

8140

I N S E N A T E

June 13, 2016

Introduced by Sen. LANZA -- (at request of the Governor) -- read twice
and ordered printed, and when printed to be committed to the Committee
on Rules

AN ACT to amend the alcoholic beverage control law and the executive
law, in relation to a reorganization of the alcoholic beverage control
law

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

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

4 S 10. State liquor authority. There shall continue to be in the exec-
5 utive department an alcoholic beverage control division, the head of
6 which shall be the state liquor authority [which] WHOSE MEMBERS shall
7 consist of [three members, who shall be known as commissioners] A CHAIR-
8 MAN AND TWO COMMISSIONERS, all of whom shall be citizens and residents
9 of the state. [The state alcoholic beverage control board created and
10 appointed pursuant to chapter one hundred eighty of the laws of nineteen
11 hundred thirty-three, as presently constituted, shall continue in exist-
12 ence and hereafter shall be known and designated as the state liquor
13 authority.] The terms "state alcoholic beverage control board", "state
14 board", "liquor authority", or "authority", wherever occurring in any of
15 the provisions of this chapter or of any other law, or in any official
16 books, records, instruments, rules or papers, shall hereafter mean and
17 refer to the state liquor authority provided for in this section.

18 S 2. Section 14 of the alcoholic beverage control law, as amended by
19 chapter 83 of the laws of 1995, is amended to read as follows:

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

24 2. (A) IN THE EVENT OF A VACANCY CAUSED BY THE DEATH, RESIGNATION,
25 REMOVAL, OR DISABILITY OF THE CHAIRMAN, THE VACANCY SHALL BE FILLED BY
26 THE GOVERNOR BY AND WITH THE ADVICE AND CONSENT OF THE SENATE FOR THE

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

LBD12046-05-6

1 UNEXPIRED TERM. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE
2 CONTRARY, THE GOVERNOR SHALL DESIGNATE ONE OF THE COMMISSIONERS TO SERVE
3 AS ACTING CHAIRMAN FOR A PERIOD NOT TO EXCEED SIX MONTHS OR UNTIL A
4 SUCCESSOR CHAIRMAN HAS BEEN CONFIRMED BY THE SENATE, WHICHEVER COMES
5 FIRST. UPON THE EXPIRATION OF THE SIX MONTH TERM, IF THE GOVERNOR HAS
6 NOMINATED A SUCCESSOR CHAIRMAN, BUT THE SENATE HAS NOT ACTED UPON THE
7 NOMINATION, THE ACTING CHAIRMAN CAN CONTINUE TO SERVE AS ACTING CHAIRMAN
8 FOR AN ADDITIONAL NINETY DAYS OR UNTIL THE GOVERNOR'S SUCCESSOR CHAIRMAN
9 NOMINATION IS CONFIRMED BY THE SENATE, WHICHEVER COMES FIRST.

10 (B) THE GOVERNOR SHALL PROVIDE IMMEDIATE WRITTEN NOTICE TO THE TEMPO-
11 RARY PRESIDENT OF THE SENATE OF THE DESIGNATION OF A COMMISSIONER AS
12 ACTING CHAIRMAN.

13 (C) IF (I) THE GOVERNOR HAS NOT NOMINATED A SUCCESSOR CHAIRMAN UPON
14 THE EXPIRATION OF THE SIX MONTH TERM OR (II) THE SENATE DOES NOT CONFIRM
15 THE GOVERNOR'S SUCCESSOR NOMINATION WITHIN THE ADDITIONAL NINETY DAYS,
16 THE COMMISSIONER DESIGNATED AS ACTING CHAIRMAN SHALL NO LONGER BE ABLE
17 TO SERVE AS ACTING CHAIRMAN AND THE GOVERNOR IS PROHIBITED FROM EXTEND-
18 ING THE POWERS OF THAT ACTING CHAIRMAN OR FROM DESIGNATING ANOTHER
19 COMMISSIONER TO SERVE AS ACTING CHAIRMAN.

20 (D) A COMMISSIONER SERVING AS THE ACTING CHAIRMAN OF THE AUTHORITY
21 SHALL BE DEEMED A STATE OFFICER FOR PURPOSES OF SECTION SEVENTY-THREE OF
22 THE PUBLIC OFFICERS LAW.

23 3. A majority of the members of the authority shall constitute a
24 quorum for the purpose of conducting the business thereof and a majority
25 vote of all the members in office shall be necessary for action.
26 PROVIDED, HOWEVER, THAT A COMMISSIONER DESIGNATED AS AN ACTING CHAIRMAN
27 PURSUANT TO SUBDIVISION TWO OF SECTION FOURTEEN OF THIS CHAPTER SHALL
28 HAVE ONLY ONE VOTE FOR PURPOSES OF CONDUCTING THE BUSINESS OF THE
29 AUTHORITY.

30 S 3. Subdivision 3 of section 17 of the alcoholic beverage control
31 law, as amended by section 2 of chapter 355 of the laws of 2013, is
32 amended to read as follows:

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

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

32 S 4. Subdivision 3 of section 17 of the alcoholic beverage control
33 law, as amended by section 3 of chapter 355 of the laws of 2013, is
34 amended to read as follows:

35 3. To revoke, cancel or suspend for cause any license or permit issued
36 under this chapter and/or to impose a civil penalty for cause against
37 any holder of a license or permit issued pursuant to this chapter. Any
38 civil penalty so imposed shall not exceed the sum of ten thousand
39 dollars as against the holder of any retail permit issued pursuant to
40 sections ninety-five, ninety-seven, ninety-eight, ninety-nine-d, and
41 paragraph f of subdivision one of section ninety-nine-b of this chapter,
42 and as against the holder of any retail license issued pursuant to
43 sections [fifty-two,] fifty-three-a, fifty-four, fifty-four-a, fifty-
44 five, fifty-five-a, sixty-three, sixty-four, sixty-four-a, sixty-four-b,
45 sixty-four-c, seventy-six-f, seventy-nine, eighty-one, and eighty-one-a
46 of this chapter, and the sum of thirty thousand dollars as against the
47 holder of a license issued pursuant to sections fifty-three,
48 SIXTY-ONE-A, SIXTY-ONE-B, seventy-six, seventy-six-a and seventy-eight
49 of this chapter, provided that the civil penalty against the holder of a
50 wholesale license issued pursuant to section fifty-three of this chapter
51 shall not exceed the sum of ten thousand dollars where that licensee
52 violates provisions of this chapter during the course of the sale of
53 beer at retail to a person for consumption at home, and the sum of one
54 hundred thousand dollars as against the holder of any license issued
55 pursuant to sections fifty-one, sixty-one and sixty-two of this chapter.
56 Any civil penalty so imposed shall be in addition to and separate and

1 apart from the terms and provisions of the bond required pursuant to
2 section one hundred twelve of this chapter. Provided that no appeal is
3 pending on the imposition of such civil penalty, in the event such civil
4 penalty imposed by the division remains unpaid, in whole or in part,
5 more than forty-five days after written demand for payment has been sent
6 by first class mail to the address of the licensed premises, a notice of
7 impending default judgment shall be sent by first class mail to the
8 licensed premises and by first class mail to the last known home address
9 of the person who signed the most recent license application. The notice
10 of impending default judgment shall advise the licensee: (a) that a
11 civil penalty was imposed on the licensee; (b) the date the penalty was
12 imposed; (c) the amount of the civil penalty; (d) the amount of the
13 civil penalty that remains unpaid as of the date of the notice; (e) the
14 violations for which the civil penalty was imposed; and (f) that a judg-
15 ment by default will be entered in the supreme court of the county in
16 which the licensed premises are located, or other court of civil juris-
17 diction, or any other place provided for the entry of civil judgments
18 within the state of New York unless the division receives full payment
19 of all civil penalties due within twenty days of the date of the notice
20 of impending default judgment. If full payment shall not have been
21 received by the division within thirty days of mailing of the notice of
22 impending default judgment, the division shall proceed to enter with
23 such court a statement of the default judgment containing the amount of
24 the penalty or penalties remaining due and unpaid, along with proof of
25 mailing of the notice of impending default judgment. The filing of such
26 judgment shall have the full force and effect of a default judgment duly
27 docketed with such court pursuant to the civil practice law and rules
28 and shall in all respects be governed by that chapter and may be
29 enforced in the same manner and with the same effect as that provided by
30 law in respect to execution issued against property upon judgments of a
31 court of record. A judgment entered pursuant to this subdivision shall
32 remain in full force and effect for eight years notwithstanding any
33 other provision of law.

34 S 5. The alcoholic beverage control law is amended by adding two new
35 sections 61-a and 61-b to read as follows:

36 S 61-A. COMBINED CRAFT MANUFACTURING LICENSE. 1. THE AUTHORITY MAY
37 ISSUE A COMBINED CRAFT MANUFACTURER'S LICENSE TO A PERSON FOR THE
38 PURPOSES OF ARTICLES FOUR, FOUR-A, FIVE AND SIX OF THIS CHAPTER, COMBIN-
39 ING THE PRIVILEGES OF TWO OR MORE FARM OR MICRO MANUFACTURING LICENSES
40 FOR USE AT ONE PREMISES.

41 2. THE LICENSE FEE FOR THE COMBINED LICENSE SHALL EQUAL THE SUM OF THE
42 LICENSE FEES FOR EACH OF THE LICENSES INCLUDED IN THE COMBINED LICENSE.
43 PROVIDED, HOWEVER, THAT ONLY ONE FILING FEE SHALL BE REQUIRED FOR ANY
44 COMBINED LICENSE.

45 3. THE LICENSE CERTIFICATE OF THE COMBINED LICENSE SHALL SET FORTH THE
46 LICENSES THAT ARE INCLUDED UNDER THE COMBINED LICENSE.

47 4. A COMBINED FARM MANUFACTURER'S LICENSE MAY COMBINE TWO OR MORE OF
48 THE FOLLOWING LICENSES: FARM BREWERY; MICRO-BREWERY; FARM CIDERY; FARM
49 WINERY; MICRO-DISTILLERY; MICRO-RECTIFIER; AND FARM DISTILLERY.
50 PROVIDED, HOWEVER, THAT THE LICENSED PREMISES FOR A COMBINED FARM
51 MANUFACTURER'S LICENSE THAT INCLUDES A FARM WINERY LICENSE MUST BE
52 LOCATED ON A FARM.

53 S 61-B. IMPORTER'S LICENSE. AN IMPORTER'S LICENSE SHALL AUTHORIZE THE
54 HOLDER THEREOF TO IMPORT ALCOHOLIC BEVERAGES INTO THIS STATE AND SELL
55 SUCH ALCOHOLIC BEVERAGES TO LICENSED WHOLESALERS AUTHORIZED TO SELL SUCH
56 ALCOHOLIC BEVERAGES.

1 S 6. Subdivision 4 of section 63 of the alcoholic beverage control
2 law, as amended by chapter 603 of the laws of 1992, is amended to read
3 as follows:

4 4. No licensee under this section shall be engaged in any other busi-
5 ness on the licensed premises. The sale of lottery tickets, when duly
6 authorized and lawfully conducted, the sale of corkscrews or the sale of
7 ice or the sale of publications, including prerecorded video and/or
8 audio cassette tapes, designed to help educate consumers in their know-
9 ledge and appreciation of wine and wine products, as defined in section
10 three of this chapter, or the sale of non-carbonated, non-flavored
11 mineral waters, spring waters and drinking waters or the sale of glasses
12 designed for the consumption of wine, racks designed for the storage of
13 wine, and devices designed to minimize oxidation in bottles of wine
14 which have been uncorked, OR THE SALE OF GIFT BAGS, GIFT BOXES, OR WRAP-
15 PING, FOR ALCOHOLIC BEVERAGES PURCHASED AT THE LICENSED PREMISES shall
16 not constitute engaging in another business within the meaning of this
17 subdivision.

18 S 7. Section 66 of the alcoholic beverage control law is amended by
19 adding a new subdivision 3-a to read as follows:

20 3-A. THE ANNUAL FEE FOR AN IMPORTER'S LICENSE SHALL BE ONE HUNDRED
21 TWENTY-FIVE DOLLARS.

22 S 8. Subdivision 1 of section 93 of the alcoholic beverage control law
23 is amended to read as follows:

24 1. No individual shall offer for sale or solicit any order in the
25 state for the sale of any alcoholic beverage irrespective of whether
26 such sale is to be made within or without the state, unless such person
27 shall have a solicitor's permit. PROVIDED, HOWEVER, THAT NO PERMIT
28 UNDER THIS SECTION SHALL BE REQUIRED FOR AN INDIVIDUAL WHO IS SOLICITING
29 ORDERS ON BEHALF OF A MICRO-BREWERY, FARM BREWERY, FARM CIDERY, FARM
30 WINERY, MICRO-FARM WINERY, MICRO-DISTILLERY, MICRO-RECTIFIER, OR FARM
31 DISTILLERY LICENSED UNDER THIS CHAPTER.

32 S 9. Subdivision 4 of section 93 of the alcoholic beverage control
33 law, as amended by section 12 of part Z of chapter 85 of the laws of
34 2002, is amended to read as follows:

35 4. Notwithstanding the foregoing provisions of this section, any duly
36 licensed manufacturer or wholesaler may apply to the liquor authority
37 for an annual temporary solicitor's employment permit. Such permit shall
38 authorize such manufacturer or wholesaler to employ one or more persons
39 as a solicitor for a period of not exceeding [sixty consecutive working
40 days] SIX MONTHS provided that within [thirty] SIXTY days after such
41 employee has been employed as a solicitor such employee shall file his
42 application for a solicitor's permit with the liquor authority. The
43 license fee for such permit shall be thirty-eight dollars per year, or
44 for any part thereof, and the permit shall be issued for the calendar
45 year. Such permit and the exercise of the privileges hereby granted
46 thereunder, shall be subject to such terms and conditions as may be
47 prescribed by the liquor authority.

48 S 10. The alcoholic beverage control law is amended by adding a new
49 section 99-h to read as follows:

50 S 99-H. SUNDAY ON-PREMISES SALES PERMIT. 1. A PERMIT ISSUED UNDER
51 THIS SECTION SHALL AUTHORIZE A PERSON LICENSED TO SELL ALCOHOLIC BEVER-
52 AGES FOR CONSUMPTION ON THE PREMISES PURSUANT TO THIS CHAPTER TO SELL
53 ALCOHOLIC BEVERAGES FOR ON-PREMISES CONSUMPTION ON SUNDAY BETWEEN THE
54 HOURS OF EIGHT O'CLOCK A.M. AND TEN O'CLOCK A.M.

55 2. A PERMIT UNDER THIS SECTION SHALL BE ISSUED FOR ONE CALENDAR DAY.

1 3. THE FEE FOR SUCH A PERMIT SHALL BE TWENTY-FIVE DOLLARS, TOGETHER
2 WITH A FILING FEE OF TEN DOLLARS.

3 4. AN APPLICANT FOR A PERMIT UNDER THIS SECTION SHALL PROVIDE NOTICE
4 TO THE LOCAL MUNICIPALITY OF SUCH APPLICATION AS PROVIDED IN SECTION ONE
5 HUNDRED TEN-B OF THIS CHAPTER.

6 5. NO MORE THAN TWELVE PERMITS UNDER THIS SECTION MAY BE ISSUED TO THE
7 SAME LICENSEE IN ANY CALENDAR YEAR.

8 6. A PERMIT UNDER THIS SECTION SHALL NOT BE AVAILABLE FOR ANY LICENSED
9 PREMISES LOCATED IN A CITY WITH A POPULATION OF ONE MILLION OR MORE.

10 7. SUCH PERMIT AND THE EXERCISE OF THE PRIVILEGES GRANTED THEREUNDER
11 SHALL BE SUBJECT TO SUCH RULES THAT THE AUTHORITY MAY DEEM NECESSARY.

12 S 11. Subdivisions 5 and 11 of section 105 of the alcoholic beverage
13 control law, as amended by chapter 503 of the laws of 1984, subdivision
14 5 as separately amended by chapter 628 of the laws of 1984, are amended
15 to read as follows:

16 5. No retail licensee of liquor and/or wine for off-premises consump-
17 tion shall keep upon the licensed premises any liquors and/or wines in
18 any cask, barrel, keg, hogshead or other container, except in the
19 original sealed package, as received from the manufacturer or whole-
20 saler. Such containers shall have affixed thereto such labels as may be
21 required by the rules of the liquor authority, together with all neces-
22 sary federal revenue and New York state excise tax stamps, as required
23 by law. Such containers shall not be opened nor its contents consumed on
24 the premises where sold, except for the purpose of wine tasting or
25 sampling by any person pursuant to authorization to conduct such a
26 sampling or tasting pursuant to subdivision [two] THREE of section
27 seventy-six of this chapter except those to whom sales are prohibited in
28 section sixty-five of this chapter. THE PROVISIONS OF THIS SUBDIVISION
29 SHALL NOT PROHIBIT A LICENSED WINERY OR FARM WINERY FROM SELLING OR
30 DELIVERING WINE TO A CONSUMER FOR OFF-PREMISES CONSUMPTION IN A CONTAIN-
31 ER NOT TO EXCEED FOUR LITERS IN CAPACITY THAT SHALL HAVE A TEMPORARILY
32 SECURED SEAL FOR PURPOSES OF REMOVING THE WINE FROM THE PREMISES.

33 11. No retail licensee of liquor and/or wine for off-premises consump-
34 tion shall keep or permit to be kept upon the licensed premises, any
35 liquors and/or wines in any unsealed bottle or other unsealed container,
36 except for the purpose of wine tasting or sampling by any person pursu-
37 ant to authorization to conduct such a sampling or tasting pursuant to
38 subdivision [two] THREE of section seventy-six of this chapter except
39 those to whom sales are prohibited in section sixty-five of this chap-
40 ter. THE PROVISIONS OF THIS SUBDIVISION SHALL NOT PROHIBIT A LICENSED
41 WINERY OR FARM WINERY FROM SELLING OR DELIVERING WINE TO A CONSUMER FOR
42 OFF-PREMISES CONSUMPTION IN A CONTAINER NOT TO EXCEED FOUR LITERS IN
43 CAPACITY THAT SHALL HAVE A TEMPORARILY SECURED SEAL FOR PURPOSES OF
44 REMOVING THE WINE FROM THE PREMISES.

45 S 12. Subdivision 3 and paragraph (a) of subdivision 5 of section 106
46 of the alcoholic beverage control law, paragraph (a) of subdivision 5 as
47 amended by chapter 83 of the laws of 1995, are amended to read as
48 follows:

49 3. No retail licensee for on-premises consumption shall sell, deliver
50 or give away, or cause or permit or procure to be sold, delivered or
51 given away any liquors and/or wines for consumption off the premises
52 where sold. THE PROVISIONS OF THIS SUBDIVISION SHALL NOT PROHIBIT A
53 LICENSED WINERY OR FARM WINERY FROM ALLOWING A PATRON TO LEAVE THE
54 WINERY OR FARM WINERY WITH A PARTIALLY CONSUMED BOTTLE OF WINE PROVIDED
55 THAT THE REMOVAL OF THE BOTTLE IS DONE IN ACCORDANCE WITH SUBDIVISION
56 FOUR OF SECTION EIGHTY-ONE OF THIS CHAPTER.

1 (a) Sunday, from four ante meridiem to [twelve noon] TEN O'CLOCK A.M.,
2 EXCEPT PURSUANT TO A PERMIT ISSUED UNDER SECTION NINETY-NINE-H OF THIS
3 CHAPTER.

4 S 13. Section 108 of the alcoholic beverage control law, as amended by
5 chapter 419 of the laws of 1950, is amended to read as follows:

6 S 108. Restrictions upon licensees. 1. No licensee except the holder
7 of a [brewer's or distiller's license or a winery] license TO MANUFAC-
8 TURE ALCOHOLIC BEVERAGES shall keep or permit to be kept or consumed on
9 the licensed premises any alcoholic beverage except the alcoholic bever-
10 ages which he is permitted to sell under the terms of the license issued
11 to him.

12 2. THE PROVISIONS OF SUBDIVISION ONE OF THIS SECTION SHALL NOT PROHIB-
13 IT A PERSON HOLDING A RETAIL ON-PREMISES LICENSE AND A RETAIL OFF-PREM-
14 ISES BEER OR BEER AND WINE PRODUCTS LICENSE FOR AN ADJACENT PREMISES TO
15 TRANSPORT ALCOHOLIC BEVERAGES THROUGH SUCH OFF-PREMISES LOCATION TO
16 SUPPLY SUCH ADJACENT ON-PREMISES LOCATION.

17 S 14. Section 112 of the alcoholic beverage control law, as amended by
18 chapter 335 of the laws of 1944, and as further amended by section 104
19 of part A of chapter 62 of the laws of 2011, is amended to read as
20 follows:

21 S 112. Bonds of licensees and permittees. The liquor authority may
22 require the licensees and permittees of one or more of the kinds or
23 classes described in this chapter to file with it a bond to the people
24 of the state of New York issued by a surety company, approved by the
25 superintendent of financial services as to solvency and responsibility
26 and authorized to transact business in this state, in such penal sum as
27 the liquor authority may heretofore have prescribed or hereafter shall
28 prescribe, conditioned that such licensee or permittee will not suffer
29 or permit any violation of the provisions of this chapter and that all
30 fines and penalties which shall accrue, during the time the license or
31 permit shall be in effect, will be paid, together with all costs taxed
32 or allowed in any action or proceeding brought or instituted for a
33 violation of any of the provisions of this chapter. A suit to recover on
34 any bond filed pursuant to chapter one hundred eighty of the laws of
35 nineteen hundred thirty-three or this chapter may be brought by the
36 liquor authority or on relation of any party aggrieved, in a court of
37 competent jurisdiction and in the event that the obligor named in such
38 bond has violated any of the conditions of such bond, recovery for the
39 penal sum of such bond may be had in favor of the people of the state.
40 NOTWITHSTANDING THE PROVISIONS OF THIS SECTION, NO BOND SHALL BE
41 REQUIRED TO BE FILED BY THE HOLDER OF A SOLICITOR'S PERMIT ISSUED UNDER
42 SECTION NINETY-THREE OF THIS CHAPTER.

43 S 15. Section 118 of the alcoholic beverage control law is amended by
44 adding a new subdivision 5 to read as follows:

45 5. NOTWITHSTANDING ANY OTHER PROVISION OF THIS CHAPTER TO THE CONTRA-
46 RY, A SUSPENSION IMPOSED UNDER THIS SECTION AGAINST THE HOLDER OF A
47 LICENSE ISSUED UNDER SECTION SIXTY-ONE-A OF THIS CHAPTER SHALL ONLY
48 SUSPEND THE LICENSED ACTIVITIES RELATED TO THE TYPE OF ALCOHOLIC BEVER-
49 AGE INVOLVED IN THE VIOLATION RESULTING IN THE SUSPENSION.

50 S 16. The opening paragraph of section 270 of the executive law, as
51 amended by chapter 83 of the laws of 1995, is amended to read as
52 follows:

53 The head of the alcoholic beverage control division shall be the state
54 liquor authority [which] WHOSE MEMBERS shall consist of [three members,
55 who shall be known as commissioners] A CHAIRMAN AND TWO COMMISSIONERS,
56 who shall be appointed by the governor, by and with the advice and

1 consent of the senate[, and one of whom shall be designated as chairman
2 by the governor].

3 S 17. Section 273 of the executive law, as amended by chapter 83 of
4 the laws of 1995, is amended to read as follows:

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

9 (B) IN THE EVENT OF A VACANCY CAUSED BY THE DEATH, RESIGNATION,
10 REMOVAL OR DISABILITY OF THE CHAIRMAN, THE VACANCY SHALL BE FILLED BY
11 THE GOVERNOR BY AND WITH THE ADVICE AND CONSENT OF THE SENATE FOR THE
12 UNEXPIRED TERM. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE
13 CONTRARY, THE GOVERNOR SHALL DESIGNATE ONE OF THE COMMISSIONERS TO SERVE
14 AS ACTING CHAIRMAN FOR A PERIOD NOT TO EXCEED SIX MONTHS OR UNTIL A
15 SUCCESSOR CHAIRMAN HAS BEEN CONFIRMED BY THE SENATE, WHICHEVER COMES
16 FIRST. UPON THE EXPIRATION OF THE SIX MONTH TERM, IF THE GOVERNOR HAS
17 NOMINATED A SUCCESSOR CHAIRMAN, BUT THE SENATE HAS NOT ACTED UPON THE
18 NOMINATION, THE ACTING CHAIRMAN CAN CONTINUE TO SERVE AS ACTING CHAIRMAN
19 FOR AN ADDITIONAL NINETY DAYS OR UNTIL THE GOVERNOR'S SUCCESSOR CHAIRMAN
20 NOMINATION IS CONFIRMED BY THE SENATE, WHICHEVER COMES FIRST.

21 (C) THE GOVERNOR SHALL PROVIDE IMMEDIATE WRITTEN NOTICE TO THE TEMPO-
22 RARY PRESIDENT OF THE SENATE OF THE DESIGNATION OF A COMMISSIONER AS
23 ACTING CHAIRMAN.

24 (D) IF (I) THE GOVERNOR HAS NOT NOMINATED A SUCCESSOR CHAIRMAN UPON
25 THE EXPIRATION OF THE SIX MONTH TERM OR (II) THE SENATE DOES NOT CONFIRM
26 THE GOVERNOR'S SUCCESSOR NOMINATION WITHIN THE ADDITIONAL NINETY DAYS,
27 THE COMMISSIONER DESIGNATED AS ACTING CHAIRMAN SHALL NO LONGER BE ABLE
28 TO SERVE AS ACTING CHAIRMAN AND THE GOVERNOR IS PROHIBITED FROM EXTEND-
29 ING THE POWERS OF THAT ACTING CHAIRMAN OR FROM DESIGNATING ANOTHER
30 COMMISSIONER TO SERVE AS ACTING CHAIRMAN.

31 (E) A COMMISSIONER SERVING AS THE ACTING CHAIRMAN OF THE AUTHORITY
32 SHALL BE DEEMED A STATE OFFICER FOR PURPOSES OF SECTION SEVENTY-THREE OF
33 THE PUBLIC OFFICERS LAW.

34 (F) A majority of the members of the authority shall constitute a
35 quorum for the purpose of conducting the business thereof and a majority
36 vote of all the members in office shall be necessary for action.
37 PROVIDED, HOWEVER, THAT A COMMISSIONER DESIGNATED AS AN ACTING CHAIRMAN
38 PURSUANT TO SUBDIVISION TWO OF SECTION FOURTEEN OF THIS CHAPTER SHALL
39 HAVE ONLY ONE VOTE FOR PURPOSES OF CONDUCTING THE BUSINESS OF THE
40 AUTHORITY.

41 S 18. This act shall take effect on the sixtieth day after it shall
42 have become a law; provided, however, that section twelve of this act
43 shall take effect immediately; provided, further, that the amendments to
44 section 17 of the alcoholic beverage control law made by section three
45 of this act shall be subject to the expiration and reversion of such
46 section pursuant to section 4 of chapter 118 of the laws of 2012, as
47 amended, when upon such date the provisions of section four of this act
48 shall take effect; and further provided that sections six and thirteen
49 of this act shall expire and be deemed repealed three years after such
50 effective date.