

NEW YORK STATE
A S S E M B L Y

SHELDON SILVER, SPEAKER



committee on
Economic Development, Job Creation,
Commerce and Industry
Robin Schimminger, Chair



Annual Report 2010

December 15th, 2010

Honorable Sheldon Silver
Speaker of the New York State Assembly
Legislative Office Building
Room 932
Albany, NY 12248

Dear Mr. Speaker:

I am pleased to submit the 2010 Annual Report of the Assembly Standing Committee on Economic Development, Job Creation, Commerce and Industry.

During the 2010 Legislative Session, the Committee considered many important bills affecting State and local economic development, the alcoholic beverage industry, and general business practices. The Committee focused its attention on the development of an economic development program that would build upon the Empire Zones Program which was scheduled to expire on June 30, 2010, pursuant to the enacted 2009-2010 State Budget. In addition, the Committee continues to focus on the development of a knowledge-based economy and support for our manufacturing sector.

The Committee also addressed issues that relate to specific industries. One such area is the alcoholic beverage industry. The Committee has taken tremendous strides to aid in the development of the wine industry in New York State. The activities of the Committee have helped the growth of small businesses such as off-premise and on-premise licensees, and support manufacturing and agriculture through assisting the State's wine industry.

On behalf of the members of the Committee, I want to thank you for your encouragement and support of our efforts to foster economic growth and job creation and improve New York State's business climate. With your continued leadership, we look forward to a fruitful session in the year to come.

Sincerely,

A handwritten signature in black ink, appearing to read "Robin Schimminger". The signature is stylized with a long horizontal stroke at the end that tapers to a point.

Robin Schimminger, Chair
Committee on Economic Development,

2010 ANNUAL REPORT
OF THE
NEW YORK STATE ASSEMBLY
STANDING COMMITTEE ON ECONOMIC DEVELOPMENT, JOB CREATION,
COMMERCE AND INDUSTRY

Robin Schimminger, Chairman

Committee Members

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William Parment
Vito J. Lopez
Joseph D. Morelle
RoAnn M. Destito
Felix Ortiz
David Koon
Kevin Cahill
William Magnarelli
Francine DelMonte
Darryl Towns
Barbara S. Lifton
Philip R. Ramos
William Boyland, Jr.
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Nelson Castro
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Vanessa Komarnicki, Legislative Director
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I. INTRODUCTION: COMMITTEE JURISDICTION

The Assembly Standing Committee on Economic Development, Job Creation, Commerce and Industry is responsible for reviewing legislation that affects the economic health and commercial viability of the State. The Committee is responsible for oversight of the State's various economic development programs. Also included within its purview are the controlled sale of alcoholic beverages and the licensing, registration and regulation of a broad spectrum of industries.

Many State agencies, economic development organizations and other groups and associations work with the Committee on these important issues. The State agencies include the Department of Economic Development (DED), the Urban Development Corporation (UDC), the Job Development Authority (JDA), the New York State Foundation for Science, Technology and Innovation (d.b.a. NYSTAR), the Department of State (DOS), the Division of Criminal Justice Services (DCJS), the State Liquor Authority (SLA), the Governor's Office of Regulatory Reform (GORR), the Department of Labor (DOL), and the Department of Law. At the local level, the Committee works with a number of organizations, including not-for-profit local development corporations (LDCs), economic development agencies, various not-for-profit foundations, universities, chambers of commerce, and small business development centers.

II. FY 2010-2011 BUDGET OUTCOME

The Assembly advanced several key initiatives to boost New York's economy and create jobs and opportunities for businesses and entrepreneurs. The following are budget highlights that impact business in New York State.

PROGRAMMATIC ISSUES

Urban Development Corporation/Empire State Development Corporation

The Urban Development Corporation (UDC) is currently doing business as the Empire State Development Corporation (ESDC). The mission of the UDC/ESDC is to promote economic development and real estate development by providing financial assistance to local government, businesses and not-for-profit corporations engaged in economic development activities. In addition, the UDC/ESDC is engaged in housing portfolio maintenance and provides State facility financing for the construction and modernization of State correctional facilities, as well as other special projects. The following are highlights relating to economic development programs that are funded through UDC/ESDC:

- Empire State Economic Development Fund (**\$6.18 million**) provides funds for projects that create or retain jobs;
- Minority and Women-Owned Business Development Program (**\$635,000**) provides for available capital for local funds targeted to small "micro loans" for start-up of minority and women-owned businesses and provides funding intended for program activities in economically distressed and highly distressed areas.
- Excelsior Jobs Program (**\$250 million annually**) provides tax incentives to businesses in certain industries. Tax credits fall into four categories: a jobs tax credit of up to \$5,000 per new job to cover a portion of the associated payroll cost, an investment tax credit of up to 2% of qualified investments, a research and development credit of 10% for new investments based on the Federal Research and Development credit, and a real property tax credit for businesses located in certain areas meeting distressed criteria as well as regionally significant projects.
- Small Business Revolving Loan Fund (**\$25 million**) is a fund designed to provide access to capital for small businesses. There are two categories of loans: micro-loans which have a principal amount of less than \$25,000 and target micro-businesses, and regular loans which have a principal of greater than \$25,000 but no more than \$125,000. The small business revolving loan funds can provide no more than 50% of the principal amount.

New York State Foundation for Science, Technology & Innovation (NYSTAR)

The Foundation, doing business as NYSTAR, is responsible for directing the State's university-based high-technology economic development programs. In addition, the Foundation develops comprehensive plans to attract and retain high technology businesses with the potential for significant job creation in New York State. In SFY 2010-2011 the Foundation received funding totaling **\$68.7 million**, which included the following:

- Centers for Advanced Technology (CATs), which collaborate with New York companies on the development of new technologies and products, aiming at the creation of new businesses and high quality jobs throughout the State, were fully funded at **\$13.8 million** for the existing 15 CATs that are located throughout the State.
- Technology Development Organizations (TDOs), which provide technical assistance to high-tech companies seeking to remain competitive, were funded at a total of **\$1.38 million**.
- Industrial Technology Extension Services (ITES), whose ITES field agents located throughout the State provides technical and managerial assistance to small and mid-sized New York manufacturers seeking to improve their competitiveness, received **\$921,000**.
- Centers of Excellence (**\$5.23 million**) provide funding and support for the development of new technologies and research in emerging high technology fields.

III. IMPROVING NEW YORK'S ECONOMY AND CREATING JOBS

The Committee believes that the State has an important, though limited, role in facilitating the State's economic growth. It further believes that the forces of the marketplace do and should determine the direction of our economy and that our efforts should consist primarily of supporting our still-viable industries while providing both encouragement and assistance to new and emerging technologies. The Committee also believes that, given the limits of State financial support, economic development efforts should be directed toward assisting companies that maintain and/or create and contribute to the economic stability and revitalization of the communities in which they are situated. Companies that seek and receive State financial assistance should be willing to make a commitment to create, add or retain jobs. Where appropriate, the State should seek to maximize limited resources by providing assistance to entire industries through industrial clusters or trade associations. Additionally, the Committee recognizes that it is at the local and regional levels that the most informed decisions regarding economic development are made and, accordingly, that the State's economic development programs should be regionalized to best capitalize on this expertise and empower communities to act in their own best interests. Such a regionalization would streamline the administration of programs and foster State and local partnerships.

While the Committee supports the need for flexibility in attracting new businesses to the State, it remains concerned about the lack of local and regional involvement in the process and the plight of those New York residents with the least access to conventional funding sources: women, minorities, entrepreneurs and small business owners. Accordingly, the Committee continues to lead the fight to fund programs such as the Urban and Community Development Program, the Minority and Women-Owned Business and Lending Program, and the Entrepreneurial Assistance Program, as well as others that are targeted at local communities and their economic priorities.

The Committee also focused on initiatives that would promote strategic intra-industry partnerships, community restoration and technology transfer. Perhaps most importantly, the Committee contributed to the development of the 2010-2011 State Budget that will provide assistance to New York's strategic industries, small businesses and emerging technologies while ensuring that working families share in the State's economic growth.

Biosciences Commercialization Fund

A. 253 (Magnarelli)

Referred to Ways and Means

This legislation establishes the biosciences commercialization assistance fund within the Foundation for Science, Technology and Innovation (NYSTAR) to make grants to research entities to develop commercially promising research discoveries beyond the conceptual stage, start-up companies formed to commercialize intellectual property, and small businesses for cooperative applied research and development with research institutions to translate promising discoveries into commercially viable products. The fund also provides matching grants and/or loans to small businesses for commercial development of their innovations, including workforce training. The commercialization of technologies developed

within New York State creates both jobs and revenue for the state while providing economic growth for individual communities.

Geographic Information System to Aid Municipalities

A. 494 (Hoyt)

Referred to Ways and Means

This legislation requires the Office for Technology to develop a geographic information system and mapping methodology to make available information that will aid municipalities in calculating future development potential. Technology through geographic information systems, digital orthophotos and other software tools exist to allow local officials and the public to visualize how their community has changed over time and how it is likely to continue to change in the future. Computer models can assist in developing policies for growth creating more intelligently and efficiently planned communities.

A Study for the Growth of Retail in Buffalo

A.1991 (Peoples-Stokes)

Referred to Ways and Means

This legislation would direct the Urban Development Corporation to conduct a study on the prospects for retail development in the city of Buffalo and to report to the legislature on current conditions and projected trends in retail and recommend initiatives, programs, and policies for the growth of retail business in Buffalo on or before January 1st, 2011.

Strategic Network Partnerships Program

A.2852 (Schimminger)

Referred to Codes

The State has a key interest in retaining manufacturing enterprises. Manufacturing companies are often located in cities with declining populations and revenue loss. Such cities are struggling to remain viable in a big economic slump. This bill seeks to provide assistance to manufacturing firms by establishing a Strategic Network Partnership Program to organize, integrate and coordinate state programs designed to assist manufacturing industries in becoming more competitive and productive. The program will also concentrate specifically on endangered industry groups such as the garment industry, and assist in improving productivity, efficiency, and product quality.

Matching Fund Grants for Regional Marketing Programs

A. 2934 (Schimminger)

Passed Assembly

This legislation authorizes the Commissioner of Economic Development to grant matching funds to eligible applicants to implement regional marketing programs. The Assembly has long recognized that regional efforts are more specialized and often more effective than statewide campaigns. By providing grants for regionalized marketing programs the State can achieve greater impact.

Intellectual Property Asset Management Advisory Council

A. 4729 (Morelle)

Referred to Ways and Means

This legislation creates the Intellectual Property Asset Management Advisory Council consisting of eleven members to meet regularly and make recommendations to the Legislature and the Governor regarding specific aspects of the State's utilization of its intellectual property. The State has continually funded and provided aid for research of new technologies in many different fields of study. This council would examine the possibilities for capitalization on this research and translation into development and production.

Bank Export Incentive Program

A.4881 (Schimminger)

Passed Assembly

Small and medium-sized corporations seeking to export products find it virtually impossible to secure financing when the sale of a product involved is to a foreign customer. Businesses often have difficulty securing such funding due to the uncertainty introduced by foreign customers and the fluctuation of foreign currencies and other variables involved in an export sale. Thus, the banking organization finds it impossible to make money offering these "export credits" to small and medium-sized businesses seeking to sell overseas.

This legislation permits the Job Development Authority (JDA) to create a program in which monies will be placed with cooperating banking organizations. Such corporations will be permitted to invest these monies on the condition that they lend an amount equal to two times the amount of money provided them to eligible applicants for eligible projects.

Expanding the Linked Deposit Program

A.5953-A (Magee)

Referred to Ways and Means

This legislation expands the Linked Deposit Program which has helped businesses expand and improve in New York State. Currently, the aggregate amount a business can borrow is a total of one million dollars per project. This legislation doubles that aggregate amount allowing businesses to take on larger projects and expansions.

Ensuring the Rights of Motor Fuel Outlet Lessees

A. 6036-B (Koon)

Vetoed, memo. 6769

This legislation prohibits a producer/refiner from selling, transferring, or assigning interest in a retail outlet leased to a dealer unless the producer/refiner first makes an offer to sell the producer/refiner's interest in the retail outlet to the dealer, or, offers right of first refusal to the dealer of any offer made to the producer/refiner to purchase interest in the retail outlet.

High Performance Computing

A. 9405 (Alessi)

Referred to Way and Means

This legislation creates in statute a formal process for selecting New York state academic research institutions for the use of the State's high performance computing resources, as well as funding and reporting requirements. So far, although the Foundation has made one award for high performance computing activities in December 2008, the program was not established in law at that time.

Seed- New York Investment Fund

A. 9406-A(DelMonte)

Referred to Ways and Means

There is a need for seed-stage commercialization assistance in New York, which is frequently not available from market sources, such as venture capitalists and banks. Regional entities, aware of the strengths and potentials in their own economies, are well-suited to determine how to optimize the effectiveness of State commercialization awards. State-sponsored research has supported the invention of numerous ideas and products that could greatly benefit society, but many of these inventions are never commercialized because entrepreneurs often do not have the resources or experience to develop their scientific discoveries. This legislation provides funds to regional investors to then invest in local commercialization projects.

Technology Commercialization Program

A. 9469-A(Magnarelli)

Referred to Ways and Means

This legislation creates the Technology Commercialization Program at NYSTAR to replace the current incentive program. The new program would provide grants of \$500,000 to \$1 million to New York State academic research institutions, Centers for the Advancement of Technology, and Centers of Excellence in partnership with private industry.

Accountability and Efficiency among Centers of Excellence

A. 9810 (Gabryszak)

Chapter 191

Many procedural requirements for the operation of the Centers of Excellence are carried on a contract-by-contract basis with the State and some of these contract elements may hinder the work that the Centers can do. This law responds to the Centers' unified requests for relief from these restrictions including clarifying which funds may be considered to fulfill the match requirement. This law also maintains stricter accountability and oversight.

Academic Research Information Access Act

A. 9824-A (Schimminger)

Referred to Ways and Means

This legislation uses public and private academic and research libraries of New York to create an information infrastructure that would support and promote teaching, scholarship, research, innovation and economic growth. By allowing libraries to bargain collectively for the purchase of scholarly journals and scholarly research, involved parties would pay less individually while gaining access to an increased library of information.

Science and Technology Law Center

A. 9991 (Magnarelli)

Chapter 440

This law directs the Foundation for Science and Technology to issue a request for proposal to determine the next location of the Science and Technology Law Center. It also creates the Technology Commercialization Clinic Program to assist in the development and marketing of early-stage research and technologies.

Small Business Technology Transfer Technical Assistance Program

A. 10084 (Schimminger)

Advanced to 3rd Reading

This legislation creates the Small Business Innovation Research/ Small Business Technology Transfer Technical Assistance Program at the Foundation for Science, Technology and Innovation. These programs offer outreach to small businesses to promote awareness of SBIR/STTR, counseling to determine the ability of a business to pursue phase I funding, and proposal preparation assistance including grant writing, technology evaluation, and general proposal evaluation.

Providing Tax Credits for Clean Environment and Energy Technologies

A. 11414 (Alessi)

Referred to Ways and Means

This legislation includes clean environment and energy technologies among the list of emerging technologies at the Foundation for Science, Technology, and Innovation and makes these companies eligible to receive the Qualified Emerging Technology Company tax credits.

IV. REFORMING THE ALCOHOLIC BEVERAGE INDUSTRY

The Committee believes that its primary responsibility in the area of the Alcoholic Beverage Control Law (ABCL) is to ensure the safe and lawful distribution of alcoholic beverages in the State. To this end, the Committee focused on two interrelated quality of life issues: maintaining adequate control over problem establishments, and ensuring community participation in the licensing of all retail establishments. In addition, the Committee sought to alleviate burdensome restrictions on the growing wine and liquor boutique industries.

The Committee will continue its review of the Alcoholic Beverage Control Law to ensure ease of application and coherence. Since many of the Alcoholic Beverage Control Law's provisions have remained unaltered since the end of Prohibition, the State has a keen interest in continuing the identification of statutes in conflict with the modern alcoholic beverage industry standards. In addition, the Committee will continue to develop legislation to assist communities with making the best decision for their neighborhoods based on adequate information and notice.

Expanding the Offerings Included in a Wine License

A.711 (Cahill)

Passed Assembly

This legislation permits the sale of low and medium alcoholic content beverages by wine licensees. Certain alcoholic products containing no more than 24 percent alcohol have been highly successful on the alcoholic beverage market, and expanding to allow for these offerings by a wine licensee creates more potential for economic growth.

Custom Crush Wine Production

A. 2322 (Magee)

Vetoed, memo. 6821

This legislation authorizes licensed wineries to allow their customers to participate in custom crush wine production. Due to a growing interest in participation in the wine making process by many wine enthusiasts, a new facet of the alcoholic beverage industry has grown into a lucrative industry.

Requiring the Posting of Certain Information

A. 2624 (Glick)

Ordered 3rd Reading

This legislation requires that within ten days of filing a new application, or an application for a renewal, for a license to sell liquor, an applicant post in a conspicuous location a notice printed in highlighted pink including the application date, type of license and contact information for the State Liquor Authority. This legislation also requires that within ten days of the applicant's receipt of a written notice that a hearing is scheduled, a notice of the hearing is posted at the entrance to the establishment applying for the license, including a statement of the intended use and capacity of the establishment.

Standardized Form for Community Board Comment on Granting of Liquor Licenses

A. 2625 (Glick)

Advanced to 3rd Reading

This legislation requires that the State Liquor Authority create a standardized form for localities and community boards to present an opinion either for or against the granting of a liquor license within their community. The form shall also become a permanent part of the record in the renewal application proceedings. Municipalities and Community boards often understand the needs of their communities far better than larger State agencies. Their input on the effects that a new or renewed liquor license may have is a great asset to the State Liquor Authority when making a determination.

Authorizing the Granting of a Liquor License Under Certain Circumstances

A. 3555-A (Perry)

Referred to Codes

This legislation waives the restriction against granting a license to an establishment located within 200 feet of a place of worship in alcoholic beverage control law in order to allow the establishment known as the Tropical Paradise restaurant to obtain an on-premises liquor license.

Eliminating Inconsistent Standards as Applied to Employees with Criminal Records

A.3770-A (Aubry)

Advanced to 3rd Reading

Human Rights Law (Executive Law §296) currently prohibits unfair discrimination against individuals with criminal records, and Correction Law (Article 23-A) currently requires employers to make an individualized determination regarding a person's employability and criminal record. This legislation eliminates the absolute prohibition on employers at licensed on-premise establishments from hiring applicants with felony convictions. This bill removes an impediment facing individuals who have completed their sentences from finding gainful employment.

Increasing Advanced Hearing Notice to Municipalities

A. 3828 (Lentol)

Passed Assembly

Alcoholic Beverage Control Law prohibits the issuance of a liquor license to an establishment within 500 feet of 3 or more currently licensed establishments. In order to break this rule, the Municipality must be notified 15 days prior and a hearing must be held to establish that granting such a license is in the common interest. This legislation increases the time period for hearing notification from 15 days to 30 days. This allows for more preparation time for the municipality and the public regarding the hearing.

Posting Notification of Application for a Liquor License

A. 3829 (Lentol)

Advanced to 3rd Reading

This legislation requires that any applicant for a liquor license post a brightly colored notice of their application in a conspicuous location. This ensures that community members are aware of applications made to the State Liquor Authority and are given enough time to react accordingly.

Allowing for the Provision of Beer Samples

A. 7151 (Hoyt)

Referred to Rules Committee

With the growing number of micro brewers and an increasing demand for beer produced by small boutique brewers, customers have indicated a willingness to go beyond the beer products offered by the country's largest brewers and try the products produced by their local brewer. This legislation would allow licensed establishments to provide beer samples in order to increase exposure to new and different products. Customers would be limited to four, one ounce servings during any visit.

Providing for the Suspension of Driver's Licenses

A. 8403 (Schimminger)

Referred to Codes

This legislation allows for the suspension of a driver's license of any underage person who is charged with possession of an alcoholic beverage with intent to consume and fails to appear before the court, pay a fine, complete an alcohol awareness program or complete community service.

Evaluating Public Interest When Granting Liquor Licenses

A. 8519-A (Schimminger)

Referred to Codes

This legislation requires the State Liquor Authority include public interest among the factors evaluated when granting an on-premises liquor license. Public interest includes considerations for noise violations, criminal history, vehicular traffic, and other alcohol licenses in proximity to the site of the new licensee. This legislation seeks to ensure the safety and maintain the standard of living of the citizens of New York.

Supporting Alcohol Awareness Training

A. 8645-B (Paulin)

Chapter 435

In order to encourage attendance at Alcohol Awareness Training Programs this legislation provides that if the employee of a licensee to sell alcoholic beverages at retail is charged with either selling alcohol to a person under the age of 21 or to any visibly intoxicated person, who has not had any adjudicated violations of this type at this location in the previous five years and holds a certificate of completion of an alcohol training awareness program, then the penalty for such violation will be a bond revocation, and no other penalty. Also, if a licensee to sell alcoholic beverages at retail is charged with either selling alcohol to a person under the age of 21 or to any visibly intoxicated person, who has not had any adjudicated violations of this type at this location in the previous five years and agrees that all employees will obtain a certification of completion of an alcohol training awareness program within 90 days of the finding then the civil penalty will be reduced by 25%.

Allowing for Continued Operation of a Local Favorite

A. 8656-A (Tedisco)

Chapter 390

This legislation includes a certain parcel of land in the City of Schenectady in the list of premises which are exempt from the provisions of law which generally restrict manufacturers or wholesalers from sharing an interest in retail.

Supporting Culinary Education

A. 8892 (Alessi)

Referred to Codes

Currently, institutions of higher education are authorized under certain circumstances to apply for and receive a permit to provide alcoholic beverages as part of curriculum. This legislation authorizes such permittees to purchase alcoholic products from licensed retail establishments.

Providing for a Temporary Retail Permit

A. 9227- B (Schimminger)

Chapter 396

This legislation creates a temporary retail permit to help businesses that are just starting and normally would have to wait for the State Liquor Authority to work through its backlog before being granted an operational license, which favors both entrepreneurs and State revenues. The bill also ensures that a licensee cannot obtain a liquidation permit, which would allow the licensee to sell its entire stock of alcoholic beverages to other licensees, if the former is considered delinquent under the provisions of section 101-aa or section 101-aaa of NYS Alcoholic Beverage Control Law.

Clarifying Conditions for a Beer Tasting License

A. 9923-A (Destito)

Chapter 292

When the Legislature approved what became Chapter 439 of the Laws of 2007 it had the intention of allowing all brewers or manufacturers of beer and malt beverages who distributed their beverages in the State of New York to have the ability to offer tastings at off-premises licensees and to allow all of these entities to have the option of seeking either an annual permit or a three day permit for this purpose. However, this permit has been restricted to brewers and manufacturers licensed only within the State of New York. This legislation allows access to the annual permit for out of State brewers and wholesalers on the same terms and conditions.

Rental of Brewing Equipment and Space

A. 10031 (Morelle)

Chapter 471

This legislation allows a brewer to rent space and equipment to a tenant brewer, provided that the tenant brewer has applied for and been granted a license by the State Liquor Authority.

Clarifying the Definition of Grocery Store

A. 10431-A (Schimminger)

Referred to Codes

This legislation amends Alcoholic Beverage Control Law to replace the currently vague definition of “grocery store” with a more comprehensive definition as provided in Agriculture and Markets Law. This amendment seeks to protect certain businesses licensed to sell beer in the industry such as corner stores which have been unfairly impacted due to the vague definition of a “grocery store.”

Electronic Fund Transfers

A. 10569 (Schimminger)

Chapter 298

This legislation includes electronic fund transfers among the list of acceptable means of payment to a wholesaler or manufacturer. This allows an efficient means of payment that has become common place in other markets and business practices, to be utilized by New York State alcohol licensees.

Wine Sales at the New York State Fair

A. 10673-A (Magee)

Chapter 408

This legislation provides that the holder of a temporary wine and beer permit may sell wine, for consumption, on the New York State fairgrounds so long as the permittee has obtained a concessionaires license from the Department of Agriculture and Markets and such wine is served in servings of 10 ounces or less.

Keg Registration

A. 10808 (Schimminger)

Referred to Codes

This legislation continues the requirement for the registration of kegs. It also reduces the registration fee from \$25 to \$50, offering savings to consumers.

Rule Making Authority for the State Liquor Authority

A. 10809 (Schimminger)

Referred to Rules Committee

In its final report, the Law Revision Commission recommended that after careful consideration, rule making authority should be granted to the State Liquor Authority in order to streamline operations. This legislation grants general rule making authority to the State Liquor Authority until December 31, 2013.

Allowing Class-C Licensees to Operate Automated Teller Machines

A. 10817-A (Schimminger)

Referred to Rules Committee

In its final report, the New York State Law Revision Commission recommended that C Licensees be allowed to offer ATMs. Alcoholic Beverage Control Law currently prohibits C-Licensed beer wholesaler/retailers from conducting any other business on the licensed premises, with very few exceptions (the sale of soda, water, cigarettes, potato chips, pretzels, ice, promotional items). This legislation allows wholesalers (class Cs) to maintain automated teller machines (ATMs) by providing that it does not constitute “operating in another business.”

Permitting New Locations for Liquor Stores

A. 10854 (Schimminger)

Referred to Rules Committee

Currently, the State Liquor Authority is prohibited from licensing many reasonably located liquor stores due to certain restrictions in Alcoholic Beverage Control Law. This legislation eliminates the requirement for street level access and would permit one or more entrances from public thoroughfares, arcades or sub-surface thoroughfares leading to a railroad terminal and parking lots.

Permitting Notification by Overnight Delivery

A. 10856 (Schimminger)

Chapter 213

Based on the recommendation of the Law Revision Commission, this legislation permits that notification to community boards may be provided by overnight delivery service with proof of mailing or by personal services.

Creating a Definition for Pattern of Disturbances

A. 10857 (Schimminger)

Chapter 364

This legislation provides that upon the 6th complaint of noise, disturbance, misconduct or disorder responded to by police on or about a licensed premise within any sixty day period may be grounds for revocation of a liquor license.

Supporting Local Business

A. 10903 (Powell)

Referred to Codes

This bill would authorize the State Liquor Authority to grant an alcohol license to a certain on-premises establishment in New York City by waiving the restriction against alcohol licenses within 200 feet of a place of worship, upon the agreement by such place of worship.

Granting the Chair of the State Liquor Authority with the Power to Make Appointments

A. 11010 (Schimminger)

Referred to Codes

This legislation provides that investigators employed by the authority be deemed to be peace officers for the purpose of enforcing the provision of the Alcoholic Beverage Control Law with all the powers set forth in §2.20 of the Criminal Procedure Law. It also provides the Chairman of the State Liquor Authority with the power to make appointments.

Beer and Malt Beverage Tasting Permit

A. 11393 (Schimminger)

Referred to Codes

Many small and craft brewers lack large advertising budgets and their main source of growth is word of mouth or encounters with the product itself. In order to increase opportunities for these small businesses, this legislation allows a licensed brewer to obtain a permit to serve small samples of beer or malt beverages in three ounces or less at outdoor or indoor events. Such permit also allows the brewer to sell sealed containers of his or her product for consumption off the premises.

Promoting Local Business

A. 11499 (Lopez, P)

Chapter 547

This legislation authorizes the State Liquor Authority to grant an alcohol license to a certain on-premises establishment in the town of Bainbridge by waiving the restriction against alcohol licenses within 200 feet of a place of worship, upon the agreement by such place of worship.

V. PROTECTING CONSUMERS WHILE ASSISTING BUSINESSES

The Committee will continue to regulate businesses where such regulation will enhance the public good and increase efficiencies of the market. In evaluating legislative proposals, the Committee seeks to balance the legitimate concerns of the business community with those of consumers and the general public. Thus, the Committee's policy is to advance legislation that responds positively to an identified need within a particular industry without imposing undue burdens on businesses or jeopardizing consumer confidence or public safety.

Expanding Rental Vehicle Consumer Protections

A. 379 (Jeffries)

Referred to Codes Committee

This legislation includes under the rental vehicle protections that no rental vehicle company, as part of a rental agreement, may charge an authorized driver a refueling rate that is higher than the highest fuel rate at gas stations within a one half-mile radius of the rental facility.

Construction Contract Escrow

A. 2279 (Cusick)

Passed Assembly

This legislation would provide for a reasonable amount of a construction contract sum to be deposited in a separate interest bearing escrow account with a third party escrow agent; provides further that the owner would be subject to the payment of interest, in addition to the escrow interest, at the rate of one percent per month and the contractor or subcontractor would be subject to payment of interest on the amount of retainage it holds at the rate of one percent per month.

Making Unlawful the Sale of Police-Insignia

A. 2474 (Pretlow)

Referred to Codes

Recently, there has been a drastic increase in the number of look-alike police badges sold in New York State. This bill would not only further protect public safety, but maintain the integrity of the status of being a police/peace officer by making unlawful the sale of law enforcement insignia, and providing that a violation would result in a \$250 civil penalty.

Requiring Clean Up After Oil Delivery

A. 2476 (Pretlow)

Referred to Codes

This legislation requires oil delivery companies to clean up any spillage occurring during delivery within 24 hours, including replacing any affected soil with new soil. It also provides that any violation will result in a \$500 fine for the first offense, and \$1,000 for each additional offense, not to exceed \$10,000 payable by the oil company.

Allowing for Anti-Trust Violation Class Action Suits

A. 3271 (Pheffer)

Advanced to 3rd Reading

This legislation allows for a class action suit in the case of an anti-trust law violation. This bill extends this remedy to private suits. The history of the antitrust law reflects the desire of the legislature to protect consumers from price fixing, overcharges and other effects of monopolies and to enable them to seek damages if appropriate. Broadening the methods of righting the wrong will better utilize resources and reduce the costs of bringing actions. This will serve both the legal system and the consumer.

Require Licensure of Immigration Assistance Providers

A. 4430-A (Espaillat)

Referred to Codes

This legislation requires the Department of State to issue licenses to immigration providers with a renewal every two years. It also prohibits any person from engaging in or advertising immigration services unless such person is duly licensed. In order to provide protection for consumers, this legislation also provides that a person claiming to be aggrieved by any violation of this provision may bring a civil action for injunctive relief, damages, or both and the court shall grant a prevailing plaintiff reasonable attorney's fees and costs wherein the minimal recovery for the plaintiff will be \$5,000.

Providing for Gasoline Discounts

A. 4913-A (Pheffer)

Referred to Codes Committee

Provisions in certain motor fuel franchise agreements prohibit gasoline dealers from offering a discount to a buyer based upon the method of payment by such buyer for gasoline. When the price of gasoline increases many gasoline dealers would like to use discounts as a way to provide savings to the consumer. Some franchisors restrict the ability of franchises to offer payment method discounts to consumers. This legislation would void any provision of a motor fuel franchise agreement that prohibits gasoline dealers from offering a discount to a buyer based upon the method of payment.

Regulating the Sale of Nitric Acid

A.5405 (Ramos)

Referred to Codes

This legislation requires retailers who sell nitric acid to verify the identity of the buyer (using a picture id) and record the buyer's name and address. The records must be retrievable within the same premises where the sale is made. Also, schools and colleges must secure nitric acid before, after, and during its academic uses. If nitric acid is taken off laboratory premises, records must also be kept including both name and address.

Websites with instructions for creating explosives using nitric acid will be banned. Nitric acid is a dangerous substance, used for both sound scientific purposes, and dangerous irresponsible purposes. This legislation focuses on enhance safety by regulating nitric acid sale and use.

Regulation of Model and Talent Agencies

A. 5886 (Espaillat)

Referred to Codes Committee

This legislation requires modeling and talent management agencies to be licensed, by the Commissioner of Labor excluding model and talent agencies located in New York City. This legislation also prohibits an agency from charging a registration fee or any other preliminary fee from any applicant or other member of the public or fees for printing, composite cards or for taking processing or developing of photographs or other images.

Computer Spy ware Protection Act

A. 6419 (Towns)

Referred to Codes

Spy ware can create substantial privacy risks, increase the risk of identity theft, and cause serious degradation to personal and business computers that can cost millions of dollars in lost productivity. This legislation prohibits the installation, transmission and use of computer software that collects personally identifiable information, and authorizes the Attorney General to bring a civil action against those who violate this provision.”

Protecting Appearance Enhancement Employees

A. 7078-A (Rosenthal)

Chapter 489

This legislation requires all owners of appearance enhancement businesses to provide protective gloves and masks, upon request, for their employees. Some owners forbid or discourage their workers from wearing protective masks and gloves as it could potentially scare away customers. This can have detrimental effects on the health and safety of workers. Requiring owners to not only provide protective equipment but also mandate that they allow their workers to wear it if they so choose will help to protect nail salon workers who spend many hours a day in rooms filled with toxic fumes, chemicals and particulate matter.

Penalties for Fraudulent Sale of Articles Sold for Patriotic Purposes

A. 7621 (Ortiz)

Referred to Codes

This legislation increases the penalty for the fraudulent sale of poppies, forget-me-nots, daisies, flags and other articles sold for patriotic purposes to a \$500 fine or imprisonment for no more than six months for a first offense. Throughout New York State, veterans’ organizations for many years have raised funds through the sale of poppies, forget-me-nots, and other patriotic items. Anyone who fraudulently sells these items would be acting in a truly disrespectful manner to America's veterans. By increasing the penalties for those who would act in this manner, we can show our strong disapproval as well as demonstrate our state's commitment to veterans.

Ensuring Equality on Public Golf Courses

A. 9053 (Zebrowski)

Referred to Codes

There has been a proliferation of organizations and businesses that reserve tee times on public courses and sell them to persons otherwise unable to get a reservation and willing to pay an exorbitant price. This practice is turning tee times into a commodity which hurts the average golfer who is unable to reserve a tee time due to the lack of availability. This bill would prevent the resale of tee times for profit. All golfers should have an equal opportunity to obtain a tee time without being forced to pay for the privilege on public courses.

Restricting Sale of Stolen Scrap Metal

A. 9185-A (Peoples)

Referred to Codes

This legislation provides stricter regulations and compliance measures for junkyard dealers and penalties for those junkyard dealers who engage in illegal operations in the trade of scrap metal. As the value of copper has increased over the last couple of years, the numbers of incidences in which thieves have removed copper piping and wiring from abandoned and rehabilitated buildings has skyrocketed. This legislation focuses on discouraging these practices.

Prohibiting the Use of Live Fish in Pedicures

A. 9202 (Heastie)

Referred to Codes

This legislation prohibits the use of live fish in pedicure procedures, whereby one violation will result in a \$250 fine and any additional violation will result in a class B misdemeanor. The use of live fish to eat off dead skin cells in a pedicure procedure has quickly become en vogue. However, this practice is almost impossible to regulate for hygiene, wherein there is a lack of ability to ensure sanitation.

Immigration Provider Enforced Disclosure Information and Registration Act

A. 10491 (Espaillat)

Referred to Ways and Means

This legislation would require the Department of State to issue certificates of registration to Immigration Providers every two years. A list of registered providers, updated monthly, will be made public on the Department of State website. Aggrieved parties will be allowed to file complaints with the Department of State, and in certain circumstances any certificate of registration may be revoked.

Regulating the Sale of Scrap Metal

A. 10947 (Peoples- Stokes)

Referred to Codes

This legislation regulates the sale of scrap metal such as copper by requiring salvage dealers to obtain a copy of a government-issued identification card from the seller of scrap metals, and would require sellers to provide written verification of their authority to sell such scrap metal. It also requires dealers to segregate purchased scrap metal for the statutorily required 5-day period. Lastly, it prohibits the sale of certain items, including street signs, propane containers for fueling forklifts, funeral markers or any metal items bearing markings of a governmental entity, utility company, cemetery or railroad.

Restricting Items Sold by Itinerant Vendors

A. 11029 (Schimminger)

Referred to Codes

This legislation prohibits the sale of certain products by itinerant vendors who are not the manufacturer, an authorized manufacturer's representative or authorized distributor. The prohibited products include baby food, non-prescription drugs, cosmetics and batteries.

VI. SUPPORTING WORKFORCE DEVELOPMENT

A vital component of a productive and sustained economy is a skilled workforce. Companies are often attracted to New York due, in most part, to the availability of a skilled and educated workforce. The Assembly is committed to continuing this tradition by ensuring that training and workforce development opportunities are available to all New Yorkers.

Bioscience Curriculum Development and Workforce Training

A.252 (Magnarelli)

Advanced to 3rd Reading

One key theme in roundtable discussions hosted by the Task Force on University-Industry Cooperation and the Commission on Science and Technology was a call for initiatives that benefit the biosciences industry, which continues to be an important potential growth sector for New York State's economy. This legislation would direct part of the economic development fund to be used for biosciences curriculum development and workforce training, as well as facility improvement in accordance with federal regulations.

Continuing Education for Appearance Enhancement Professionals

A. 9926 (Towns)

This legislation requires licensed appearance enhancement professionals to attend continuing education training in infectious disease control prior to application for a new license or a license renewal.

VII. 2010 PUBLIC HEARINGS

On February 2nd, 2010, the Chair of the Assembly Standing Committee on Economic Development, Job Creation, Commerce and Industry; Assemblyman Robin Schimminger, co-sponsored a roundtable on Coordinating Clean Energy Economic Development Incentives for New York Businesses with the Chair of the Assembly Standing Committee on Energy; Assemblyman Kevin Cahill. The roundtable included leaders from the industry and focused on creating a more unified approach to improving New York's economy through conservation and innovation. Some of the topics discussed included supporting increased awareness for the resources already available to businesses and streamlining the process of procuring those resources.

On January 25, 2010, the Assembly Standing Committee on Economic Development, Job Creation, Commerce and Industry held a public hearing to examine the recommendations of the New York State Law Revision Commission's Report on the Alcoholic Beverage Control Law and its administration by the State Liquor Authority. New York's Alcoholic Beverage Control Law was originally codified in 1934 in response to the repeal of Prohibition. Upon ratification of the 21st Amendment, which officially ended Prohibition, the States were directed to control alcoholic beverages within their borders. New York adopted a three-tier system – manufacturer, wholesaler, retailer – bound together by an array of statutes that tightly regulate the distribution and sale of the product. While these statutes are intended to protect the health, welfare and safety of New Yorkers, some may be extraneous to this purpose or have little or no relevance in today's 21st Century commerce.

Accordingly, the Committee successfully advanced legislation in the 2005-2006 Legislative Session (Chapter 391, A.6686-a (Schimminger)/S.5383-a (Alesi)) directing the New York State Law Revision Commission to examine the Alcoholic Beverage Control Law and its administration, and to make recommendations and propose revisions to ensure public policy goals are met in an effective and efficient manner. The Law Revision Commission submitted their final report in December 2009. The purpose of this hearing was to examine the findings and recommendations of the New York State Law Revision Commission and to elicit industry responses to the findings and recommendations.

On December 6th, 2010, the Assembly Standing Committee on Economic Development, Job Creation, Commerce and Industry held a public hearing to examine the effects of the State Fiscal Year 2010-2011 Budget on the programs under its purview. The public hearing included representation from Empire State Development Corporation, the Department of Economic Development, the New York State Foundation for Science, Technology, and Innovation, and the State Liquor Authority, as well as industry representatives. The annual oversight hearing is statutorily required of the committee.

VIII. OUTLOOK FOR 2011

The economic crisis beginning in 2009 has led to shrinking incomes and higher unemployment. It has been especially acute in New York State where the financial sector, responsible for roughly 20% of all State revenue, has been significantly impacted, leading to diminished economic activity on Wall Street and decreased tax revenues.

The 2010 session concluded with significant progress, including the creation of a new economic development program, the Excelsior Jobs Program, aimed at spurring economic growth in targeted sectors of industry including manufacturing and high technologies. During the 2011 Legislative Session, the Committee on Economic Development, Job Creation, Commerce and Industry will continue to address the financial crisis by remaining committed to its efforts to create and retain jobs, with a focus on small business and emerging technologies development.

In addition, the Committee will focus on its review of Alcoholic Beverage Control Law and consider the recommendations offered by the Law Revision Commission in order to ensure ease of application and coherence. As many of the Alcoholic Beverage Control Law's provisions remain unaltered since the end of Prohibition, the State has a special interest in continuing the identification of statutes in conflict with modern alcoholic beverage industry standards and practices, and supporting the State Liquor Authority in its effort to streamline processing of applications and offer more efficiency to interested parties.

Appendix A

**2010 SUMMARY OF ACTION ON ALL BILLS REFERRED TO THE COMMITTEE ON
ECONOMIC DEVELOPMENT, JOB CREATION, COMMERCE, AND INDUSTRY**

| Final Disposition of Bills | Assembly | Senate | Total |
|--|-----------------|---------------|--------------|
| Bills Reported With or Without Amendment | 68 | 0 | 68 |
| To Floor; Not Returning to Committee | 8 | 0 | 8 |
| To Floor; Recommitted and Died | 0 | 0 | 0 |
| To Ways and Means | 13 | 0 | 13 |
| To Codes | 46 | 0 | 46 |
| To Rules | 1 | 0 | 1 |
| To Judiciary | 0 | 0 | 0 |
| Total | 68 | 0 | 68 |

Bills Having Committee Reference Changed

| | | | |
|-------------------------------|----------|----------|----------|
| To Environmental Conservation | 1 | 0 | 1 |
| To Small Business | 1 | 0 | 1 |
| To Codes | 0 | 0 | 0 |
| Total | 2 | 0 | 2 |

Senate Bills Substituted or Recalled

| | | | |
|--------------|--|----------|----------|
| Substituted | | 5 | 5 |
| Recalled | | 1 | 1 |
| Total | | 6 | 6 |

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|---|-----|----|-----|
| Bills Defeated in Committee | 0 | 0 | 0 |
| Bills Never Reported, Held in Committee | 45 | 0 | 45 |
| Bills Never Reported, Died in Committee | 185 | 14 | 199 |
| Bills Having Enacting Clauses Stricken | 4 | 0 | 4 |
| Motions Discharge Lost | 0 | 0 | 0 |

| | | | |
|--|------------|-----------|------------|
| Total Bills in Committee | 304 | 20 | 324 |
| Total Number of Committee Meetings Held | 8 | | |

APPENDIX B

**COMMITTEE ON ECONOMIC DEVELOPMENT, JOB CREATION,
COMMERCE, AND INDUSTRY**

2010 Bills Considered

| Assembly Bill # | Senate Bill # | Last Action | Description |
|----------------------------|------------------------------|--|---|
| A. 252 (Magnarelli) | S. 1147 (Lavalle) | Advanced to 3 rd Reading | Authorizes the use of Economic Development funds to assist bioscience research institutions with workforce training. |
| A. 253 (Magnarelli) | S. 2290 (Stachowski) | Referred to Ways and Means | Creates the Biosciences Commercialization Fund. |
| A. 379 (Jeffries) | No Same As | Referred to Codes Committee | Prohibits vehicle rental companies from charging a refueling rate higher than the highest retail price for gasoline. |
| A. 494 (Hoyt) | S. 4814 (Stewart-Cousins) | Referred to Ways and Means | Requires the Office of Technology to develop geographic information and mapping system for use by municipalities. |
| A. 711 (Cahill) | S. 677 (Larkin) | Passed Assembly | Permits persons licensed to sell wine on the premises to also sell certain low content alcoholic beverages. |
| A.1991 (Peoples–Stokes) | S. 1155 (Thompson) | Referred to Ways and Means | Requires the Urban Development Corporation to study ways to increase retail development in the City of Buffalo. |
| A. 2279 (Cusick) | S. 754 (Breslin) | Passed Assembly | Provides that upon consent a reasonable amount of construction contract sum may be deposited into an interest bearing escrow account. |
| A. 2322 (Magee) | S. 3602 (Valesky) | Vetoed, memo. 6821 | Authorizes wineries to engage in custom crush wine production. |
| A. 2474 (Pretlow) | No Same As | Referred to Codes Committee | Prohibits the sale of police badges and insignia. |
| A. 2476 (Pretlow) | No Same As | Referred to Codes Committee | Requires oil companies to clean up any spillage during oil delivery. |
| A. 2624 (Glick) | S. 4141 (Squadron) | Ordered to 3 rd Reading | Requires posting of certain information related to an application for a liquor license. |

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| A. 2625 (Glick) | S. 5295 (Squadron) | Advanced to 3 rd Reading | Requires that standardized forms be created by the State Liquor Authority for notification of community boards of application for liquor license and renewal. |
| A. 3271 (Pheffer) | No Same As | Advanced to 3 rd Reading | Authorizes a class-action law suit in anti-trust actions. |
| A. 3555-A (Perry) | No Same As | Referred to Codes Committee | Authorizes the State Liquor Authority to issue an on-premise liquor license to a certain establishment. |
| A. 3770-A (Aubry) | S. 4686 (Hassell-Thompson) | Advanced to 3 rd Reading | Allows qualified individuals with criminal records to be employed in certain establishments. |
| A. 3828 (Lentol) | No Same As | Passed Assembly | Requires notification of community boards 30 days in advance of such application for retail liquor licenses concerning the 500 foot rule. |
| A. 3829 (Lentol) | No Same As | Advanced to 3 rd Reading | Requires applicants for a liquor license to post certain information notifying of such application. |
| A. 4430 (Espaillat) | S. 2283-A (Parker) | Referred to Codes Committee | Requires licensure and regulation of immigration providers by the Department of State. |
| A. 4729 (Morelle) | S. 6333 (Klein) | Referred to Ways and Means | Creates the Intellectual Property Asset Management Advisory Council. |
| A. 4913-A (Pheffer) | S. 4934-A (Stachowski) | Referred to Codes Committee | Establishes no franchise agreements shall prohibit a gasoline dealer from offering a discount to a buyer based on method of payment. |
| A. 5405 (Ramos) | S. 2228 (Lavalle) | Referred to Codes Committee | Provides for the sale, use, and storage of nitric acid. |
| A. 5886 (Espaillat) | No Same As | Referred to Codes Committee | Regulates employment agencies as to their use of advertising and the types of fees and remuneration they may accept. |
| A. 5953-A (Magee) | S. 5514 (Stachowski) | Referred to Ways and Means | Increases from 1 to 2 million the aggregate of linked loans that an agricultural business may receive during the linked loan program. |
| A. 6036 (Koon) | S. 7410-B (Espada) | Vetoed, memo. 6769 | Requires a producer or refiner from selling, transferring, or assigning interest in a retail outlet leased to a motor fuel dealer. |

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| A. 6419 (Towns) | No Same As | Referred to Codes Committee | Enacts the “Computer Spy ware Protection Act.” |
| A. 7078-A (Rosenthal) | S. 8096 (Perkins) | Chapter 489 | Requires appearance enhancement business owners to provide masks and gloves to nail specialists. |
| A. 7151 (Hoyt) | S. 3246 (Stachowski) | Referred to Rules Committee | Permits persons licensed to sell beer or wine for off-premise consumption to provide beer samples. |
| A. 7621 (Ortiz) | No Same As | Referred to Codes Committee | Increases the penalty for the fraudulent sale of items for patriotic purposes. |
| A. 8403 (Schimminger) | No Same As | Referred to Codes Committee | Provides for the suspension of driver’s licenses for those who fail to participate in required alcohol awareness training programs or pay fines. |
| A. 8519-A (Schimminger) | S. 5577-A (Squadron) | Referred to Codes Committee | Makes consistent the factors concerning public interest that the State Liquor Authority must consider prior to granting a license. |
| A. 8645-B (Paulin) | S. 5803-B (Klein) | Chapter 435 | Allows alcohol awareness training programs to satisfy certain violations of Alcoholic Beverage Control Law. |
| A. 8656-A (Tedisco) | S. 5182-A (Farley) | Chapter 390 | Creates a limited exception to the restriction of manufacturers from having an interest in any retail operation. |
| A. 8892 (Alessi) | S. 8217-B (Lavalle) | Referred to Codes Committee | Allows permitted institutions of higher education to purchase alcohol. |
| A. 9053 (Zebrowski) | No Same As | Referred to Codes Committee | Prohibits reservation of tee times at public golf courses for financial compensation. |
| A. 9185-a (Peoples-Stokes) | No Same As | Referred to Codes Committee | Regulates the sale of copper and other metals by junk dealers. |
| A. 9202 (Heastie) | S. 6205 (Klein) | Referred to Codes Committee | Prohibits the use of live fish in any manner in any pedicure procedure. |
| A. 9227-B (Schimminger) | S. 6231-C (Johnson, C.) | Chapter 396 | Creates a temporary permit for license transferees. |
| A. 9405 (Alessi) | S. 7676 (Stachowski) | Referred to Ways and Means | Establishes the High Performance Computing Program. |
| A. 9406-A (DelMonte) | S. 6887 (Stachowski) | Referred to Ways and Means | Creates the Seed-NY Investment Fund. |

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| A. 9469-A (Magnarelli) | S. 8269 (Valesky) | Referred to Ways and Means | Creates the Technology Commercialization Partnership Program and removes the Incentive Program from the research development program. |
| A. 9824-A (Schimminger) | S. 6855-A (Stachowski) | Referred to Ways and Means | Enacts the Academic Research Information Act. |
| A. 9926 (Townes) | S. 6820 (Sampson) | Referred to Ways and Means | Requires licensed appearance enhancement professionals to take continuing education classes concerning infection control. |
| A. 9991 (Magnarelli) | S. 6964 (Valesky) | Chapter 440 | Establishes the Science and Technology Law Center and the Technology Commercialization Clinic. |
| A. 10031 (Morelle) | S. 6970 (Stachowski) | Chapter 471 | Allows for premises to be rented by a licensed tenant brewer. |
| A. 10084 (Schimminger) | No Same As | Advanced to 3 rd Reading | Creates the Small Business Innovation Research and Technology Transfer Assistance Program. |
| A. 10431-A (Schimminger) | S. 7247-A (Johnson, C.) | Referred to Codes Committee | Provides a more comprehensive definition of grocery store in Alcoholic Beverage Control Law. |
| A. 10460 (Paulin) | S. 7268 (Perkins) | Referred to Codes Committee | Provides a measurable standard for “blighted” property in the context of eminent domain. |
| A. 10491 (Espaillat) | S. 7343 (Schneiderman) | Referred to Ways and Means | Enacts the immigration provider enforced disclosure information and registration act of 2010. |
| A. 10673-A (Magee) | S. 7480-A (Valesky) | Chapter 408 | Allows the holder of a temporary wine and beer permit to sell wine for consumption upon the premises at the New York State Fair. |
| A. 10808 (Schimminger) | S. 7739 (Johnson, C.) | Referred to Codes Committee | Lowers the keg registration fee from \$50 to \$25 and extends the requirement until 2011. |
| A. 10809 (Schimminger) | S. 7557 (Johnson, C.) | Referred to Rules Committee | Grants the State Liquor Authority general rule making privilege, provides a sunset. |
| A. 10817-A (Schimminger) | S. 7737 (Peralta) | Referred to Rules Committee | Allows licensed wholesalers to install and operate ATMs. |
| A. 10854 (Schimminger) | S. 7332 (Johnson, C.) | Referred to Rules Committee | Eliminates the requirement that liquor stores be located at street level and have no more than two entrances. |

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| A. 10857-A (Schimminger) | S. 7378-A (Squadron) | Chapter 364 | Provides that upon the sixth complaint involving the police within a 60 day period is grounds for revocation of an alcohol license. |
| A. 10903 (Powell) | S. 6066-A (Perkins) | Referred to Codes Committee | Authorizes the State Liquor Authority to grant a liquor license to a certain premises. |
| A. 10947 (Peoples-Stokes) | S. 6035 (Perkins) | Referred to Codes Committee | Provides for the lawful sale of scrap copper and other metals by junk dealers. |
| A. 11010 (Schimminger) | S. 7698 (Johnson, C.) | Referred to Rules Committee | Provides the Chairman of the State Liquor Authority with sole administrative authority. |
| A. 11029 (Schimminger) | S. 39 (Fuschillo) | Referred to Codes Committee | Prohibits itinerant vendors from selling baby food, nonprescription drugs, cosmetics, and batteries. |
| A. 11393 (Schimminger) | S. 8183 (Johnson, C.) | Referred to Codes Committee | Creates a beer tasting permit for licensed Brewers to serve samples. |
| A. 11414 (Alessi) | S. 8356 (Stachowski) | Referred to Ways and Means | Includes clean environmental and energy technologies to the list of emerging technologies for the purposes of tax credits. |
| A. 11499 (Lopez, P.) | S. 8244 (Libous) | Chapter 547 | Authorizes the State Liquor Authority to grant a liquor license to a certain premises. |

APPENDIX C

**COMMITTEE ON ECONOMIC DEVELOPMENT, JOB CREATION,
COMMERCE, AND INDUSTRY**

2010 Chapters

| Assembly Bill # | Senate Bill # | Chapter | Description |
|----------------------------|----------------------------|----------------|---|
| A. 629 (Paulin) | S. 2752 (Johnson) | Chapter 228 | Relates to the sale of motor fuel to disabled persons. |
| A. 7078-A (Rosenthal) | S. 8096 (Perkins) | Chapter 489 | Requires appearance enhancement business owners to provide masks and gloves to nail specialists. |
| A. 8645-B (Paulin) | S. 5803-B (Klein) | Chapter 435 | Allows alcohol awareness training programs to satisfy certain violations of Alcoholic Beverage Control Law. |
| A. 8656-A (Tedisco) | S. 5182-A (Farley) | Chapter 390 | Creates a limited exception to the restriction of manufactures from having an interest in any retail operation. |
| A. 9227-B (Schimminger) | S. 6231-C (Johnson, C.) | Chapter 396 | Creates a temporary permit for license transferees. |
| A. 9810 (Gabryszak) | S. 6854 (Stachowski) | Chapter 191 | Relates to funds used by the Centers for Advanced Technology. |
| A. 9923-A (Destito) | S. 6816-B (Stachowski) | Chapter 292 | Supports the legislative intent of a previous chapter regarding annual beer tasting permits. |
| A. 9991 (Magnarelli) | S. 6964 (Valesky) | Chapter 440 | Establishes the Science and Technology Law Center and the Technology Commercialization Clinic. |
| A. 10031 (Morelle) | S. 6970 (Stachowski) | Chapter 471 | Allows for premises to be rented by a licensed tenant brewer. |
| A. 10569 (Schimminger) | S. 7314 (Johnson, C.) | Chapter 298 | Includes electronic fund transfers in the definition of cash in Alcoholic Beverage Control Law. |

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|---------------------------|-------------------------|-------------|---|
| A. 10673-A (Magee) | S. 7480-A (Valesky) | Chapter 408 | Allows the holder of a temporary wine and beer permit to sell wine for consumption upon the premises at the NYS Fair. |
| A. 10856 (Schimminger) | S. 7149 (Stachowski) | Chapter 213 | Allows for overnight delivery as acceptable method of notification of liquor license application. |
| A. 10857 (Schimminger) | S. 7378-A (Squadron) | Chapter 364 | Relates to the revocation of a liquor license for cause. |
| A. 11499 (Lopez) | S. 8244 (Libous) | Chapter 547 | Authorizes the State Liquor Authority to grant a liquor license |

APPENDIX D

**COMMITTEE ON ECONOMIC DEVELOPMENT, JOB CREATION,
COMMERCE, AND INDUSTRY**

2010 Vetoes

| Assembly Bill # | Senate Bill # | Veto | Description |
|----------------------------|---------------------------|-------------|--|
| A. 2322 (Magee) | S. 3602 (Valesky) | Memo. 6821 | Allows wineries to engage in custom crush wine production. |
| A. 5255-a (Espaillat) | S. 7228-a (Stachowski) | Memo. 6802 | Creates the Bioscience Facilities Development Program. |
| A. 6036-b (Koon) | S. 7410-b (Espada) | Memo. 6769 | Requires a producer or refiner from selling, transferring, or assigning interest in a retail outlet leased to a motor fuel dealer. |
| A. 8172-c (Magee) | S. 5440-c (Valesky) | Memo. 6711 | Authorizes licensed wineries to sell wine for consumption on the premise of a food festival. |