

ASSEMBLY, No. 2011

STATE OF NEW JERSEY

218th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2018 SESSION

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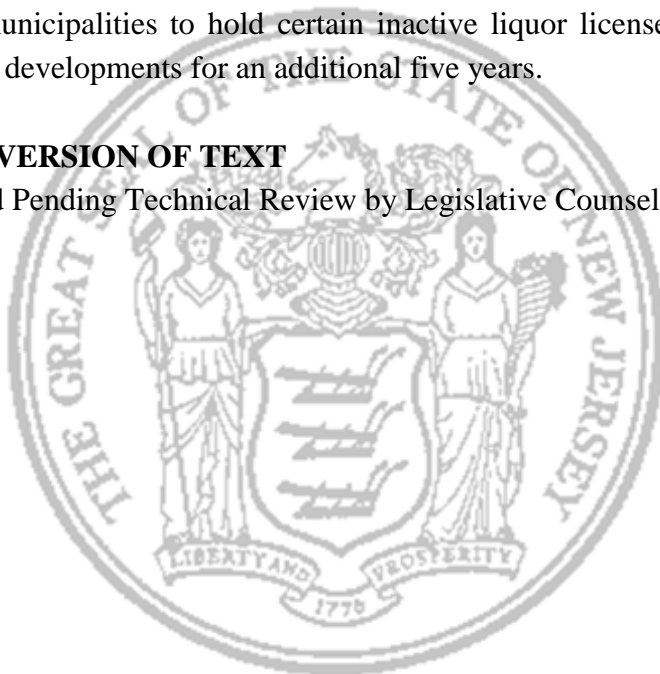
Assemblywoman Jones

SYNOPSIS

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

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



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

3

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

6

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

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

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

29 b. A municipality subject to the provisions of subsection a. of
30 this section may issue at public sale one or more of any such
31 inactive plenary retail consumption licenses in a manner consistent
32 with the provisions of P.L.1975, c.275 (C.33:1-19.1 et seq.), to no
33 more than one corporation or legal entity for each such plenary
34 retail consumption license for use only at a licensed premises that
35 shall be located in a development project within a smart growth
36 area, as defined in section 1 of P.L.2004, c.89 (C.52:27D-10.2), in
37 the municipality. The use of any such plenary retail consumption
38 license shall be in a manner consistent with the provisions of Title
39 33 of the Revised Statutes and any regulations promulgated
40 thereunder by the director.

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

42

43 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.