

3108

2011-2012 Regular Sessions

I N   S E N A T E

February 8, 2011

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Introduced by Sen. KENNEDY -- read twice and ordered printed, and when printed to be committed to the Committee on Commerce, Economic Development and Small Business

AN ACT to amend the alcoholic beverage control law, in relation to license fees

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

1     Section 1. Subdivision 4 of section 66 of the alcoholic beverage  
2 control law, as amended by section 3 of part Z of chapter 85 of the laws  
3 of 2002, is amended to read as follows:  
4     4. The annual fee for a license, under section sixty-four or sixty-  
5 four-a OF THIS ARTICLE, to sell liquor at retail to be consumed on the  
6 premises where sold shall be twenty-one hundred seventy-six dollars in  
7 the counties of New York, Kings, Bronx and Queens; fifteen hundred thir-  
8 ty-six dollars in the county of Richmond and in cities having a popu-  
9 lation of more than one hundred thousand and less than one million WHICH  
10 ARE OUTSIDE OF THE COUNTY OF ERIE; twelve hundred sixteen dollars in  
11 cities having a population of more than fifty thousand and less than one  
12 hundred thousand; and the sum of eight hundred ninety-six dollars else-  
13 where; except that the license fees for catering establishments shall be  
14 two-thirds the license fee specified herein and for clubs, except lunch-  
15 eon clubs and golf clubs, shall be seven hundred fifty dollars in coun-  
16 ties of New York, Kings, Bronx and Queens; five hundred dollars in the  
17 county of Richmond and in cities having a population of more than one  
18 hundred thousand and less than one million; three hundred fifty dollars  
19 in cities having a population of more than fifty thousand and less than  
20 one hundred thousand; and the sum of two hundred fifty dollars else-  
21 where. The annual fees for luncheon clubs shall be three hundred seven-  
22 ty-five dollars, and for golf clubs in the counties of New York, Kings,  
23 Bronx, Queens, Nassau, Richmond and Westchester, two hundred fifty  
24 dollars, and elsewhere one hundred eighty-seven dollars and fifty cents.

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

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1 Notwithstanding any other provision of law to the contrary, there shall  
2 be no annual fee for a license, under section sixty-four OF THIS  
3 ARTICLE, to sell liquor at retail to be consumed on the premises where  
4 the applicant is an organization organized under section two hundred  
5 sixty of the military law and incorporated pursuant to the not-for-pro-  
6 fit corporation law. Provided, however, that where any premises for  
7 which a license is issued pursuant to section sixty-four or sixty-four-a  
8 of this article remain open only within the period commencing April  
9 first and ending October thirty-first of any one year, or only within  
10 the period commencing October first and ending the following April thir-  
11 tieth, the liquor authority may, in its discretion, grant a summer or  
12 winter license effective only for such appropriate period of time, for  
13 which a license fee shall be paid to be pro-rated for the period for  
14 which such license is effective, at the rate provided for in the city,  
15 town or village in which such premises are located, except that no such  
16 license fee shall be less than one-half of the regular annual license  
17 fee; provided further that where the premises to be licensed are a race  
18 track or a golf course or are licensed pursuant to section sixty-four or  
19 sixty-four-a of this [chapter] ARTICLE, the period of such summer  
20 license may commence March first and end November thirtieth.

21 Where a hotel, restaurant, club, golf course or race track is open  
22 prior to April first and/or subsequent to October thirty-first by reason  
23 of the issuance of a caterer's permit or permits issued by the authori-  
24 ty, such fact alone shall not affect the eligibility of the premises or  
25 the person owning or operating such hotel, restaurant, club, golf course  
26 or race track for a summer license.

27 S 2. This act shall take effect on the thirtieth day after it shall  
28 have become a law.