CASE MAY BE,  
7     BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, WHEREIN THE PROSPECTIVE  
8     LICENSED PREMISES IS TO BE LOCATED OR, IN THE CASE OF AN APPLICATION FOR  
9     RENEWAL, WHERE IT IS PRESENTLY LOCATED NOT LESS THAN THIRTY DAYS PRIOR  
10    TO THE SUBMISSION OF ITS APPLICATION FOR A LICENSE UNDER THIS SECTION OR  
11    FOR A RENEWAL THEREOF PURSUANT TO SECTION ONE HUNDRED NINE OF THIS CHAP-  
12    TER. FOR THE PURPOSES OF THE PRECEDING SENTENCE NOTIFICATION NEED ONLY  
13    BE GIVEN TO THE CLERK OF A VILLAGE WHEN SUCH PREMISES IS TO BE LOCATED  
14    WITHIN THE BOUNDARIES OF THE VILLAGE. IN THE CITY OF NEW YORK, THE  
15    COMMUNITY BOARD ESTABLISHED PURSUANT TO SECTION TWENTY-EIGHT HUNDRED OF  
16    THE NEW YORK CITY CHARTER WITH JURISDICTION OVER THE AREA IN WHICH SUCH  
17    LICENSED PREMISES IS TO BE LOCATED SHALL BE CONSIDERED THE APPROPRIATE  
18    PUBLIC BODY TO WHICH NOTIFICATION SHALL BE GIVEN. SUCH MUNICIPALITY OR  
19    COMMUNITY BOARD, AS THE CASE MAY BE, MAY EXPRESS AN OPINION FOR OR  
20    AGAINST THE GRANTING OF SUCH LICENSE. ANY SUCH OPINION SHALL BE DEEMED  
21    PART OF THE RECORD UPON WHICH THE LIQUOR BOARD MAKES ITS DETERMINATION  
22    TO GRANT OR DENY SUCH LICENSE.  
23    S 2. This act shall take effect on the thirtieth day after it shall  
24    have become a law.

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets [ ] is old law to be omitted.

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