

3739--A

2011-2012 Regular Sessions

I N S E N A T E

March 2, 2011

Introduced by Sen. LAVALLE -- 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 not-for-profit corporation law, in relation to joint purchases by fire corporations

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

1 Section 1. Paragraph (e) of section 1402 of the not-for-profit corpo-
2 ration law, subparagraph 1 as amended by chapter 719 of the laws of 1985
3 and subparagraph 5 as added by chapter 307 of the laws of 1980, is
4 amended to read as follows:
5 (e) Powers.
6 (1) A fire, hose, protective or hook and ladder corporation hereto-
7 fore incorporated under any general law or a fire corporation hereafter
8 incorporated under this section shall be under the control of the city,
9 village, fire district or town authorities having, by law, control over
10 the prevention or extinguishment of fires therein. Such authorities may
11 adopt rules and regulations for the government and control of such
12 corporations. Notwithstanding the provisions of any such local law, a
13 person who has been convicted of arson in any degree shall not be eligi-
14 ble for nomination, election or appointment to any office of the corpo-
15 ration, nor may such person serve as director of the corporation. Any
16 fire corporation officer or director who is convicted of arson in any
17 degree during his term of office shall be disqualified from completing
18 such term of office.
19 (2) Where a fire corporation formed outside of a city, village or fire
20 district furnishes fire protection to territory outside of the bounda-
21 ries specified in its certificate of incorporation, the fire corporation

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

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1 and the members thereof shall be under the exclusive control of the town
2 board of the town in which the fire corporation maintains its apparatus.

3 (3) The emergency relief squad of a fire corporation incorporated
4 under this section or subject to the provisions thereof shall have power
5 to furnish general ambulance service when duly authorized under the
6 provisions of section two hundred nine-b of the general municipal law.

7 (4) Any fire company incorporated under this section or subject to the
8 provisions thereof shall have power to engage in fund raising activities
9 pursuant to section two hundred four-a of the general municipal law.

10 [5.] (5) Any fire company incorporated under this section or subject
11 to the provisions thereof shall have power, subject to the approval or
12 authorization of the town board, to attend a funeral.

13 (6) FIRE, HOSE, PROTECTIVE OR HOOK AND LADDER CORPORATIONS HERETOFORE
14 INCORPORATED UNDER ANY GENERAL LAW OR FIRE CORPORATIONS HEREAFTER INCOR-
15 PORATED UNDER THIS SECTION OR VOLUNTEER FIRE COMPANIES OR FIRE DEPART-
16 MENTS AS DEFINED IN SECTION THREE OF THE VOLUNTEER FIREFIGHTERS' BENE-
17 FITS LAW ARE HEREBY AUTHORIZED TO ENTER INTO CONTRACTS AMONG THEMSELVES
18 AND AMONG MUNICIPAL CORPORATIONS FOR THE JOINT PURCHASE OF GOODS,
19 SUPPLIES AND SERVICES. PROVIDED THAT THE PROVISIONS OF ARTICLE FIVE-A OF
20 THE GENERAL MUNICIPAL LAW SHALL BE CONTROLLING FOR ANY PROPOSED JOINT
21 PURCHASE BETWEEN SUCH FIRE CORPORATION, COMPANY, OR DEPARTMENT AND A
22 MUNICIPAL CORPORATION. FOR THE PURPOSES OF THIS SUBPARAGRAPH THE TERM
23 "MUNICIPAL CORPORATION" SHALL MEAN A COUNTY, CITY, TOWN, VILLAGE, FIRE
24 DISTRICT, OR AMBULANCE DISTRICT.

25 S 2. This act shall take effect immediately.