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

7544

2013-2014 Regular Sessions

I N A S S E M B L Y

May 23, 2013

Introduced by M. of A. CAHILL -- read once and referred to the Committee on Economic Development

AN ACT to amend the economic development law, in relation to establishing the New York craft beverage council

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

Section 1. The economic development law is amended by adding a new article 5-F to read as follows:

ARTICLE 5-F

NEW YORK CRAFT BEVERAGE COUNCIL PROGRAM

SECTION 181-F. SHORT TITLE.
181-G. DEFINITIONS.
181-H. GENERAL POWERS AND DUTIES OF THE COMMISSIONER.
181-I. NEW YORK CRAFT BEVERAGE COUNCIL.

S 181-F. SHORT TITLE. THIS ARTICLE SHALL BE KNOWN AND MAY BE CITED AS THE "NEW YORK CRAFT BEVERAGE COUNCIL PROGRAM".

S 181-G. DEFINITIONS. THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS FOR THE PURPOSES OF THIS SECTION:

1. "WINERY" SHALL MEAN A BUSINESS THAT PRODUCES WINE.
2. "DISTILLERY" SHALL MEAN A BUSINESS THAT PRODUCES SPIRITS.
3. "MICROBREWERY" SHALL MEAN A BUSINESS THAT PRODUCES CRAFT BREWS.
4. "BEER DISTRIBUTOR" SHALL MEAN A BUSINESS THAT SELLS CRAFT BREWS TO THE PUBLIC AND DELIVERS CRAFT BREWS TO RETAILERS.
5. "BREW PUB" SHALL MEAN A PUB OR RESTAURANT THAT BREWS BEER ON THE PREMISES.
6. "FARM DISTILLERY" SHALL MEAN A DISTILLERY WITH A CLASS D LICENSE.

S 181-H. GENERAL POWERS AND DUTIES OF THE COMMISSIONER. THE COMMISSIONER SHALL DEVELOP AND IMPLEMENT A NEW YORK CRAFT BEVERAGE PROGRAM. THE NEW YORK CRAFT BEVERAGE COUNCIL SHALL DEVELOP A MARKETING STRATEGY PURSUANT TO THIS PROGRAM THAT SHALL PROMOTE NEW YORK AS A PREMIERE PRODUCER OF HIGH QUALITY WINES, SPIRITS AND CRAFT BREWS.

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

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S 181-I. NEW YORK CRAFT BEVERAGE COUNCIL. 1. (A) THE COMMISSIONER, IN ACCORDANCE WITH THIS PROGRAM, SHALL CAUSE TO BE DEVELOPED A NEW YORK CRAFT BEVERAGE COUNCIL TO BE TASKED WITH BRANDING, MARKETING AND PROMOTING FINE NEW YORK STATE WINES, SPIRITS AND CRAFT BEVERAGES. THE NEW YORK CRAFT BEVERAGE COUNCIL SHALL BE MANAGED BY AND ITS POWERS, FUNCTIONS AND DUTIES SHALL BE EXERCISED THROUGH A BOARD OF DIRECTORS.

(B) THE INITIAL BOARD OF DIRECTORS SHALL CONSIST OF NINE MEMBERS: FIVE OF WHICH SHALL BE APPOINTED BY THE GOVERNOR; TWO OF WHICH SHALL BE APPOINTED BY THE TEMPORARY PRESIDENT OF THE SENATE; AND TWO OF WHICH SHALL BE APPOINTED BY THE SPEAKER OF THE ASSEMBLY. OF THE NINE MEMBERS, ONE SHALL BE AN OFFICER OR OWNER OF A WINERY, ONE SHALL BE AN OFFICER OR OWNER OF A DISTILLERY, ONE SHALL BE AN OFFICER OR OWNER OF A MICROBREWERY, ONE SHALL BE AN OFFICER OR OWNER OF A LIQUOR STORE, ONE SHALL BE AN OFFICER OR OWNER OF A BEER DISTRIBUTOR, ONE SHALL BE AN OFFICER OR OWNER OF A FARM DISTILLERY, ONE SHALL BE AN OFFICER OR OWNER OF A BREW PUB, ONE SHALL BE THE OWNER OR OFFICER OF A RESTAURANT LICENSED TO SELL FINE NEW YORK WINES, SPIRITS AND CRAFT BREWS, AND ONE SHALL BE A PERSON FAMILIAR WITH THE ADVERTISING, PROMOTION AND MARKETING OF COMMERCIAL PRODUCTS. THE DIRECTORS SO APPOINTED SHALL SERVE A TERM OF THREE YEARS, EXCEPT THAT, OF THE DIRECTORS SO APPOINTED BY THE GOVERNOR, TEMPORARY PRESIDENT OF THE SENATE AND SPEAKER OF THE ASSEMBLY, THE OWNER OR OFFICER OF A DISTILLERY, THE OWNER OR OFFICER OF A BEER DISTRIBUTOR AND THE OWNER OR OFFICER OF A RESTAURANT SHALL SERVE FOR ONE YEAR, THE OWNER OR OFFICER OF A BREWERY, THE OWNER OR OFFICER OF A LIQUOR STORE AND THE OWNER OR OFFICER OF A BREW PUB SHALL SERVE FOR TWO YEARS, AND THE OWNER OR OFFICER OF A WINERY, THE OWNER OR OFFICER OF A FARM DISTILLERY AND THE PERSON FAMILIAR WITH ADVERTISING, PROMOTION AND MARKETING OF COMMERCIAL PRODUCTS SHALL SERVE FOR THREE YEARS.

(C) THE CHAIR OF THE URBAN DEVELOPMENT CORPORATION SHALL SERVE AS CHAIR OF THE COUNCIL.

(D) MEMBERSHIP WILL BE DEFINED AS MEMBERS IN GOOD STANDING PER THE BYLAWS OF THE NEW YORK CRAFT BEVERAGE COUNCIL. EACH MEMBER WILL CONTRIBUTE ANNUAL DUES TO THE COUNCIL TO BE DETERMINED BY THE BOARD OF DIRECTORS.

(E) THE EXECUTIVE DIRECTOR OF THE NEW YORK CRAFT BEVERAGE COUNCIL SHALL HAVE PREVIOUS EXPERIENCE IN MARKETING CRAFT BEVERAGES, EVENT PLANNING AND BRAND MANAGEMENT AND WILL BE APPOINTED BY THE BOARD OF DIRECTORS, DECIDED BY A MAJORITY VOTE. THE EXECUTIVE DIRECTOR WILL SERVE AS AN "AT WILL" EMPLOYEE AT THE DISCRETION OF THE BOARD OF DIRECTORS.

(F) IF ANY VACANCY OTHER THAN BY EXPIRATION OF TERM OCCURS ON THE BOARD AMONGST THOSE FIRST APPOINTED SUCH VACANCY SHALL BE FILLED BY APPOINTMENT FOR THE UNEXPIRED TERM BY THE APPOINTING AUTHORITY INITIALLY APPOINTING SUCH MEMBER. UPON EXPIRATION OF THE INITIAL TERMS, SUCCESSORS SHALL BE ELECTED BY THE REMAINING MEMBERS OF THE BOARD FOR A THREE YEAR TERM; SUCH DIRECTORS SHALL HAVE THE QUALIFICATIONS REQUIRED OF THE ORIGINAL DIRECTORS.

MEMBERS SHALL CONTINUE AS SUCH UNTIL THEIR SUCCESSORS HAVE BEEN DULY ELECTED.

(G) MEMBERS OF THE BOARD OF DIRECTORS SHALL SERVE WITHOUT COMPENSATION, BUT SHALL BE REIMBURSED FOR ACTUAL EXPENSES REASONABLY INCURRED IN THE PERFORMANCE OF THEIR DUTIES.

(H) THE BOARD SHALL MEET FOUR TIMES ANNUALLY AT THE CALL OF THE CHAIRMAN OR IN HIS ABSENCE THE VICE CHAIRMAN OR ON PETITION OF ANY THREE MEMBERS. A MAJORITY OF THE MEMBERS OF THE BOARD THEN IN OFFICE SHALL CONSTITUTE A QUORUM FOR THE TRANSACTION OF ANY BUSINESS. THE BOARD IS ENCOURAGED TO CONDUCT ITS MEETINGS IN A MANNER WHICH WILL ENSURE THE

ACTIVE PARTICIPATION OF ANY PERSON HAVING AN INTEREST IN THE CRAFT BEVERAGE INDUSTRY.

(I) THE NEW YORK CRAFT BEVERAGE COUNCIL IS CHARGED WITH CREATING BRAND RECOGNITION FOR FINE NEW YORK WINES, SPIRITS AND CRAFT BREWS. IN DOING SO THEY SHALL WORK TO MARKET NEW YORK STATE LABELED CRAFT BEVERAGES BOTH WITHIN AND OUTSIDE OF NEW YORK STATE WITH THE GOAL OF PROMOTING NEW YORK CRAFT BEVERAGES.

(J) THE NEW YORK CRAFT BEVERAGE COUNCIL SHALL, BY ONE YEAR FOLLOWING THE EFFECTIVE DATE OF THIS ARTICLE, SUBMIT A PRELIMINARY REPORT TO THE GOVERNOR AND THE LEGISLATURE WITH AN ASSESSMENT OF MARKETING AND PROMOTION STRATEGIES TO IMPLEMENT THIS ARTICLE.

2. (A) (I) REGIONAL ADVISORY BOARDS SHALL BE ESTABLISHED, WHOSE MEMBERS SHALL WORK WITH THE NEW YORK CRAFT BEVERAGE COUNCIL. THERE SHALL BE FIVE REGIONAL MEMBERS OF THE ADVISORY BOARD FOR EACH REGION ESTABLISHED PURSUANT TO THIS SECTION. FOR EACH REGION, ONE REGIONAL MEMBER SHALL BE APPOINTED BY THE GOVERNOR, TWO REGIONAL MEMBERS SHALL BE APPOINTED BY THE TEMPORARY PRESIDENT OF THE SENATE, AND TWO REGIONAL MEMBERS SHALL BE APPOINTED BY THE SPEAKER OF THE ASSEMBLY. REGIONAL ADVISORY BOARD MEMBERS SHALL HAVE THE QUALIFICATIONS REQUIRED OF THE BOARD OF DIRECTORS.

(II) REGIONAL MEMBERS SHALL NOT BE CONSIDERED TO BE MEMBERS OF THE COUNCIL FOR PURPOSES OF PARTICIPATION IN COUNCIL MEETINGS, EXCEPT WHERE ITEMS RELATING SPECIFICALLY TO THAT MEMBER'S REGION ARE ON THE AGENDA OF A COUNCIL MEETING.

(B) FOR THE PURPOSES OF THIS ARTICLE, THERE SHALL BE TEN REGIONS:

(I) WESTERN NEW YORK, CONSISTING OF ALLEGANY, CATTARAUGUS, CHAUTAUQUA, ERIE AND NIAGARA COUNTIES;

(II) FINGER LAKES, CONSISTING OF GENESEE, LIVINGSTON, MONROE, ONTARIO, ORLEANS, SENECA, WAYNE, WYOMING AND YATES COUNTIES;

(III) SOUTHERN TIER, CONSISTING OF BROOME, CHEMUNG, CHENANGO, DELAWARE, SCHUYLER, STEUBEN , TIOGA AND TOMPKINS COUNTIES;

(IV) CENTRAL NEW YORK, CONSISTING OF CAYUGA, CORTLAND, MADISON, ONONDAGA AND OSWEGO COUNTIES;

(V) MOHAWK VALLEY, CONSISTING OF FULTON, HERKIMER, MONTGOMERY, ONEIDA, OTSEGO AND SCHOHARIE COUNTIES;

(VI) NORTH COUNTRY, CONSISTING OF CLINTON, ESSEX, FRANKLIN, HAMILTON, JEFFERSON, LEWIS AND ST. LAWRENCE COUNTIES;

(VII) CAPITAL REGION, CONSISTING OF ALBANY, COLUMBIA, GREENE, SARATOGA, SCHENECTADY, RENSSELAER, WARREN AND WASHINGTON COUNTIES;

(VIII) MID-HUDSON, CONSISTING OF DUTCHESS, ORANGE, PUTNAM, ROCKLAND, SULLIVAN, ULSTER AND WESTCHESTER COUNTIES;

(IX) NEW YORK CITY, CONSISTING OF BRONX, KINGS, NEW YORK, RICHMOND AND QUEENS COUNTIES;

(X) LONG ISLAND, CONSISTING OF NASSAU AND SUFFOLK COUNTIES.

(C) REGIONAL ADVISORY BOARD MEMBERS SHALL SERVE WITHOUT COMPENSATION, AND SHALL HAVE THEIR PRINCIPAL RESIDENCE WITHIN THE REGION FOR WHICH THEY ARE APPOINTED. SUCH REGIONAL ADVISORY BOARD MEMBERS MAY SOLICIT INPUT FROM STAKEHOLDER INTERESTS WITHIN THEIR REGION, INCLUDING BUT NOT LIMITED TO LOCAL GOVERNMENTS, COMMUNITY ORGANIZATIONS, CHAMBERS OF COMMERCE, BEVERAGE DISTRIBUTORS, WINERIES, DISTILLERIES, MICROBREWERIES, RESTAURANTS, AND CONSUMERS AND SHALL TRANSMIT TO THE COUNCIL A REPORT CONTAINING ANY RECOMMENDATIONS SPECIFIC TO THEIR REGION ONE HUNDRED EIGHTY DAYS FOLLOWING THE EFFECTIVE DATE OF THIS SECTION.

S 2. This act shall take effect immediately.