

5529--B

2013-2014 Regular Sessions

I N S E N A T E

May 16, 2013

Introduced by Sen. ZELDIN -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading -- recommitted to the Committee on Investigations and Government Operations in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the alcoholic beverage control law, in relation to on-premises license or permit for the provision of alcohol by a volunteer firefighters' organization

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

1 Section 1. Subdivision 1 of section 128 of the alcoholic beverage
2 control law, as amended by chapter 885 of the laws of 1985, is amended
3 to read as follows:
4 1. Except as otherwise provided in section one hundred twenty-eight-a
5 AND SECTION ONE HUNDRED TWENTY-EIGHT-B OF THIS ARTICLE, it shall be
6 unlawful for any police commissioner, police inspector, captain,
7 sergeant, roundsman, patrolman or other police official or subordinate
8 of any police department in the state, to be either directly or indi-
9 rectly interested in the manufacture or sale of alcoholic beverages or
10 to offer for sale, or recommend to any licensee any alcoholic beverages.
11 A person may not be denied any license granted under the provisions of
12 sections fifty-four, fifty-five, fifty-nine, sixty-three, sixty-four,
13 seventy-nine, eighty-one, or article seven of this chapter solely on the
14 grounds of being the spouse of a public servant described in this subdi-
15 vision. The solicitation or recommendation made to any licensee, to
16 purchase any alcoholic beverages by any police official or subordinate
17 as hereinabove described, shall be presumptive evidence of the interest

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

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1 of such official or subordinate in the manufacture or sale of alcoholic
2 beverages.

3 S 2. The alcoholic beverage control law is amended by adding a new
4 section 128-b to read as follows:

5 S 128-B. POLICE OFFICERS ALLOWED TO SERVE AS AN OFFICER OF A VOLUNTEER
6 FIREFIGHTERS' ORGANIZATION. NOTWITHSTANDING ANY INCONSISTENT PROVISION
7 OF LAW TO THE CONTRARY, A VOLUNTEER FIREFIGHTERS' ORGANIZATION SHALL NOT
8 BE PRECLUDED FROM APPLYING FOR AN ON-PREMISES LICENSE OR PERMIT UNDER
9 THE PROVISIONS OF THIS CHAPTER DUE TO THE PRESENCE OF A POLICE OFFICER
10 SERVING AS AN OFFICER OF SUCH ORGANIZATION AND THE STATE LIQUOR AUTHORI-
11 TY SHALL BE AUTHORIZED TO ISSUE SUCH LICENSE OR PERMIT.

12 S 3. This act shall take effect immediately.