

2831--A

2009-2010 Regular Sessions

I N   S E N A T E

March 4, 2009

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Introduced by Sen. VALESKY -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government -- recommended to the Committee on Local Government 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 town law and the public authorities law, in relation to travel by firefighters and ambulance workers

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

1     Section 1. The first undesignated paragraph of section 177 of the town  
2     law, as amended by chapter 140 of the laws of 1996, is amended to read  
3     as follows:  
4     The fire district treasurer shall be the fiscal officer of the fire  
5     district and shall receive and have the custody of the funds of the  
6     district and shall disburse the same for the purposes herein authorized  
7     when so ordered by resolution of the board of fire commissioners, except  
8     that no such resolution of the board of fire commissioners shall be  
9     required for the payment of fixed salaries, compensation for services of  
10    officers or employees regularly engaged by the fire district at agreed  
11    wages by the hour, day, week, month or year unless so required by resolution of the board of fire commissioners adopted at the organization  
12    meeting in the month of January, the principal of or interest on obligations issued by the fire district, fixed amounts becoming due on  
13    lawful contracts for the purchase of water for fire protection, and  
14    amounts which the fire district may be required to pay to the state and  
15    local employees' retirement system on account of contributions for past  
16    and current services of firemen. All such disbursements shall be made by  
17    check payable to the order of the person or persons entitled thereto.  
18    THE FIRE DISTRICT TREASURER SHALL ALSO BE RESPONSIBLE FOR FILING ANY  
19    PAPERWORK NECESSARY TO OBTAIN PERMITS OR SECURE ANY REFUNDS PROVIDED  
20    PURSUANT TO SECTION THREE HUNDRED SEVENTY-EIGHT-A OF THE PUBLIC AUTHORI-

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

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1 TIES LAW. The board of fire commissioners shall designate in the manner  
2 provided by section ten of the general municipal law the depositaries in  
3 which the fire district treasurer shall, within ten days, deposit and  
4 secure all moneys coming into his hands by virtue of his office.

5 S 2. The public authorities law is amended by adding a new section  
6 378-a to read as follows:

7 S 378-A. EMERGENCY SERVICE PERMITS. 1. THE AUTHORITY IS HEREBY AUTHOR-  
8 IZED AND DIRECTED TO ISSUE REFUNDS FOR TOLLS INCURRED BY AMBULANCES OR  
9 FIRE VEHICLES ENGAGED IN AN EMERGENCY OPERATION, OR, AT THE OPTION OF  
10 THE AUTHORITY, TO ISSUE EMERGENCY SERVICES PERMITS FOR USE BY AMBULANCES  
11 AND FIRE VEHICLES WHICH SHALL PROVIDE FOR TRAVEL AT NO CHARGE BETWEEN  
12 INTERCHANGES AND BARRIERS WHILE SUCH VEHICLES ARE ENGAGED IN AN EMERGEN-  
13 CY OPERATION. FOR PURPOSES OF THIS SECTION, THE TERM "AMBULANCE" SHALL  
14 HAVE THE SAME MEANING AS SUCH TERM IS DEFINED BY SECTION ONE HUNDRED-B  
15 OF THE VEHICLE AND TRAFFIC LAW, THE TERM "FIRE VEHICLE" SHALL HAVE THE  
16 SAME MEANING AS SUCH TERM IS DEFINED BY SECTION ONE HUNDRED FIFTEEN-A OF  
17 THE VEHICLE AND TRAFFIC LAW, AND THE TERM "EMERGENCY OPERATION" SHALL  
18 HAVE THE SAME MEANING AS SUCH TERM IS DEFINED BY SECTION ONE HUNDRED  
19 FOURTEEN-B OF THE VEHICLE AND TRAFFIC LAW. IN ANY RULES AND REGULATIONS  
20 PROMULGATED FOR THE IMPLEMENTATION OF THIS SECTION, THE AUTHORITY MAY  
21 ESTABLISH THE TYPE OF DOCUMENTATION OR OTHER PROOF SATISFACTORY TO THE  
22 AUTHORITY THAT AN AMBULANCE OR FIRE VEHICLE WAS ENGAGED IN AN EMERGENCY  
23 OPERATION AT THE TIME A TOLL WAS INCURRED.

24 2. IF, UPON THE COMPLETION OF AN AUDIT CONDUCTED BY A CERTIFIED PUBLIC  
25 ACCOUNTANT SELECTED BY THE AUTHORITY, THE AUTHORITY CAN DEMONSTRATE THAT  
26 THE ISSUANCE OF REFUNDS OR PERMITS AS AUTHORIZED IN SUBDIVISION ONE OF  
27 THIS SECTION CAUSES A SIGNIFICANT LOSS OF REVENUE TO THE AUTHORITY, THE  
28 AUTHORITY IS AUTHORIZED, PURSUANT TO A RESOLUTION OF THE BOARD, TO OFFER  
29 SUCH REFUNDS OR PERMITS AT A DISCOUNT OF THE CASH COST PER MILE;  
30 PROVIDED, HOWEVER, THAT, PRIOR TO SUCH BOARD RESOLUTION, THE AUTHORITY  
31 SHALL HOLD AT LEAST TWO PUBLIC HEARINGS, AT A TIME AND LOCATION WHICH  
32 WILL, TO THE EXTENT PRACTICABLE, MAXIMIZE THE PARTICIPATION OF THE  
33 GENERAL PUBLIC.

34 S 3. This act shall take effect June 1, 2012; provided that effective  
35 immediately the amendment, addition, and/or repeal of any rule or regu-  
36 lation necessary for the timely implementation of this act on its effec-  
37 tive date is authorized and directed to be made on or before such effec-  
38 tive date.