

4303--B

2011-2012 Regular Sessions

I N S E N A T E

March 28, 2011

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 Investi-
gations and Government Operations -- committee discharged, bill
amended, ordered reprinted as amended and recommitted to said commit-
tee -- 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

AN ACT to amend the alcoholic beverage control law, in relation to the
powers of the chairman and members of the authority

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-
BLY, 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
15 civil service. The other assistants, investigators and employees of the
16 authority shall all be in the competitive class of the civil service.
17 The authority shall continue to have its principal office in the city of
18 Albany, and may maintain a branch office in the cities of New York and
19 Buffalo and such other places as [it] THE CHAIRMAN may deem necessary.

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

LBD09735-04-1

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

7 S 2. Section 17 of the alcoholic beverage control law, as amended by
8 chapter 83 of the laws of 1995, subdivision 3 as separately amended by
9 section 1 of part L of chapter 62 and chapter 522 of the laws of 2003,
10 subdivision 8-a as added by chapter 383 of the laws of 1998, subdivision
11 8-b as added by chapter 396 of the laws of 2010, subdivision 12 as
12 amended by chapter 549 of the laws of 2001, the closing paragraph of
13 subdivision 12 as amended by chapter 435 of the laws of 2010, subdivi-
14 sion 13 as added by chapter 403 of the laws of 1999, paragraphs (f) and
15 (g) as amended and paragraph (h) of subdivision 13 as added by chapter
16 210 of the laws of 2005, and subdivision 14 as added by section 1 of
17 part WW of chapter 56 of the laws of 2009, is amended to read as
18 follows:

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

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

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

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

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

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

31 [6.] 5. To hold hearings, subpoena witnesses, compel their attendance,
32 administer oaths, to examine any person under oath and in connection
33 therewith to require the production of any books or papers relative to
34 the inquiry. A subpoena issued under this section shall be regulated by
35 the civil practice law and rules.

36 [7.] 6. To prohibit, at any time of public emergency, without previous
37 notice or advertisement, the sale of any or all alcoholic beverages for
38 and during the period of such emergency.

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

41 8-a. On and after January first, two thousand the report provided for
42 in subdivision eight of this section shall include an evaluation of the
43 effectiveness of the prohibition on the sale of alcohol to persons under
44 the age of twenty-one as provided in section sixty-five-b of this chap-
45 ter with particular emphasis on the provisions of subdivisions one, two,
46 three, four and five of section sixty-five-b, subdivision five of
47 section one hundred nineteen and subdivision six of section sixty-five
48 of this chapter, paragraph (b) of subdivision seven of section 170.55 of
49 the criminal procedure law and subdivision (f) of section 19.07 of the
50 mental hygiene law.

51 8-b. On and after January first, two thousand eleven, the report
52 provided for in subdivision eight of this section shall include informa-
53 tion related to the number of licenses applied for and the length of
54 time required for the approval or denial of such retail license applied
55 for pursuant to subdivision two-c of section sixty-one, section sixty-

four, section seventy-six, section seventy-six-a, section seventy-six-c, section seventy-six-d, and section seventy-six-f of this chapter.

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

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

[11.] 9. Upon receipt of a resolution adopted by a board of supervisors or a county legislative body requesting further restriction of hours of sale of alcoholic beverages within such county, and upon notice and hearing within such county, to approve or disapprove such hours within such county.

[12. 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 regional franchisors who have granted at least five franchises in the state which are licensed to sell beer at retail for off-premises consumption; licensees authorized to sell alcoholic beverages at retail for off-premises consumption operating five or more licensed premises; and persons interested, whether as an individual proprietor or partner or officer or member of a limited liability company, in five or more licensees authorized to sell alcoholic beverages at retail for off-premises consumption. The authority shall provide for the issuance of certificates of approval to all certified alcohol training awareness programs. Certificates of approval may be revoked by the authority for failure to adhere to the authority's rules and regulations. Such rules and regulations shall afford those who have been issued a certificate of approval an opportunity for a hearing prior to any determination of whether such certificate should be revoked.

No licensee shall be required to apply for any such certificate or renewal certificate and the licensee may voluntarily surrender such a certificate or renewal certificate at any time. A fee in the amount of nine hundred dollars shall be paid to the authority with each application for a certificate of approval or renewal certificate. The authority shall promptly refund such fee to an applicant whose application was denied. Each certificate of approval and renewal thereof shall be issued for a period of three years. To effectuate the provisions of this subdivision, the authority is empowered to require in connection with an application the submission of such information as the authority may direct; to prescribe forms of applications and of all reports which it deems necessary to be made by any applicant or certificate holder; to conduct investigations; to require the maintenance of such books and records as the authority may direct; to revoke, cancel, or suspend for cause any certificate provided for in this subdivision. Each entity authorized to give and administer an alcohol training awareness program shall issue certificates of completion to all licensees and employees who successfully complete such an approved alcohol training awareness program. Such entity shall regularly transmit to the authority the names, addresses and dates of attendance of all the licensees and employees of licensees who successfully complete an approved alcohol training awareness program. Such transmittal shall be in a form and manner prescribed by the authority. The authority shall adopt rules and regulations to effectuate the provisions of this subdivision, including the minimum requirements for the curriculum of each such training

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

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

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

31 (b) recommendations to simplify license renewal procedures;

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

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

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

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

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

55 (h) provide information concerning the name, total quantity and total
56 price of wine purchased from New York state and out-of-state wineries

1 and farm wineries, and such other information on and recommendations
2 concerning interstate wine shipment.

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

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

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

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

16 2. To preside at all meetings of the authority and perform the admin-
17 istrative functions of the authority.

18 3. TO APPOINT ANY NECESSARY DEPUTIES, COUNSELS, ASSISTANTS, INVESTI-
19 GATORS, AND OTHER EMPLOYEES WITHIN THE LIMITS PROVIDED BY APPROPRIATION.

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

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

34 [4.] 6. To inspect or provide for the inspection of any premises where
35 alcoholic beverages are manufactured or sold.

36 [5.] 7. To prescribe forms of applications for licenses and permits
37 under this chapter and of all reports deemed necessary by the authority.

38 [6.] 8. To delegate to the officers and employees of the [division]
39 AUTHORITY such of his OR HER powers and duties as he OR SHE may deter-
40 mine.

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

47 10. TO DEVELOP AND ESTABLISH MINIMUM CRITERIA FOR ALCOHOL TRAINING
48 AWARENESS PROGRAMS WHICH MAY BE GIVEN AND ADMINISTERED BY SCHOOLS; OTHER
49 ENTITIES INCLUDING TRADE ASSOCIATIONS WHOSE MEMBERS ARE ENGAGED IN OR
50 INVOLVED IN THE RETAIL SALE OF ALCOHOLIC BEVERAGES; NATIONAL AND
51 REGIONAL FRANCHISORS WHO HAVE GRANTED AT LEAST FIVE FRANCHISES IN THE
52 STATE WHICH ARE LICENSED TO SELL BEER AT RETAIL FOR OFF-PREMISES
53 CONSUMPTION; LICENSEES AUTHORIZED TO SELL ALCOHOLIC BEVERAGES AT RETAIL
54 FOR OFF-PREMISES CONSUMPTION OPERATING FIVE OR MORE LICENSED PREMISES;
55 AND PERSONS INTERESTED, WHETHER AS AN INDIVIDUAL PROPRIETOR OR PARTNER
56 OR OFFICER OR MEMBER OF A LIMITED LIABILITY COMPANY, IN FIVE OR MORE

LICENSEES AUTHORIZED TO SELL ALCOHOLIC BEVERAGES AT RETAIL FOR OFF-PREMISES CONSUMPTION. THE AUTHORITY SHALL PROVIDE FOR THE ISSUANCE OF CERTIFICATES OF APPROVAL TO ALL CERTIFIED ALCOHOL TRAINING AWARENESS PROGRAMS. CERTIFICATES OF APPROVAL MAY BE REVOKED BY THE AUTHORITY FOR FAILURE TO ADHERE TO THE AUTHORITY'S RULES AND REGULATIONS. SUCH RULES AND REGULATIONS SHALL AFFORD THOSE WHO HAVE BEEN ISSUED A CERTIFICATE OF APPROVAL AN OPPORTUNITY FOR A HEARING PRIOR TO ANY DETERMINATION OF WHETHER SUCH CERTIFICATE SHOULD BE REVOKED.

NO LICENSEE SHALL BE REQUIRED TO APPLY FOR ANY SUCH CERTIFICATE OR RENEWAL CERTIFICATE AND THE LICENSEE MAY VOLUNTARILY SURRENDER SUCH A CERTIFICATE OR RENEWAL CERTIFICATE AT ANY TIME. A FEE IN THE AMOUNT OF NINE HUNDRED DOLLARS SHALL BE PAID TO THE AUTHORITY WITH EACH APPLICATION FOR A CERTIFICATE OF APPROVAL OR RENEWAL CERTIFICATE. THE AUTHORITY SHALL PROMPTLY REFUND SUCH FEE TO AN APPLICANT WHOSE APPLICATION WAS DENIED. EACH CERTIFICATE OF APPROVAL AND RENEWAL THEREOF SHALL BE ISSUED FOR A PERIOD OF THREE YEARS. TO EFFECTUATE THE PROVISIONS OF THIS SUBDIVISION, THE AUTHORITY IS EMPOWERED TO REQUIRE IN CONNECTION WITH AN APPLICATION THE SUBMISSION OF SUCH INFORMATION AS THE AUTHORITY MAY DIRECT; TO PRESCRIBE FORMS OF APPLICATIONS AND OF ALL REPORTS WHICH IT DEEMS NECESSARY TO BE MADE BY ANY APPLICANT OR CERTIFICATE HOLDER; TO CONDUCT INVESTIGATIONS; TO REQUIRE THE MAINTENANCE OF SUCH BOOKS AND RECORDS AS THE AUTHORITY MAY DIRECT; TO REVOKE, CANCEL, OR SUSPEND FOR CAUSE ANY CERTIFICATE PROVIDED FOR IN THIS SUBDIVISION. EACH ENTITY AUTHORIZED TO GIVE AND ADMINISTER AN ALCOHOL TRAINING AWARENESS PROGRAM SHALL ISSUE CERTIFICATES OF COMPLETION TO ALL LICENSEES AND EMPLOYEES WHO SUCCESSFULLY COMPLETE SUCH AN APPROVED ALCOHOL TRAINING AWARENESS PROGRAM. SUCH ENTITY SHALL REGULARLY TRANSMIT TO THE AUTHORITY THE NAMES, ADDRESSES AND DATES OF ATTENDANCE OF ALL THE LICENSEES AND EMPLOYEES OF LICENSEES WHO SUCCESSFULLY COMPLETE AN APPROVED ALCOHOL TRAINING AWARENESS PROGRAM. SUCH TRANSMITTAL SHALL BE IN A FORM AND MANNER PRESCRIBED BY THE AUTHORITY. THE AUTHORITY SHALL ADOPT RULES AND REGULATIONS TO EFFECTUATE THE PROVISIONS OF THIS SUBDIVISION, INCLUDING THE MINIMUM REQUIREMENTS FOR THE CURRICULUM OF EACH SUCH TRAINING PROGRAM AND THE REGULAR ONGOING TRAINING OF EMPLOYEES HOLDING CERTIFICATES OF COMPLETION OR RENEWAL CERTIFICATES. SUCH RULES AND REGULATIONS SHALL INCLUDE THE MINIMUM REQUIREMENTS FOR A SEPARATE CURRICULUM FOR LICENSEES AND THEIR EMPLOYEES AUTHORIZED TO SELL ALCOHOLIC BEVERAGES AT RETAIL FOR OFF-PREMISES CONSUMPTION, MINIMUM REQUIREMENTS FOR A SEPARATE CURRICULUM FOR LICENSEES AND THEIR EMPLOYEES AUTHORIZED TO SELL ALCOHOLIC BEVERAGES AT RETAIL FOR ON-PREMISES CONSUMPTION, AND THE FORM OF A CERTIFICATE OF COMPLETION OR RENEWAL THEREOF TO BE ISSUED IN RESPECT TO EACH SUCH TYPE OF PROGRAM. A CERTIFICATE OF COMPLETION OR RENEWAL THEREOF ISSUED BY AN ENTITY AUTHORIZED TO GIVE AND ADMINISTER AN ALCOHOL TRAINING AWARENESS PROGRAM PURSUANT TO THIS SUBDIVISION TO LICENSEES AND THEIR EMPLOYEES AUTHORIZED TO SELL ALCOHOLIC BEVERAGES AT RETAIL FOR OFF-PREMISES CONSUMPTION SHALL NOT BE INVALIDATED BY A CHANGE OF EMPLOYMENT TO ANOTHER SUCH LICENSEE. A CERTIFICATE OF COMPLETION OR RENEWAL THEREOF ISSUED BY AN ENTITY AUTHORIZED TO GIVE AND ADMINISTER AN ALCOHOL TRAINING AWARENESS PROGRAM PURSUANT TO THIS SUBDIVISION TO LICENSEES AND 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, SECTION SEVENTY-SIX-D, AND SECTION SEVENTY-SIX-F 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

(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.

1 15. FOR STATE FISCAL YEAR TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE,
2 THE AUTHORITY SHALL, WITHIN AMOUNTS APPROPRIATED THEREFOR, IMPROVE AND
3 UPDATE THEIR INFORMATION TECHNOLOGY IN ORDER TO MEET FEDERAL SECURITY
4 REQUIREMENTS AND TO ASSIST IN THE PROCESSING OF LICENSE AND/OR PERMIT
5 APPLICATIONS AND RENEWALS.
6 S 4. This act shall take effect immediately.