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

8266

2013-2014 Regular Sessions

I N A S S E M B L Y

November 20, 2013

Introduced by M. of A. SKARTADOS -- read once and referred to the Committee on Economic Development

AN ACT to amend the alcoholic beverage control law, in relation to enacting the state liquor authority license application modernization act; and to amend the state finance law, in relation to establishing the state liquor authority license modernization fund

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

Section 1. This act shall be known and may be cited as the "state liquor authority license application modernization act".

S 2. The alcoholic beverage control law is amended by adding a new section 110-c to read as follows:

S 110-C. PROCESSING OF APPLICATIONS. 1. SUBSEQUENT TO THE FILING OF AN APPLICATION FOR A LICENSE TO BE ISSUED PURSUANT TO THE TERMS OF THIS CHAPTER, ALL COMMUNICATIONS BETWEEN THE AUTHORITY AND THE APPLICANT, OR HIS OR HER ATTORNEY OR OTHER DESIGNATED REPRESENTATIVE, INCLUDING ALL NOTICES AND REQUESTS FOR ADDITIONAL MATERIAL SUBMISSIONS, SHALL BE TRANSMITTED BY ELECTRONIC METHODS INCLUDING AN ONLINE APPLICATION FORM, ONLINE RESPONSE FORMS, ATTACHMENTS AND EMAIL TEXT. AS USED IN THIS SECTION, "ELECTRONIC METHODS" MEANS BY USE OF COMPUTER TECHNOLOGY. AN APPLICATION FOR A LICENSE MAY BE SUBMITTED BY MAILING A PAPER COPY OF THE APPLICATION TO THE AUTHORITY.

2. (A) THE AUTHORITY SHALL DEVELOP AN INTERACTIVE ELECTRONIC STATUS OF APPLICATION PROGRESS SYSTEM AND DATABASE (E-SAP) WHICH SHALL TRACK THE PROGRESS OF EACH APPLICATION FOR A LICENSE UNDER THE PROVISIONS OF THIS CHAPTER. EACH APPLICATION SHALL BE ENTERED INTO E-SAP WITHIN TWO WEEKS OF ACCEPTANCE OF THE APPLICATION BY THE AUTHORITY. THE DATE OF ACCEPTANCE OF THE APPLICATION TO BE POSTED ON E-SAP SHALL BE THE DATE IT WAS ELECTRONICALLY RECEIVED OR THE DATE WHEN THE APPLICATION IS RECEIVED BY POSTAL MAIL. ALL POSTAL MAIL APPLICATIONS MUST BE DATE STAMPED THE DAY IT WAS RECEIVED BY THE AUTHORITY.

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

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(B) A LINK TO E-SAP SHALL BE AVAILABLE THROUGH THE AUTHORITY'S WEBSITE AND SHALL PROVIDE APPLICANTS AND THEIR ATTORNEYS AND REPRESENTATIVES WITH SECURE ACCESS TO THE E-SAP DATABASE INFORMATION PERTAINING TO THE APPLICANT'S APPLICATION. SUCH INFORMATION SHALL INCLUDE:

(I) THE STATUS OF EACH APPLICATION, INCLUDING THE CURRENT STAGE OF THE REVIEW PROCESS, THE DATES UPON WHICH PREVIOUS STEPS IN THE REVIEW PROCESS WERE COMPLETED AND AN ANTICIPATED DATE OF COMPLETION OF THE REVIEW PROCESS;

(II) COPIES OF ALL CORRESPONDENCE BETWEEN THE AUTHORITY AND THE APPLICANT OR HIS OR HER ATTORNEY OR REPRESENTATIVE;

(III) COPIES OF ALL NOTICES OF DEFICIENCIES OR REQUESTS FOR ADDITIONAL SUBMISSION MATERIALS;

(IV) IF APPLICABLE, COPIES OF ALL DOCUMENTS RELATED TO THE DENIAL OF ANY APPLICATION FOR A LICENSE UNDER THE PROVISIONS OF THIS CHAPTER; AND

(V) IF APPLICABLE, COPIES OF ALL TEMPORARY OR PERMANENT LICENSES GRANTED BY THE AUTHORITY WITH REGARD TO THE APPLICATION, AND ALL RENEWALS OF SUCH LICENSES.

(C) E-SAP SHALL BE DESIGNED TO ALLOW AN APPLICANT TO RESPOND TO ANY QUESTIONS CONCERNING HIS OR HER APPLICATION AND TO SUBMIT SCANS OF OTHER ELECTRONIC SUBMISSIONS OF ANY ADDITIONAL MATERIALS REQUESTED BY THE AUTHORITY IN CONNECTION WITH THE PROCESSING OF AN APPLICATION FOR A LICENSE UNDER THE PROVISIONS OF THIS CHAPTER.

3. ANY APPLICANT FOR A LICENSE UNDER THE PROVISIONS OF THIS CHAPTER WHO IS NOT REPRESENTED BY AN ATTORNEY, BUT WHO ELECTS TO PARTICIPATE IN THE SELF-CERTIFICATION PROCESS WITH RESPECT TO THE TRUTH, ACCURACY AND SUFFICIENCY OF HIS OR HER APPLICATION MAY REQUEST THAT THE AUTHORITY CERTIFY THE APPLICATION FOR AN ADDITIONAL FEE. UPON RECEIPT OF A LICENSE APPLICATION WITH A REQUEST FOR AUTHORITY CERTIFICATION AND PAYMENT OF THE LICENSE AND CERTIFICATION FEES, THE AUTHORITY SHALL CONDUCT AN INITIAL REVIEW OF THE APPLICATION SUBMISSION FOR THE SOLE PURPOSE OF VERIFYING THE TRUTH, ACCURACY AND SUFFICIENCY OF THE APPLICATION AND SHALL EITHER PROVIDE CERTIFICATION OR IDENTIFY ISSUES THAT NEED TO BE ADDRESSED PRIOR TO CERTIFICATION.

4. THE AUTHORITY SHALL MAKE AVAILABLE THROUGH THE OPEN DATA NEW YORK WEBSITE DATA REGARDING THE ISSUANCE OF NEW LICENSES PURSUANT TO THE PROVISIONS OF THIS CHAPTER, AS WELL AS INFORMATION, UPDATED WEEKLY, AS TO THE NUMBER OF APPLICATIONS IN PROCESS AND THE EXPECTED PROCESSING TIMES FOR SUCH APPLICATIONS.

S 3. Section 125 of the alcoholic beverage control law is amended to read as follows:

S 125. Disposition of moneys received for license fees. [The] 1. EXCEPT AS PROVIDED IN SUBDIVISION TWO OF THIS SECTION, THE moneys received for license fees provided for in this chapter shall be turned over by the liquor authority to the state comptroller. It shall be placed by the state comptroller in the fund derived from the proceeds of the taxes on liquor, wine and beer provided for in article eighteen of the tax law and become a part thereof and be subject to all of the provisions of law relating to such fund.

2. ALL MONEYS RECEIVED FOR LICENSE FEES FOR TEMPORARY PERMITS OR RENEWAL OF TEMPORARY PERMITS AS PROVIDED IN THIS CHAPTER AND FOR AUTHORITY CERTIFICATION FEES AS PROVIDED IN SECTION ONE HUNDRED TEN-C OF THIS ARTICLE SHALL BE TURNED OVER BY THE LIQUOR AUTHORITY TO THE STATE COMPTROLLER AND SHALL BE PLACED BY THE STATE COMPTROLLER IN THE STATE LIQUOR AUTHORITY LICENSE MODERNIZATION FUND PURSUANT TO SECTION NINETY-TWO-O OF THE STATE FINANCE LAW.

S 4. The state finance law is amended by adding a new section 92-o to read as follows:

S 92-O. STATE LIQUOR AUTHORITY LICENSE MODERNIZATION FUND. 1. THERE IS HEREBY ESTABLISHED IN THE JOINT CUSTODY OF THE COMMISSIONER OF THE STATE LIQUOR AUTHORITY AND THE STATE COMPTROLLER A SPECIAL FUND TO BE KNOWN AS THE "STATE LIQUOR AUTHORITY LICENSE MODERNIZATION FUND". THE MONEYS IN SUCH FUND SHALL BE AVAILABLE FOR PAYMENT OF ANY AND ALL COSTS AND EXPENDITURES INCURRED IN ESTABLISHING AND MAINTAINING THE STATE LIQUOR AUTHORITY'S ELECTRONIC STATUS OF APPLICATION PROGRESS SYSTEM AND DATABASE AND PROVIDING ENHANCED LICENSE APPLICATION PROCESS PROCEDURES AS DESCRIBED IN SECTION ONE HUNDRED TEN-C OF THE ALCOHOLIC BEVERAGE CONTROL LAW, INCLUDING BUT NOT LIMITED TO EXPENSES INCURRED FOR THE HIRING BY THE STATE LIQUOR AUTHORITY OF ADDITIONAL PERSONNEL.

2. MONEYS IN THE STATE LIQUOR AUTHORITY LICENSE MODERNIZATION FUND SHALL BE KEPT SEPARATELY FROM AND SHALL NOT BE COMMINGLED WITH ANY OTHER MONEYS IN THE JOINT OR SOLE CUSTODY OF THE STATE COMPTROLLER OR THE COMMISSIONER OF THE STATE LIQUOR AUTHORITY.

3. THE STATE LIQUOR AUTHORITY LICENSE MODERNIZATION FUND SHALL CONSIST OF THE REVENUES REQUIRED TO BE DEPOSITED THEREIN PURSUANT TO THE PROVISIONS OF SUBDIVISION TWO OF SECTION ONE HUNDRED TWENTY-FIVE OF THE ALCOHOLIC BEVERAGE CONTROL LAW AND ALL OTHER MONEYS CREDITED OR TRANSFERRED THERETO FROM ANY OTHER FUND OR SOURCE PURSUANT TO LAW.

4. THE MONEYS IN SUCH FUND SHALL BE PAID OUT ON THE AUDIT AND WARRANT OF THE COMPTROLLER ON VOUCHERS APPROVED AND CERTIFIED BY THE CHAIRMAN OF THE STATE ALCOHOLIC BEVERAGE CONTROL BOARD.

S 5. This act shall take effect on the sixtieth day after it shall have become a law.