

5295--A

2011-2012 Regular Sessions

I N S E N A T E

May 3, 2011

Introduced by Sen. BALL -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations -- recommitted to the Committee on Investigations and Government Operations in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the alcoholic beverage control law, in relation to temporary retail permits

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

1 Section 1. Subdivision 1 of section 97-a of the alcoholic beverage
2 control law is amended by adding a new paragraph (c) to read as follows:
3 (C) NOTWITHSTANDING THE FOREGOING PROVISIONS OF THIS SUBDIVISION, TO
4 THE APPLICANT FOR A NEW RETAIL LICENSE WHEN SUCH APPLICANT CURRENTLY
5 HOLDS ONE OR MORE RETAIL LICENSES, AND HAS NOT VIOLATED THE PROVISIONS
6 OF THIS CHAPTER OR ANY RULES OR REGULATIONS ADOPTED PURSUANT THERETO
7 WITHIN THE TWO CALENDAR YEARS IMMEDIATELY PRECEDING THE DATE OF SUCH
8 APPLICATION FOR A NEW RETAIL LICENSE. SUCH PERMIT SHALL BE ISSUED WITH-
9 IN FOURTEEN DAYS OF AN APPLICANT MEETING THE CONDITIONS SET FORTH IN
10 SUBDIVISION TWO OF THIS SECTION.
11 S 2. Paragraph (c) of subdivision 1 of section 97-a of the alcoholic
12 beverage control law, as added by section one of this act, is relettered
13 paragraph (b).
14 S 3. Subdivision 4 of section 97-a of the alcoholic beverage control
15 law, as added by chapter 396 of the laws of 2010, is amended to read as
16 follows:
17 4. A temporary retail permit issued by the authority pursuant to this
18 section shall be for a period not to exceed ninety days. [A] SUCH tempo-
19 rary permit may be extended at the discretion of the authority, for an
20 additional thirty day period upon payment of an additional fee of
21 sixty-four dollars for all retail beer licenses and ninety-six dollars

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

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1 for all other temporary permits and upon compliance with all conditions
2 required in this section. The authority may, in its discretion, issue
3 additional thirty day extensions upon payment of the appropriate fee.
4 NOTWITHSTANDING THE FOREGOING PROVISIONS OF THIS SUBDIVISION, A TEMPO-
5 RARY RETAIL PERMIT ISSUED BY THE AUTHORITY PURSUANT TO PARAGRAPH (C) OF
6 SUBDIVISION ONE OF THIS SECTION SHALL BE VALID UNTIL THE AUTHORITY
7 EITHER APPROVES OR DENIES THE APPLICATION FOR A NEW RETAIL LICENSE.

8 S 4. Subdivision 4 of section 97-a of the alcoholic beverage control
9 law, as amended by section three of this act is amended to read as
10 follows:

11 4. A temporary retail permit issued by the authority pursuant to this
12 section shall be for a period not to exceed ninety days. Such temporary
13 permit may be extended at the discretion of the authority, for an addi-
14 tional thirty day period upon payment of an additional fee of sixty-four
15 dollars for all retail beer licenses and ninety-six dollars for all
16 other temporary permits and upon compliance with all conditions required
17 in this section. The authority may, in its discretion, issue additional
18 thirty day extensions upon payment of the appropriate fee. Notwith-
19 standing the foregoing provisions of this subdivision, a temporary
20 retail permit issued by the authority pursuant to paragraph [(c)] (B) of
21 subdivision one of this section shall be valid until the authority
22 either approves or denies the application for a new retail license.

23 S 5. This act shall take effect immediately; provided that sections
24 two and four of this act shall take effect on the same date as paragraph
25 (b) of subdivision 1 of section 97-a of the alcoholic beverage control
26 law is repealed pursuant to section 5 of chapter 396 of the laws of
27 2010, as amended.