SENATE, No. 2109

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED MARCH 16, 2020

Sponsored by:
Senator JOSEPH F. VITALE
District 19 (Middlesex)

SYNOPSIS

Permits municipalities to hold certain inactive liquor licenses reserved for smart growth developments for an additional five years.

CURRENT VERSION OF TEXT

As introduced.

AN ACT concerning inactive plenary retail consumption licenses and amending P.L.2007, c.351.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 3 of P.L.2007, c.351 (C.33:1-24.3) is amended to read as follows:

3. a. (1) Notwithstanding the provisions of section 1 of P.L.1977, c.246 (C.33:1-12.39), a municipality in which is located an urban enterprise zone as designated pursuant to P.L.1983, c.303 (C.52:27H-60 et al.) or any supplement thereto, and a Planning Area 1 (Metropolitan), as designated pursuant to the "State Planning Act," sections 1 through 12 of P.L.1985, c.398 (C.52:18A-196 et seq.), may acquire any existing plenary retail consumption licenses within the municipality that are inactive and retain any such licenses in an inactive status for a period of **[**up to**]** not more than five years.

(2) A municipality that acquired, pursuant to the provisions of paragraph a. of this subsection, an inactive plenary retail consumption license which is inactive on the effective date of P.L. , c. (C.) (pending before Legislature as this bill) may maintain that license in an inactive status for a period of not more five years after the effective date. If the license is inactive five years after the effective date of P.L. , c. (C.) (pending before the Legislature as this bill), the municipality may continue to maintain that license in an inactive status subject to the approval of the director.

b. A municipality subject to the provisions of subsection a. of this section may issue at public sale one or more of any such inactive plenary retail consumption licenses in a manner consistent with the provisions of P.L.1975, c.275 (C.33:1-19.1 et seq.), to no more than one corporation or legal entity for each such plenary retail consumption license for use only at a licensed premises that shall be located in a development project within a smart growth area, as defined in section 1 of P.L.2004, c.89 (C.52:27D-10.2), in the municipality. The use of any such plenary retail consumption license shall be in a manner consistent with the provisions of Title 33 of the Revised Statutes and any regulations promulgated thereunder by the director.

(cf: P.L.2007, c.351, s.3)

2. This act shall take effect immediately.

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

STATEMENT

P.L.2007, c.351 (C.33:1-24.1 et seq.) established a procedure for the Director of the Division of Alcoholic Beverage Control to issue special licenses to sell alcoholic beverages to corporations or other legal entities developing smart growth development projects. The legislation also permitted a municipality which is located an urban enterprise zone or designated as a Planning Area 1 (Metropolitan) in the "State Planning Act" to acquire and sell any existing plenary retail consumption licenses within the municipality that are inactive only for use in a development project within a smart growth area. In addition, municipalities were permitted to maintain the licenses so acquired in an inactive status for up to five years. Plenary retail consumption licenses are the liquor licenses issued to bar and restaurants.

Under this bill, a municipality that acquired, pursuant to the provisions of P.L.2007, c.351, an inactive plenary retail consumption license that remains inactive on the bill’s effective date may maintain that license in an inactive status for up to five additional years. Moreover, if the license is still inactive five years after the bill’s effective date, the municipality may continue to maintain that license in an inactive status subject to the approval of the Director of the Division of Alcoholic Beverage Control.