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

5749

2013-2014 Regular Sessions

I N S E N A T E

June 11, 2013

Introduced by COMMITTEE ON RULES -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the alcoholic beverage control law, in relation to issuance of licenses and providing for the repeal of such provisions upon expiration thereof

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

Section 1. Subdivision 7 of section 64 of the alcoholic beverage control law is amended by adding a new paragraph (f-1) to read as follows:

(F-1) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (A) OF THIS SUBDIVISION, THE AUTHORITY MAY ISSUE A LICENSE PURSUANT TO THIS SECTION FOR A PREMISES WHICH SHALL BE WITHIN TWO HUNDRED FEET OF A BUILDING OCCUPIED EXCLUSIVELY AS A SCHOOL, CHURCH, SYNAGOGUE OR OTHER PLACE OF WORSHIP, PROVIDED SUCH PREMISES CONSTITUTES A PREMISES FOR THE SALE OF FOOD OR BEVERAGES AT RETAIL FOR CONSUMPTION ON PREMISES, IF, AFTER CONSULTATION WITH THE 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. THE HEARING MAY BE RESCHEDULED, ADJOURNED OR CONTINUED, AND THE AUTHORITY SHALL GIVE NOTICE TO THE APPLICANT AND THE MUNICIPALITY OR COMMUNITY BOARD OF ANY SUCH RESCHEDULED, ADJOURNED OR CONTINUED HEARING. BEFORE THE AUTHORITY ISSUES ANY SAID LICENSE, THE AUTHORITY OR ONE OR MORE OF THE COMMISSIONERS THEREOF MAY, IN ADDITION TO THE HEARING REQUIRED BY THIS PARAGRAPH, ALSO CONDUCT A PUBLIC MEETING

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

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REGARDING SAID LICENSE, UPON NOTICE TO THE APPLICANT AND THE MUNICIPALITY OR COMMUNITY BOARD. THE PUBLIC MEETING MAY BE RESCHEDULED, ADJOURNED OR CONTINUED, AND THE AUTHORITY SHALL GIVE NOTICE TO THE APPLICANT AND THE MUNICIPALITY OR COMMUNITY BOARD OF ANY SUCH RESCHEDULED, ADJOURNED OR CONTINUED PUBLIC MEETING. 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 TWO HUNDRED FEET OF A BUILDING OCCUPIED EXCLUSIVELY AS A SCHOOL, CHURCH, SYNAGOGUE OR OTHER PLACE OF WORSHIP.

S 2. Subdivision 7 of section 64-a of the alcoholic beverage control law is amended by adding a new paragraph (d-1) to read as follows:

(D-1) NOTWITHSTANDING THE PROVISIONS OF SUBPARAGRAPH (I) OF PARAGRAPH (A) OF THIS SUBDIVISION, THE AUTHORITY MAY ISSUE A LICENSE PURSUANT TO THIS SECTION FOR A PREMISES WHICH SHALL BE WITHIN TWO HUNDRED FEET OF A BUILDING OCCUPIED EXCLUSIVELY AS A SCHOOL, CHURCH, SYNAGOGUE OR OTHER PLACE OF WORSHIP, PROVIDED SUCH PREMISES CONSTITUTES A PREMISES FOR THE SALE OF FOOD OR BEVERAGES AT RETAIL FOR CONSUMPTION ON PREMISES, IF, AFTER CONSULTATION WITH THE 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. THE HEARING MAY BE RESCHEDULED, ADJOURNED OR CONTINUED, AND THE AUTHORITY SHALL GIVE NOTICE TO THE APPLICANT AND THE MUNICIPALITY OR COMMUNITY BOARD OF ANY SUCH RESCHEDULED, ADJOURNED OR CONTINUED HEARING. BEFORE THE AUTHORITY ISSUES ANY SAID LICENSE, THE AUTHORITY OR ONE OR MORE OF THE COMMISSIONERS THEREOF MAY, IN ADDITION TO THE HEARING REQUIRED BY THIS PARAGRAPH, ALSO CONDUCT A PUBLIC MEETING REGARDING SAID LICENSE, UPON NOTICE TO THE APPLICANT AND THE MUNICIPALITY OR COMMUNITY BOARD. THE PUBLIC MEETING MAY BE RESCHEDULED, ADJOURNED OR CONTINUED, AND THE AUTHORITY SHALL GIVE NOTICE TO THE APPLICANT AND THE MUNICIPALITY OR COMMUNITY BOARD OF ANY SUCH RESCHEDULED, ADJOURNED OR CONTINUED PUBLIC MEETING. 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 TWO HUNDRED FEET OF A BUILDING OCCUPIED EXCLUSIVELY AS A SCHOOL, CHURCH, SYNAGOGUE OR OTHER PLACE OF WORSHIP.

S 3. This act shall take effect immediately; provided however, that the provisions of sections one and two of this act shall expire and be deemed repealed June 30, 2014; and provided further that any license granted prior to the date of such expiration and repeal pursuant to the authority granted in sections one and two of this act shall, after such expiration and repeal thereof, continue as valid in accordance with the provisions of the alcoholic beverage control law and may also be renewed in accordance with the provisions of such law.