

NYSLSA LEGISLATIVE UPDATE
May 28, 2009
by Todd Vandervort

RETAIL PERMIT BILLS

BILL NUMBER: A.6178/S.2257 (Magee/Valesky)
STATUS: Assembly Economic Development Committee/Senate Investigations Committee
POSITION: Oppose

This bill authorizes the State Liquor Authority (SLA) to issue temporary retail permits for new applicants similar to those already authorized for those seeking to transfer a retail permit. Because the SLA is taking so long to approve licenses, this bill would allow businesses to open while their applications are being reviewed. Assembly Economic Development staff has not heard any request to advance this bill and is more familiar with the following temporary retail permit bills below. The likelihood of this bill passing is minimal.

BILL NUMBER: A.6782/S.3883 (Schimminger/C. Johnson)
STATUS: Assembly Economic Development Committee/Senate Finance Committee
POSITION: Oppose with memo

This is an **SLA Departmental Bill** that would expand the number and types of applicants eligible for temporary retail permits to include those waiting for the SLA to review their license application and allow issuance of a temporary permit to certain applicants regardless of whether there was an existing licensed business at the location. Assemblyman Schimminger's staff is likely to move this bill out of his committee; it has already advanced in the Senate to the Finance Committee.

BILL NUMBER: A.7800/S.4579 (Schimminger/C. Johnson)
STATUS: Assembly Economic Development/ Senate Third Reading on Calendar
POSITION: Support

This bill, proposed by liquor distributors and wholesalers would ensure that any outstanding obligations of a license holder are satisfied prior to the transfer of an existing liquor license from one retail licensee to another. Schimminger's staff is likely to move this bill out of committee at the request of the distributors and wholesalers.

WINE IN GROCERY STORES LEGISLATION

BILL NUMBER: A7974 (Abbate)
STATUS: Assembly Economic Development Committee
POSITION: Oppose with memo

This bill would allow the sale of wine in grocery stores. It has been introduced every year by Assemblyman Abbate since 1997. Abbate is actually opposed to the sale of wine in grocery stores, but he introduces the bill each year in order to keep the issue bottled up. Regardless of its slim chances of passage, with such heightened awareness about this issue, we will oppose the bill.

BILL NUMBER: A.7206/S.2994 (Castro/Espada)

STATUS: Assembly Economic Development Committee/Senate Commerce Committee

POSITION: Oppose with memo

This bill permits liquor retailers to register three liquor stores under one license, and to sell certain food items, such as peanuts, cheese, crackers, olives and other snacks, condiments and food items associated with the consumption of wine and other alcoholic beverages. This bill was introduced during budget negotiations regarding the sale of wine in grocery stores. While we understand that the bill sponsors were attempting to extend an "olive branch" to the liquor store owners, we oppose this legislation because liquor store owners are not interested in selling food items. In addition, with the continued threat by opponents to pursue the sale of wine in grocery stores, liquor store owners do not want to risk investing in more than one location that may very well be forced to close. This bill's chances of passage are very slim.

OTHER LEGISLATION OF INTEREST

BILL NUMBER: A.1136 (Galef)

STATUS: Assembly Economic Development Committee

POSITION: Support

This bill makes adults in control of private property responsible for alcoholic beverages provided to minors at social events held on the property. The purpose of this legislation is to cut down on underage drinking and the consequences that result from minors drinking at private parties. Thirty-two states have adopted such laws including the neighboring states of Connecticut, Massachusetts, New Jersey and Rhode Island. In New York, close to sixty municipalities have passed, proposed, or introduced social "host liability laws".

BILL NUMBER: A.2090 (Schroeder)

STATUS: Assembly Economic Development Committee

POSITION: Strongly Oppose

This bill creates a temporary state commission to abolish the New York State Liquor Authority (SLA) on December 31, 2010, and disseminating the SLA duties among other state and local agencies. The justification for this bill is to address the SLA's non-responsiveness as an agency and to address numerous complaints from licensees about the agency's strong arm tactics and corruptness. The retail liquor stores oppose this bill because it could result in 58 different regulating agencies instead of just one central state agency. "The devil you know is better than the devil you don't know."

BILL NUMBER: A.5635/S.2958 (Camara/Adams)

STATUS: Assembly Consumer Affairs Committee/Senate Consumer Affairs Committee

POSITION: Oppose

This bill prohibits the erection or maintenance of billboards advertising alcoholic beverages within 1,000 feet of schools or playgrounds. There are many private, religious and public schools throughout the City of New York leaving very little or no space for a business selling alcoholic beverages that would be outside the 1,000 feet boundary. This concept, which has been enacted in other cities, has been found by the courts to be an infringement on "commercial free speech",

and restricts a business' right to advertising. The liquor wholesalers and distributors are strongly opposed to this bill. Chances of passage for this bill are even.

BILL NUMBER: A.7196-A/S.27-B (Weisenberg/Fuschillo)

STATUS: Assembly Transportation Committee/Senate Codes Committee

POSITION: Oppose with memo

This bill creates a mandatory ignition interlock program. The program requires that offenders convicted of driving while intoxicated install, at their own cost, an ignition interlock device in all vehicles that they use. The legislation also sets forth graduated penalties of combined probation and installation of an ignition interlock device. Offenders would pay \$50 which would go to an account established to fund the program. Metro believes that this bill should not apply to first-time, or non-extreme offenders who pose little risk to society. Graduated penalties and local laws to address the issue should be considered. A similar bill passed the Senate last year, and died in the Assembly Transportation Committee. Assembly staff is satisfied with present penalties for DWI offenders including present court-mandated ignition interlock programs. For this reason, this bill will probably not move in the Assembly.

BILL NUMBER: A.7822/S.4578 (Schimminger/C.Johnson)

STATUS: Passed Both Houses (Awaiting Delivery to the Governor)

POSITION: Support with memo

This bill extends the date for the Law Revision Commission to review and report on revisions to the Alcoholic Beverage Control Law, from June 1, 2009 to September 30, 2009. This extension would give them additional time for examination of the law and a more in-depth analysis on which to report. We support giving the Commission more time to produce a well-thought out report.