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

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I N S E N A T E

May 11, 2016

Introduced by Sen. LANZA -- (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

AN ACT to amend the alcoholic beverage control law, in relation to branch offices of licensed manufacturers; and to amend the executive law, in relation to the division of alcoholic beverage control

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

Section 1. Section 10 of the alcoholic beverage control law, as amended by chapter 83 of the laws of 1995, is amended to read as follows:

S 10. State liquor authority. There shall continue to be in the executive department an alcoholic beverage control division, the head of which shall be the state liquor authority [which] WHOSE MEMBERS shall consist of [three members] A CHAIRMAN AND TWO COMMISSIONERS, [who shall be known as commissioners,] all of whom shall be citizens and residents of the state. The state alcoholic beverage control board created and appointed pursuant to chapter one hundred eighty of the laws of nineteen hundred thirty-three, as presently constituted, shall continue in existence and hereafter shall be known and designated as the state liquor authority. The terms "state alcoholic beverage control board", "state board", "liquor authority", or "authority", wherever occurring in any of the provisions of this chapter or of any other law, or in any official books, records, instruments, rules or papers, shall hereafter mean and refer to the state liquor authority provided for in this section.

S 2. Section 11 of the alcoholic beverage control law, as amended by section 2 of part E of chapter 57 of the laws of 2011, is amended to read as follows:

S 11. Appointment of authority. 1. The members of the authority shall be appointed by the governor by and with the advice and consent of the senate. Not more than two members of the authority shall belong to the same political party. [The chairman of the state alcoholic beverage control board heretofore appointed and designated by the governor and the remaining members of such board heretofore appointed by the governor

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

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shall continue to serve as chairman and members of the authority until the expiration of the respective terms for which they were appointed. Upon the expiration of such respective terms the successors of such chairman and]

2. THE members shall be appointed to serve for a term of three years each and until their successors have been appointed and qualified.

3. The commissioners[, other than the chairman shall,] when performing the work of the authority, SHALL be compensated at a rate of two hundred sixty dollars per day, together with an allowance for actual and necessary expenses incurred in the discharge of their duties. The chairman shall receive an annual salary established in section one hundred sixty-nine of the executive law.

S 3. Section 14 of the alcoholic beverage control law, as amended by chapter 83 of the laws of 1995, is amended to read as follows:

S 14. Vacancies; quorum. 1. In the event of a vacancy caused by the death, resignation, removal or disability of any [member] COMMISSIONER, the vacancy shall be filled by the governor by and with the advice and consent of the senate for the unexpired term.

2. IN THE EVENT OF A VACANCY CAUSED BY THE DEATH, RESIGNATION, REMOVAL OR DISABILITY OF THE CHAIRMAN, THE VACANCY SHALL BE FILLED BY THE GOVERNOR BY AND WITH THE ADVICE AND CONSENT OF THE SENATE FOR THE UNEXPIRED TERM. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE GOVERNOR SHALL DESIGNATE ONE OF THE COMMISSIONERS IN OFFICE TO SERVE AS ACTING CHAIRMAN UNTIL THE APPOINTMENT AND QUALIFICATION OF A SUCCESSOR CHAIRMAN.

3. A majority of the members of the authority IN OFFICE shall constitute a quorum for the purpose of conducting the business thereof and a majority vote of all the members in office shall be necessary for action.

S 4. Section 270 of the executive law, as amended by chapter 83 of the laws of 1995, is amended to read as follows:

S 270. Division of alcoholic beverage control; state liquor authority. The head of the alcoholic beverage control division shall be the state liquor authority [which] WHOSE MEMBERS shall consist of [three members] A CHAIRMAN AND TWO COMMISSIONERS, [who shall be known as commissioners,] who shall be appointed by the governor, by and with the advice and consent of the senate[, and one of whom shall be designated as chairman by the governor].

Not more than two members of the state liquor authority shall belong to the same political party. All of said members shall be citizens and residents of the state. Such members shall be appointed to serve for a term of three years each and until their successors have been appointed and qualified.

S 5. Section 271 of the executive law is amended to read as follows:

S 271. Salaries; expenses. [The] IN ADDITION TO THEIR RESPECTIVE SALARY AS FIXED BY LAW, THE chairman and the [other members] COMMISSIONERS of the authority shall [receive a salary to be fixed by the governor within the amounts appropriated therefor. Each member of the authority shall] also be entitled to [his] THEIR expenses actually and necessarily incurred by [him] THEM in the performance of [his] THEIR duties.

S 6. Section 273 of the executive law, as amended by chapter 83 of the laws of 1995, is amended to read as follows:

S 273. Vacancies; quorum. 1. In the event of a vacancy caused by death, resignation, removal or disability of [any member] A COMMISSIONER, the vacancy shall be filled by the governor by and with the advice and consent of the senate for the unexpired term.

2. IN THE EVENT OF A VACANCY CAUSED BY THE DEATH, RESIGNATION, REMOVAL OR DISABILITY OF THE CHAIRMAN, THE VACANCY SHALL BE FILLED BY THE GOVERNOR BY AND WITH THE ADVICE AND CONSENT OF THE SENATE FOR THE UNEXPIRED TERM. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE GOVERNOR SHALL DESIGNATE ONE OF THE COMMISSIONERS TO SERVE AS ACTING CHAIRMAN UNTIL THE APPOINTMENT AND QUALIFICATION OF A SUCCESSOR CHAIRMAN.

3. A majority of the members of the authority IN OFFICE shall constitute a quorum for the purpose of conducting the business thereof and a majority vote of all the members in office shall be necessary for action.

S 7. This act shall take effect immediately.