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

505

2011-2012 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 5, 2011

Introduced by M. of A. WRIGHT -- read once and referred to the Committee on Economic Development, Job Creation, Commerce and Industry

AN ACT to amend the alcoholic beverage control law, in relation to requiring the liquor authority to hold a hearing upon the action of a borough board in certain cases of disruptive activities and providing for local approval of certain licenses

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

Section 1. Subdivision 2 of section 119 of the alcoholic beverage control law, as amended by chapter 83 of the laws of 1995, is amended to read as follows:

2. (A) The liquor authority may on its own initiative or on complaint of any person institute proceedings to revoke, cancel or suspend any retail license and may impose a civil penalty against the licensee after a hearing at which the licensee shall be given an opportunity to be heard. Such hearing shall be held in such manner and upon such notice as may be prescribed by the rules of the liquor authority.

(B) A COMMUNITY BOARD OF A CITY WITH A POPULATION OF ONE MILLION OR MORE MAY HOLD A HEARING TO INVESTIGATE A COMPLAINT OF "CAUSE", AS DEFINED IN SUBDIVISION THREE OF SECTION ONE HUNDRED EIGHTEEN OF THIS ARTICLE. IF SUCH COMMUNITY BOARD FINDS SUCH COMPLAINT TO BE VALID, IT SHALL, AND IS HEREBY AUTHORIZED TO, SUSPEND THE LICENSE OF THE LICENSEE PENDING THE OUTCOME OF PROCEEDINGS PURSUANT TO PARAGRAPH (A) OF THIS SUBDIVISION AND GIVE NOTICE THEREOF TO THE LIQUOR AUTHORITY. THE LIQUOR AUTHORITY SHALL THEREUPON INSTITUTE PROCEEDINGS PURSUANT TO THE PROVISIONS OF PARAGRAPH (A) OF THIS SUBDIVISION.

S 2. Paragraph (f) of subdivision 7 of section 64 of the alcoholic beverage control law, as amended by chapter 463 of the laws of 2009, is amended to read as follows:

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

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(f) Notwithstanding the provisions of paragraph (b) of this subdivision, the authority may issue a license pursuant to this section for a premises which shall be within five hundred feet of three or more existing premises licensed and operating pursuant to this section and sections sixty-four-a, sixty-four-b, sixty-four-c, and/or sixty-four-d of this article ONLY if, after consultation with the municipality or community board, AND UPON APPROVAL OF SUCH MUNICIPALITY OR COMMUNITY BOARD, it determines that granting such license would be in the public interest. Before it may issue any such license, the authority shall conduct a hearing, upon notice to the applicant and the municipality or community board, and shall state and file in its office its reasons therefor. Notice to the municipality or community board shall mean written notice mailed by the authority to such municipality or community board at least fifteen days in advance of any hearing scheduled pursuant to this paragraph. Upon the request of the authority, any municipality or community board may waive the fifteen day notice requirement. No premises having been granted a license pursuant to this section shall be denied a renewal of such license upon the grounds that such premises are within five hundred feet of a building or buildings wherein three or more premises are licensed and operating pursuant to this section and sections sixty-four-a, sixty-four-b, sixty-four-c, and/or sixty-four-d of this article.

S 3. This act shall take effect immediately.