S T A T E O F N E W Y O R K

6451

I N S E N A T E

January 12, 2010

Introduced by Sen. LITTLE -- 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 removing the notice requirement upon application for a liquor license renewal; and to repeal subdivision 2 of section 109 of such law relating thereto

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

Section 1. Subdivision 2-a of section 55 of the alcoholic beverage control law, as added by chapter 582 of the laws of 1999, is amended to read as follows:

2-a. Notwithstanding any other provision of this chapter, upon receipt in the city of New York of an application for a license under this section[, an application for renewal under section one hundred nine of this chapter,] or an application for an alteration to a premises licensed for consumption on the premises under section ninety-nine-d of this chapter, the applicant shall notify the community board established pursuant to section twenty-eight hundred of the New York city charter with jurisdiction over the area in which such licensed premises is to be located by certified mail, return receipt requested, wherein the prospective licensed premises is to be located or, in the case of an application for [renewal, or] alteration where it is presently located not less than thirty days prior to the submission of its application for a license under this section [or for a renewal thereof pursuant to section one hundred nine of this chapter]. Such community board may express an opinion for or against the granting of such license. Any such opinion shall be deemed part of the record upon which the liquor board makes its determination to grant or deny such license.

S 2. Subdivision 2-a of section 64 of the alcoholic beverage control law, as amended by chapter 83 of the laws of 1995, is amended to read as follows:

2-a. Notwithstanding any other provision of this chapter, upon receipt of an application for a license under this section[, an application for

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

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renewal under section one hundred nine of this chapter,] or an application for an alteration to a premises licensed for consumption on the premises under section ninety-nine-d of this chapter, the applicant shall notify the clerk of the village, town or city, as the case may be, by certified mail, return receipt requested, wherein the prospective licensed premises is to be located or, in the case of an [application for renewal, or] alteration where it is presently located not less than thirty days prior to the submission of its application for a license under this section [or for a renewal thereof pursuant to section one hundred nine of this chapter]. For the purposes of the preceding sentence notification need only be given to the clerk of a village when such premises is to be located within the boundaries of the village. In the city of New York, the community board established pursuant to section twenty-eight hundred of the New York city charter with jurisdiction over the area in which such licensed premises is to be located shall be considered the appropriate public body to which notification shall be given. Such municipality or community board, as the case may be, may express an opinion for or against the granting of such license. Any such opinion shall be deemed part of the record upon which the liquor board makes its determination to grant or deny such license.

S 3. Subdivision 1-a of section 81 of the alcoholic beverage control law, as added by chapter 582 of the laws of 1999, is amended to read as follows:

1-a. Notwithstanding any other provision of this chapter, upon receipt in the city of New York of an application for a license under this section[, an application for renewal under section one hundred nine of this chapter,] or an application for an alteration to a premises licensed for consumption on the premises under section ninety-nine-d of this chapter, the applicant shall notify the community board established pursuant to section twenty-eight hundred of the New York city charter with jurisdiction over the area in which such licensed premises is to be located by certified mail, return receipt requested, wherein the prospective licensed premises is to be located or, in the case of an application for [renewal, or] alteration where it is presently located not less than thirty days prior to the submission of its application for a license under this section [or for a renewal thereof pursuant to section one hundred nine of this chapter]. Such community board may express an opinion for or against the granting of such license. Any such opinion shall be deemed part of the record upon which the liquor board makes its determination to grant or deny such license.

S 4. Subdivision 2 of section 109 of the alcoholic beverage control law is REPEALED.

S 5. This act shall take effect immediately.