

S T A T E O F N E W Y O R K

4303--A

2011-2012 Regular Sessions

I N S E N A T E

March 28, 2011

Introduced by Sens. MARCELLINO, 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

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 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
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.
20 [The authority shall establish appropriate procedures to insure that
21 hearing officers are shielded from ex parte communications with alleged

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

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1 violators and their attorneys and from other employees of the authority
2 and shall take such other steps as it shall deem necessary and proper to
3 shield its judicial processes from unwarranted and inappropriate commu-
4 nications and attempts to influence.]

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

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

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

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

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

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

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

29 [6.] 5. To hold hearings, subpoena witnesses, compel their attendance,
30 administer oaths, to examine any person under oath and in connection
31 therewith to require the production of any books or papers relative to
32 the inquiry. A subpoena issued under this section shall be regulated by
33 the civil practice law and rules.

34 [7.] 6. To prohibit, at any time of public emergency, without previous
35 notice or advertisement, the sale of any or all alcoholic beverages for
36 and during the period of such emergency.

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

39 8-a. On and after January first, two thousand the report provided for
40 in subdivision eight of this section shall include an evaluation of the
41 effectiveness of the prohibition on the sale of alcohol to persons under
42 the age of twenty-one as provided in section sixty-five-b of this chap-
43 ter with particular emphasis on the provisions of subdivisions one, two,
44 three, four and five of section sixty-five-b, subdivision five of
45 section one hundred nineteen and subdivision six of section sixty-five
46 of this chapter, paragraph (b) of subdivision seven of section 170.55 of
47 the criminal procedure law and subdivision (f) of section 19.07 of the
48 mental hygiene law.

49 8-b. On and after January first, two thousand eleven, the report
50 provided for in subdivision eight of this section shall include informa-
51 tion related to the number of licenses applied for and the length of
52 time required for the approval or denial of such retail license applied
53 for pursuant to subdivision two-c of section sixty-one, section sixty-
54 four, section seventy-six, section seventy-six-a, section seventy-six-c,
55 section seventy-six-d, and section seventy-six-f of this chapter.

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

4 [10.] 8. To appoint such advisory groups and committees as it deems
5 necessary to provide assistance to the authority to carry out the
6 purposes and objectives of this chapter.

7 [11.] 9. Upon receipt of a resolution adopted by a board of supervi-
8 sors or a county legislative body requesting further restriction of
9 hours of sale of alcoholic beverages within such county, and upon notice
10 and hearing within such county, to approve or disapprove such hours
11 within such county.

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

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

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

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

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

29 (b) recommendations to simplify license renewal procedures;

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

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

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

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

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

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

1 14. For state fiscal year two thousand nine--two thousand ten, the
2 authority shall, within amounts appropriated therefore, 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 3. Section 18 of the alcoholic beverage control law, as added by
7 chapter 83 of the laws of 1995, is amended to read as follows:

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

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

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

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

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

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

32 [4.] 6. To inspect or provide for the inspection of any premises where
33 alcoholic beverages are manufactured or sold.

34 [5.] 7. To prescribe forms of applications for licenses and permits
35 under this chapter and of all reports deemed necessary by the authority.

36 [6.] 8. To delegate to the officers and employees of the [division]
37 AUTHORITY such of his OR HER powers and duties as he OR SHE may deter-
38 mine.

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

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

1 CERTIFICATES OF APPROVAL TO ALL CERTIFIED ALCOHOL TRAINING AWARENESS
2 PROGRAMS. CERTIFICATES OF APPROVAL MAY BE REVOKED BY THE AUTHORITY FOR
3 FAILURE TO ADHERE TO THE AUTHORITY'S RULES AND REGULATIONS. SUCH RULES
4 AND REGULATIONS SHALL AFFORD THOSE WHO HAVE BEEN ISSUED A CERTIFICATE OF
5 APPROVAL AN OPPORTUNITY FOR A HEARING PRIOR TO ANY DETERMINATION OF
6 WHETHER SUCH CERTIFICATE SHOULD BE REVOKED.

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

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

54 12. ON AND AFTER JANUARY FIRST, TWO THOUSAND TWELVE, THE REPORT
55 PROVIDED FOR IN SUBDIVISION ELEVEN OF THIS SECTION SHALL INCLUDE AN
56 EVALUATION OF THE EFFECTIVENESS OF THE PROHIBITION ON THE SALE OF ALCO-

HOL 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. 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.

14. FOR STATE FISCAL YEAR TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE, THE AUTHORITY SHALL, WITHIN AMOUNTS APPROPRIATED THEREFOR, 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 4. This act shall take effect immediately.