

4303--C

2011-2012 Regular Sessions

I N   S E N A T E

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Introduced by Sens. MARCELLINO, GRIFFO, JOHNSON, PERKINS, RANZENHOFER -- (at request of the State Liquor Authority) -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported favorably from said committee and committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- 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 the powers of the chairman and members of the authority; and providing for the repeal of such provisions upon expiration thereof

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

1     Section 1.     Section 15 of the alcoholic beverage control law, as  
2     amended by chapter 83 of the laws of 1995, the second undesignated para-  
3     graph as amended by section 1 of part F of chapter 411 of the laws of  
4     1999, is amended to read as follows:  
5     S 15. Officers; employees; offices. [The authority shall have power to  
6     appoint any necessary deputies, counsels, assistants, investigators, and  
7     other employees within the limits provided by appropriation.] Investi-  
8     gators [so] employed by the [Authority] AUTHORITY shall be deemed to be  
9     peace officers for the purpose of enforcing the provisions of [the alco-  
10    holic beverage control law] THIS CHAPTER or judgements or orders  
11    obtained for violation thereof, with all the powers set forth in section  
12    2.20 of the criminal procedure law. The counsel, secretary, chief execu-  
13    tive officer, assistant chief executive officers, confidential secre-  
14    taries to commissioners and deputies shall be in the exempt class of the

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

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1 civil service. The other assistants, investigators and employees of the  
2 authority shall all be in the competitive class of the civil service.  
3 The authority shall continue to have its principal office in the city of  
4 Albany, and may maintain a branch office in the cities of New York and  
5 Buffalo and such other places as [it] THE CHAIRMAN may deem necessary.

6 [The authority shall establish appropriate procedures to insure that  
7 hearing officers are shielded from ex parte communications with alleged  
8 violators and their attorneys and from other employees of the authority  
9 and shall take such other steps as it shall deem necessary and proper to  
10 shield its judicial processes from unwarranted and inappropriate commu-  
11 nications and attempts to influence.]

12 S 2. Section 17 of the alcoholic beverage control law, as amended by  
13 chapter 83 of the laws of 1995, subdivision 3 as separately amended by  
14 section 1 of part L of chapter 62 and chapter 522 of the laws of 2003,  
15 subdivision 8-a as added by chapter 383 of the laws of 1998, subdivision  
16 8-b as added by chapter 396 of the laws of 2010, subdivision 12 as  
17 amended by chapter 549 of the laws of 2001, the closing paragraph of  
18 subdivision 12 as amended by chapter 435 of the laws of 2010, subdivi-  
19 sion 13 as added by chapter 403 of the laws of 1999, paragraphs (f) and  
20 (g) as amended and paragraph (h) of subdivision 13 as added by chapter  
21 210 of the laws of 2005, and subdivision 14 as added by section 1 of  
22 part WW of chapter 56 of the laws of 2009, is amended to read as  
23 follows:

24 S 17. Powers of the authority. The authority shall have the following  
25 functions, powers and duties: 1. To issue or refuse to issue any license  
26 or permit provided for in this chapter.

27 2. To limit in its discretion the number of licenses of each class to  
28 be issued within the state or any political subdivision thereof, and in  
29 connection therewith to prohibit the acceptance of applications for such  
30 class or classes of licenses which have been so limited.

31 3. To revoke, cancel or suspend for cause any license or permit issued  
32 under this chapter and/or to impose a civil penalty for cause against  
33 any holder of a license or permit issued pursuant to this chapter. Any  
34 civil penalty so imposed shall not exceed the sum of ten thousand  
35 dollars as against the holder of any retail permit issued pursuant to  
36 sections ninety-five, ninety-seven, ninety-eight, ninety-nine-d and  
37 paragraph f of subdivision one of section ninety-nine-b of this chapter  
38 and as against the holder of any retail license issued pursuant to  
39 sections fifty-two, fifty-three-a, fifty-four, fifty-four-a, fifty-five,  
40 fifty-five-a, sixty-three, sixty-four, sixty-four-a, sixty-four-b,  
41 sixty-four-c, seventy-nine, eighty-one and eighty-one-a of this chapter,  
42 and the sum of thirty thousand dollars as against the holder of a  
43 license issued pursuant to sections fifty-three, seventy-six, seventy-  
44 six-a, [seventy-six-f,] and seventy-eight of this chapter, provided that  
45 the civil penalty against the holder of a wholesale license issued  
46 pursuant to section fifty-three of this chapter shall not exceed the sum  
47 of ten thousand dollars where that licensee violates provisions of this  
48 chapter during the course of the sale of beer at retail to a person for  
49 consumption at home, and the sum of one hundred thousand dollars as  
50 against the holder of any license issued pursuant to sections fifty-one,  
51 sixty-one and sixty-two of this chapter. Any civil penalty so imposed  
52 shall be in addition to and separate and apart from the terms and  
53 provisions of the bond required pursuant to section one hundred twelve  
54 of this chapter. Provided that no appeal is pending on the imposition of  
55 such civil penalty, in the event such civil penalty imposed by the divi-  
56 sion remains unpaid, in whole or in part, more than forty-five days

1 after written demand for payment has been sent by first class mail to  
2 the address of the licensed premises, a notice of impending default  
3 judgment shall be sent by first class mail to the licensed premises and  
4 by first class mail to the last known home address of the person who  
5 signed the most recent license application. The notice of impending  
6 default judgment shall advise the licensee: (a) that a civil penalty was  
7 imposed on the licensee; (b) the date the penalty was imposed; (c) the  
8 amount of the civil penalty; (d) the amount of the civil penalty that  
9 remains unpaid as of the date of the notice; (e) the violations for  
10 which the civil penalty was imposed; and (f) that a judgment by default  
11 will be entered in the supreme court of the county in which the licensed  
12 premises are located, or other court of civil jurisdiction or any other  
13 place provided for the entry of civil judgments within the state of New  
14 York unless the division receives full payment of all civil penalties  
15 due within twenty days of the date of the notice of impending default  
16 judgment. If full payment shall not have been received by the division  
17 within thirty days of mailing of the notice of impending default judg-  
18 ment, the division shall proceed to enter with such court a statement of  
19 the default judgment containing the amount of the penalty or penalties  
20 remaining due and unpaid, along with proof of mailing of the notice of  
21 impending default judgment. The filing of such judgment shall have the  
22 full force and effect of a default judgment duly docketed with such  
23 court pursuant to the civil practice law and rules and shall in all  
24 respects be governed by that chapter and may be enforced in the same  
25 manner and with the same effect as that provided by law in respect to  
26 execution issued against property upon judgments of a court of record. A  
27 judgment entered pursuant to this subdivision shall remain in full force  
28 and effect for eight years notwithstanding any other provision of law.

29 4. [To remove any employee of the authority for cause, after giving  
30 such employee a copy of the charges against him in writing, and an  
31 opportunity to be heard thereon. Any action taken under this subdivision  
32 shall be subject to and in accordance with the civil service law.

33 5.] To fix by rule the standards of manufacture and fermentation in  
34 order to insure the use of proper ingredients and methods in the manu-  
35 facture of alcoholic beverages to be sold or consumed in the state.

36 [6.] 5. To hold hearings, subpoena witnesses, compel their attendance,  
37 administer oaths, to examine any person under oath and in connection  
38 therewith to require the production of any books or papers relative to  
39 the inquiry. A subpoena issued under this section shall be regulated by  
40 the civil practice law and rules.

41 [7.] 6. To prohibit, at any time of public emergency, without previous  
42 notice or advertisement, the sale of any or all alcoholic beverages for  
43 and during the period of such emergency.

44 [8. To make an annual report to the governor and the legislature of  
45 its activities for the preceding year.

46 8-a. On and after January first, two thousand the report provided for  
47 in subdivision eight of this section shall include an evaluation of the  
48 effectiveness of the prohibition on the sale of alcohol to persons under  
49 the age of twenty-one as provided in section sixty-five-b of this chap-  
50 ter with particular emphasis on the provisions of subdivisions one, two,  
51 three, four and five of section sixty-five-b, subdivision five of  
52 section one hundred nineteen and subdivision six of section sixty-five  
53 of this chapter, paragraph (b) of subdivision seven of section 170.55 of  
54 the criminal procedure law and subdivision (f) of section 19.07 of the  
55 mental hygiene law.

1 8-b. On and after January first, two thousand eleven, the report  
2 provided for in subdivision eight of this section shall include informa-  
3 tion related to the number of licenses applied for and the length of  
4 time required for the approval or denial of such retail license applied  
5 for pursuant to subdivision two-c of section sixty-one, section sixty-  
6 four, section seventy-six, section seventy-six-a, section seventy-six-c,  
7 section seventy-six-d, and section seventy-six-f of this chapter.

8 9. The] 7. TO DELEGATE THE powers provided in this section [may be  
9 delegated by the authority] to the chairman, or to such other officers  
10 or employees as may be designated by the chairman.

11 [10.] 8. To appoint such advisory groups and committees as it deems  
12 necessary to provide assistance to the authority to carry out the  
13 purposes and objectives of this chapter.

14 [11.] 9. Upon receipt of a resolution adopted by a board of supervi-  
15 sors or a county legislative body requesting further restriction of  
16 hours of sale of alcoholic beverages within such county, and upon notice  
17 and hearing within such county, to approve or disapprove such hours  
18 within such county.

19 [12. To develop and establish minimum criteria for alcohol training  
20 awareness programs which may be given and administered by schools; other  
21 entities including trade associations whose members are engaged in or  
22 involved in the retail sale of alcoholic beverages; national and  
23 regional franchisors who have granted at least five franchises in the  
24 state which are licensed to sell beer at retail for off-premises  
25 consumption; licensees authorized to sell alcoholic beverages at retail  
26 for off-premises consumption operating five or more licensed premises;  
27 and persons interested, whether as an individual proprietor or partner  
28 or officer or member of a limited liability company, in five or more  
29 licensees authorized to sell alcoholic beverages at retail for off-prem-  
30 ises consumption. The authority shall provide for the issuance of  
31 certificates of approval to all certified alcohol training awareness  
32 programs. Certificates of approval may be revoked by the authority for  
33 failure to adhere to the authority's rules and regulations. Such rules  
34 and regulations shall afford those who have been issued a certificate of  
35 approval an opportunity for a hearing prior to any determination of  
36 whether such certificate should be revoked.

37 No licensee shall be required to apply for any such certificate or  
38 renewal certificate and the licensee may voluntarily surrender such a  
39 certificate or renewal certificate at any time. A fee in the amount of  
40 nine hundred dollars shall be paid to the authority with each applica-  
41 tion for a certificate of approval or renewal certificate. The authority  
42 shall promptly refund such fee to an applicant whose application was  
43 denied. Each certificate of approval and renewal thereof shall be issued  
44 for a period of three years. To effectuate the provisions of this subdi-  
45 vision, the authority is empowered to require in connection with an  
46 application the submission of such information as the authority may  
47 direct; to prescribe forms of applications and of all reports which it  
48 deems necessary to be made by any applicant or certificate holder; to  
49 conduct investigations; to require the maintenance of such books and  
50 records as the authority may direct; to revoke, cancel, or suspend for  
51 cause any certificate provided for in this subdivision. Each entity  
52 authorized to give and administer an alcohol training awareness program  
53 shall issue certificates of completion to all licensees and employees  
54 who successfully complete such an approved alcohol training awareness  
55 program. Such entity shall regularly transmit to the authority the  
56 names, addresses and dates of attendance of all the licensees and

1 employees of licensees who successfully complete an approved alcohol  
2 training awareness program. Such transmittal shall be in a form and  
3 manner prescribed by the authority. The authority shall adopt rules and  
4 regulations to effectuate the provisions of this subdivision, including  
5 the minimum requirements for the curriculum of each such training  
6 program and the regular ongoing training of employees holding certifi-  
7 cates of completion or renewal certificates. Such rules and regulations  
8 shall include the minimum requirements for a separate curriculum for  
9 licensees and their employees authorized to sell alcoholic beverages at  
10 retail for off-premises consumption, minimum requirements for a separate  
11 curriculum for licensees and their employees authorized to sell alcohol-  
12 ic beverages at retail for on-premises consumption, and the form of a  
13 certificate of completion or renewal thereof to be issued in respect to  
14 each such type of program. A certificate of completion or renewal there-  
15 of issued by an entity authorized to give and administer an alcohol  
16 training awareness program pursuant to this subdivision to licensees and  
17 their employees authorized to sell alcoholic beverages at retail for  
18 off-premises consumption shall not be invalidated by a change of employ-  
19 ment to another such licensee. A certificate of completion or renewal  
20 thereof issued by an entity authorized to give and administer an alcohol  
21 training awareness program pursuant to this subdivision to licensees and  
22 their employees authorized to sell alcoholic beverages at retail for  
23 on-premises consumption shall not be invalidated by a change of employ-  
24 ment to another such licensee. Attendance at any course established  
25 pursuant to this section shall be in person, through distance learning  
26 methods, or through an internet based online program.

27 13. To study and report to the governor and the legislature bi-ennial-  
28 ly on or before February first of each year concerning:

29 (a) recommendations to reduce the number and type of licenses, and to  
30 establish a uniform, statewide schedule of fees, such recommendations to  
31 include the development of a master application form for all licenses,  
32 with specific exhibits required for specific licenses, as appropriate,  
33 as well as recommendations on a non-refundable application fee set at a  
34 level which will cover the cost of the review and which would be applied  
35 against the first year license fee if the application is granted;

36 (b) recommendations to simplify license renewal procedures;

37 (c) recommendations to streamline the processing of applications and  
38 to eliminate duplication of reviews, such recommendations to include  
39 uniform standards for application review and decision which shall seek  
40 to assure that the review is as objective as possible and to narrow the  
41 discretion of the authority or of any reviewer employed by the authori-  
42 ty;

43 (d) the extent to which quality of life issues, such as noise level,  
44 vehicular traffic and parking are considered in licensing decisions,  
45 particularly as such issues pertain to proceedings pursuant to subdivi-  
46 sion seven of section sixty-four of this chapter;

47 (e) recommendations to improve enforcement methodologies in order to  
48 protect the health and safety of residents of communities experiencing  
49 persistent problems in the operation of retail establishments;

50 (f) recommendations concerning the addition of field enforcement  
51 personnel and the ratios of such field enforcement personnel to the  
52 total numbers of licensees that in the view of the authority would be  
53 appropriate to insure compliance with the law. Such study shall provide  
54 a detailed analysis of the costs and projected revenues to be obtained  
55 from the addition of such field enforcement personnel;

(g) such other observations and recommendations concerning the activities of the authority as will improve its effectiveness and efficiency including the utilization of on-line services to provide information on a fee-for-service basis; and

(h) provide information concerning the name, total quantity and total price of wine purchased from New York state and out-of-state wineries and farm wineries, and such other information on and recommendations concerning interstate wine shipment.

14. For state fiscal year two thousand nine--two thousand ten, the authority shall, within amounts appropriated therefore, improve and update their information technology in order to meet federal security requirements and to assist in the processing of license and/or permit applications and renewals.]

S 3. Section 18 of the alcoholic beverage control law, as added by chapter 83 of the laws of 1995, is amended to read as follows:

S 18. Powers and duties of the chairman. The chairman shall have the following functions, powers and duties:

1. To exercise the powers and perform the duties in relation to the administration of the division of alcoholic beverage control as are not specifically vested by this chapter in the state liquor authority, INCLUDING BUT NOT LIMITED TO BUDGETARY AND FISCAL MATTERS.

2. To preside at all meetings of the authority and perform the administrative functions of the authority.

3. TO APPOINT ANY NECESSARY DEPUTIES, COUNSELS, ASSISTANTS, INVESTIGATORS, AND OTHER EMPLOYEES WITHIN THE LIMITS PROVIDED BY APPROPRIATION.

4. TO REMOVE ANY EMPLOYEE OF THE AUTHORITY FOR CAUSE, AFTER GIVING SUCH EMPLOYEE A COPY OF THE CHARGES AGAINST HIM OR HER IN WRITING, AND AN OPPORTUNITY TO BE HEARD THEREON. ANY ACTION TAKEN UNDER THIS SUBDIVISION SHALL BE SUBJECT TO AND IN ACCORDANCE WITH THE CIVIL SERVICE LAW.

5. To keep records in such form as he OR SHE may prescribe of all licenses and permits issued and revoked within the state; such records shall be so kept as to provide ready information as to the identity of all licensees including the names of the officers and directors of corporate licensees and the location of all licensed premises. The chairman may, with the approval of the commissioner of taxation and finance, contract to furnish copies of the records of licenses and permits of each class and type issued within the state or any political subdivision thereof, for any license or permit year or term of years not exceeding five years.

[4.] 6. To inspect or provide for the inspection of any premises where alcoholic beverages are manufactured or sold.

[5.] 7. To prescribe forms of applications for licenses and permits under this chapter and of all reports deemed necessary by the authority.

[6.] 8. To delegate to the officers and employees of the [division] AUTHORITY such of his OR HER powers and duties as he OR SHE may determine.

9. TO ESTABLISH APPROPRIATE PROCEDURES TO INSURE THAT HEARING OFFICERS ARE SHIELDED FROM EX PARTE COMMUNICATIONS WITH ALLEGED VIOLATORS AND THEIR ATTORNEYS AND FROM OTHER EMPLOYEES OF THE AUTHORITY AND SHALL TAKE SUCH OTHER STEPS AS IT SHALL DEEM NECESSARY AND PROPER TO SHIELD ITS JUDICIAL PROCESSES FROM UNWARRANTED AND INAPPROPRIATE COMMUNICATIONS AND ATTEMPTS TO INFLUENCE.

10. TO DEVELOP AND ESTABLISH MINIMUM CRITERIA FOR ALCOHOL TRAINING AWARENESS PROGRAMS WHICH MAY BE GIVEN AND ADMINISTERED BY SCHOOLS; OTHER ENTITIES INCLUDING TRADE ASSOCIATIONS WHOSE MEMBERS ARE ENGAGED IN OR INVOLVED IN THE RETAIL SALE OF ALCOHOLIC BEVERAGES; NATIONAL AND

1 REGIONAL FRANCHISORS WHO HAVE GRANTED AT LEAST FIVE FRANCHISES IN THE  
2 STATE WHICH ARE LICENSED TO SELL BEER AT RETAIL FOR OFF-PREMISES  
3 CONSUMPTION; LICENSEES AUTHORIZED TO SELL ALCOHOLIC BEVERAGES AT RETAIL  
4 FOR OFF-PREMISES CONSUMPTION OPERATING FIVE OR MORE LICENSED PREMISES;  
5 AND PERSONS INTERESTED, WHETHER AS AN INDIVIDUAL PROPRIETOR OR PARTNER  
6 OR OFFICER OR MEMBER OF A LIMITED LIABILITY COMPANY, IN FIVE OR MORE  
7 LICENSEES AUTHORIZED TO SELL ALCOHOLIC BEVERAGES AT RETAIL FOR OFF-PREM-  
8 ISES CONSUMPTION. THE AUTHORITY SHALL PROVIDE FOR THE ISSUANCE OF  
9 CERTIFICATES OF APPROVAL TO ALL CERTIFIED ALCOHOL TRAINING AWARENESS  
10 PROGRAMS. CERTIFICATES OF APPROVAL MAY BE REVOKED BY THE AUTHORITY FOR  
11 FAILURE TO ADHERE TO THE AUTHORITY'S RULES AND REGULATIONS. SUCH RULES  
12 AND REGULATIONS SHALL AFFORD THOSE WHO HAVE BEEN ISSUED A CERTIFICATE OF  
13 APPROVAL AN OPPORTUNITY FOR A HEARING PRIOR TO ANY DETERMINATION OF  
14 WHETHER SUCH CERTIFICATE SHOULD BE REVOKED.

15 NO LICENSEE SHALL BE REQUIRED TO APPLY FOR ANY SUCH CERTIFICATE OR  
16 RENEWAL CERTIFICATE AND THE LICENSEE MAY VOLUNTARILY SURRENDER SUCH A  
17 CERTIFICATE OR RENEWAL CERTIFICATE AT ANY TIME. A FEE IN THE AMOUNT OF  
18 NINE HUNDRED DOLLARS SHALL BE PAID TO THE AUTHORITY WITH EACH APPLICA-  
19 TION FOR A CERTIFICATE OF APPROVAL OR RENEWAL CERTIFICATE. THE AUTHORITY  
20 SHALL PROMPTLY REFUND SUCH FEE TO AN APPLICANT WHOSE APPLICATION WAS  
21 DENIED. EACH CERTIFICATE OF APPROVAL AND RENEWAL THEREOF SHALL BE ISSUED  
22 FOR A PERIOD OF THREE YEARS. TO EFFECTUATE THE PROVISIONS OF THIS SUBDI-  
23 VISION, THE AUTHORITY IS EMPOWERED TO REQUIRE IN CONNECTION WITH AN  
24 APPLICATION THE SUBMISSION OF SUCH INFORMATION AS THE AUTHORITY MAY  
25 DIRECT; TO PRESCRIBE FORMS OF APPLICATIONS AND OF ALL REPORTS WHICH IT  
26 DEEMS NECESSARY TO BE MADE BY ANY APPLICANT OR CERTIFICATE HOLDER; TO  
27 CONDUCT INVESTIGATIONS; TO REQUIRE THE MAINTENANCE OF SUCH BOOKS AND  
28 RECORDS AS THE AUTHORITY MAY DIRECT; TO REVOKE, CANCEL, OR SUSPEND FOR  
29 CAUSE ANY CERTIFICATE PROVIDED FOR IN THIS SUBDIVISION. EACH ENTITY  
30 AUTHORIZED TO GIVE AND ADMINISTER AN ALCOHOL TRAINING AWARENESS PROGRAM  
31 SHALL ISSUE CERTIFICATES OF COMPLETION TO ALL LICENSEES AND EMPLOYEES  
32 WHO SUCCESSFULLY COMPLETE SUCH AN APPROVED ALCOHOL TRAINING AWARENESS  
33 PROGRAM. SUCH ENTITY SHALL REGULARLY TRANSMIT TO THE AUTHORITY THE  
34 NAMES, ADDRESSES AND DATES OF ATTENDANCE OF ALL THE LICENSEES AND  
35 EMPLOYEES OF LICENSEES WHO SUCCESSFULLY COMPLETE AN APPROVED ALCOHOL  
36 TRAINING AWARENESS PROGRAM. SUCH TRANSMITTAL SHALL BE IN A FORM AND  
37 MANNER PRESCRIBED BY THE AUTHORITY. THE AUTHORITY SHALL ADOPT RULES AND  
38 REGULATIONS TO EFFECTUATE THE PROVISIONS OF THIS SUBDIVISION, INCLUDING  
39 THE MINIMUM REQUIREMENTS FOR THE CURRICULUM OF EACH SUCH TRAINING  
40 PROGRAM AND THE REGULAR ONGOING TRAINING OF EMPLOYEES HOLDING CERTIF-  
41 ICATES OF COMPLETION OR RENEWAL CERTIFICATES. SUCH RULES AND REGULATIONS  
42 SHALL INCLUDE THE MINIMUM REQUIREMENTS FOR A SEPARATE CURRICULUM FOR  
43 LICENSEES AND THEIR EMPLOYEES AUTHORIZED TO SELL ALCOHOLIC BEVERAGES AT  
44 RETAIL FOR OFF-PREMISES CONSUMPTION, MINIMUM REQUIREMENTS FOR A SEPARATE  
45 CURRICULUM FOR LICENSEES AND THEIR EMPLOYEES AUTHORIZED TO SELL ALCOHOL-  
46 IC BEVERAGES AT RETAIL FOR ON-PREMISES CONSUMPTION, AND THE FORM OF A  
47 CERTIFICATE OF COMPLETION OR RENEWAL THEREOF TO BE ISSUED IN RESPECT TO  
48 EACH SUCH TYPE OF PROGRAM. A CERTIFICATE OF COMPLETION OR RENEWAL THERE-  
49 OF ISSUED BY AN ENTITY AUTHORIZED TO GIVE AND ADMINISTER AN ALCOHOL  
50 TRAINING AWARENESS PROGRAM PURSUANT TO THIS SUBDIVISION TO LICENSEES AND  
51 THEIR EMPLOYEES AUTHORIZED TO SELL ALCOHOLIC BEVERAGES AT RETAIL FOR  
52 OFF-PREMISES CONSUMPTION SHALL NOT BE INVALIDATED BY A CHANGE OF EMPLOY-  
53 MENT TO ANOTHER SUCH LICENSEE. A CERTIFICATE OF COMPLETION OR RENEWAL  
54 THEREOF ISSUED BY AN ENTITY AUTHORIZED TO GIVE AND ADMINISTER AN ALCOHOL  
55 TRAINING AWARENESS PROGRAM PURSUANT TO THIS SUBDIVISION TO LICENSEES AND  
56 THEIR EMPLOYEES AUTHORIZED TO SELL ALCOHOLIC BEVERAGES AT RETAIL FOR

ON-PREMISES CONSUMPTION SHALL NOT BE INVALIDATED BY A CHANGE OF EMPLOYMENT TO ANOTHER SUCH LICENSEE. ATTENDANCE AT ANY COURSE ESTABLISHED PURSUANT TO THIS SECTION SHALL BE IN PERSON, THROUGH DISTANCE LEARNING METHODS, OR THROUGH AN INTERNET BASED ONLINE PROGRAM.

11. TO MAKE AN ANNUAL REPORT TO THE GOVERNOR AND THE LEGISLATURE OF ITS ACTIVITIES FOR THE PRECEDING YEAR.

12. ON AND AFTER JANUARY FIRST, TWO THOUSAND TWELVE, THE REPORT PROVIDED FOR IN SUBDIVISION ELEVEN OF THIS SECTION SHALL INCLUDE AN EVALUATION OF THE EFFECTIVENESS OF THE PROHIBITION ON THE SALE OF ALCOHOL TO PERSONS UNDER THE AGE OF TWENTY-ONE AS PROVIDED IN SECTION SIXTY-FIVE-B OF THIS CHAPTER WITH PARTICULAR EMPHASIS ON THE PROVISIONS OF SUBDIVISIONS ONE, TWO, THREE, FOUR AND FIVE OF SECTION SIXTY-FIVE-B, SUBDIVISION FIVE OF SECTION ONE HUNDRED NINETEEN AND SUBDIVISION SIX OF SECTION SIXTY-FIVE OF THIS CHAPTER, PARAGRAPH (B) OF SUBDIVISION SEVEN OF SECTION 170.55 OF THE CRIMINAL PROCEDURE LAW AND SUBDIVISION (F) OF SECTION 19.07 OF THE MENTAL HYGIENE LAW.

13. ON AND AFTER JANUARY FIRST, TWO THOUSAND TWELVE, THE REPORT PROVIDED FOR IN SUBDIVISION ELEVEN OF THIS SECTION SHALL INCLUDE INFORMATION RELATED TO THE NUMBER OF LICENSES APPLIED FOR AND THE LENGTH OF TIME REQUIRED FOR THE APPROVAL OR DENIAL OF SUCH RETAIL LICENSE APPLIED FOR PURSUANT TO SUBDIVISION TWO-C OF SECTION SIXTY-ONE, SECTION SIXTY-FOUR, SECTION SEVENTY-SIX, SECTION SEVENTY-SIX-A, SECTION SEVENTY-SIX-C, AND SECTION SEVENTY-SIX-D OF THIS CHAPTER.

14. TO STUDY AND REPORT TO THE GOVERNOR AND THE LEGISLATURE BIENNIALY ON OR BEFORE FEBRUARY FIRST OF EACH YEAR CONCERNING:

(A) RECOMMENDATIONS TO REDUCE THE NUMBER AND TYPE OF LICENSES, AND TO ESTABLISH A UNIFORM, STATEWIDE SCHEDULE OF FEES, SUCH RECOMMENDATIONS TO INCLUDE THE DEVELOPMENT OF A MASTER APPLICATION FORM FOR ALL LICENSES, WITH SPECIFIC EXHIBITS REQUIRED FOR SPECIFIC LICENSES, AS APPROPRIATE, AS WELL AS RECOMMENDATIONS ON A NON-REFUNDABLE APPLICATION FEE SET AT A LEVEL WHICH WILL COVER THE COST OF THE REVIEW AND WHICH WOULD BE APPLIED AGAINST THE FIRST YEAR LICENSE FEE IF THE APPLICATION IS GRANTED;

(B) RECOMMENDATIONS TO SIMPLIFY LICENSE RENEWAL PROCEDURES;

(C) RECOMMENDATIONS TO STREAMLINE THE PROCESSING OF APPLICATIONS AND TO ELIMINATE DUPLICATION OF REVIEWS, SUCH RECOMMENDATIONS TO INCLUDE UNIFORM STANDARDS FOR APPLICATION REVIEW AND DECISION WHICH SHALL SEEK TO ASSURE THAT THE REVIEW IS AS OBJECTIVE AS POSSIBLE AND TO NARROW THE DISCRETION OF THE AUTHORITY OR OF ANY REVIEWER EMPLOYED BY THE AUTHORITY;

(D) THE EXTENT TO WHICH QUALITY OF LIFE ISSUES, SUCH AS NOISE LEVEL, VEHICULAR TRAFFIC AND PARKING ARE CONSIDERED IN LICENSING DECISIONS, PARTICULARLY AS SUCH ISSUES PERTAIN TO PROCEEDINGS PURSUANT TO SUBDIVISION SEVEN OF SECTION SIXTY-FOUR OF THIS CHAPTER;

(E) RECOMMENDATIONS TO IMPROVE ENFORCEMENT METHODOLOGIES IN ORDER TO PROTECT THE HEALTH AND SAFETY OF RESIDENTS OF COMMUNITIES EXPERIENCING PERSISTENT PROBLEMS IN THE OPERATION OF RETAIL ESTABLISHMENTS;

(F) RECOMMENDATIONS CONCERNING THE ADDITION OF FIELD ENFORCEMENT PERSONNEL AND THE RATIOS OF SUCH FIELD ENFORCEMENT PERSONNEL TO THE TOTAL NUMBERS OF LICENSEES THAT IN THE VIEW OF THE AUTHORITY WOULD BE APPROPRIATE TO INSURE COMPLIANCE WITH THE LAW. SUCH STUDY SHALL PROVIDE A DETAILED ANALYSIS OF THE COSTS AND PROJECTED REVENUES TO BE OBTAINED FROM THE ADDITION OF SUCH FIELD ENFORCEMENT PERSONNEL;

(G) SUCH OTHER OBSERVATIONS AND RECOMMENDATIONS CONCERNING THE ACTIVITIES OF THE AUTHORITY AS WILL IMPROVE ITS EFFECTIVENESS AND EFFICIENCY INCLUDING THE UTILIZATION OF ON-LINE SERVICES TO PROVIDE INFORMATION ON A FEE-FOR-SERVICE BASIS; AND



1 (H) PROVIDE INFORMATION CONCERNING THE NAME, TOTAL QUANTITY AND TOTAL  
2 PRICE OF WINE PURCHASED FROM NEW YORK STATE AND OUT-OF-STATE WINERIES  
3 AND FARM WINERIES, AND SUCH OTHER INFORMATION ON AND RECOMMENDATIONS  
4 CONCERNING INTERSTATE WINE SHIPMENT.  
5 15. FOR STATE FISCAL YEAR TWO THOUSAND TWELVE--TWO THOUSAND THIRTEEN,  
6 THE AUTHORITY SHALL, WITHIN AMOUNTS APPROPRIATED THEREFOR, IMPROVE AND  
7 UPDATE THEIR INFORMATION TECHNOLOGY IN ORDER TO MEET FEDERAL SECURITY  
8 REQUIREMENTS AND TO ASSIST IN THE PROCESSING OF LICENSE AND/OR PERMIT  
9 APPLICATIONS AND RENEWALS.  
10 S 4. This act shall take effect immediately and shall expire and be  
11 deemed repealed three years after such date.