

901

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. DeMONTE, GORDON, CALHOUN, JAFFEE -- Multi-Sponsored by -- M. of A. DESTITO, GUNTHER, HOOPER, JOHN, KOON, LATIMER, LIFTON, MAGEE, MAGNARELLI, McENENY, PAULIN, PEOPLES-STOKES, PERRY, PHEFFER, RAMOS, REILLY, J. RIVERA, SWEENEY, TOWNS, WEISENBERG -- read once and referred to the Committee on Local Governments

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
21

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

1 PURSUANT TO SECTION THREE HUNDRED SEVENTY-EIGHT-A OF THE PUBLIC AUTHORI-
2 TIES LAW. The board of fire commissioners shall designate in the manner
3 provided by section ten of the general municipal law the depositaries in
4 which the fire district treasurer shall, within ten days, deposit and
5 secure all moneys coming into his hands by virtue of his office.

6 S 2. The public authorities law is amended by adding a new section
7 378-a to read as follows:

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

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

35 S 3. This act shall take effect June 1, 2011; provided that effective
36 immediately the amendment, addition, and/or repeal of any rule or regu-
37 lation necessary for the timely implementation of this act on its effec-
38 tive date is authorized and directed to be made on or before such effec-
39 tive date.