S T A T E O F N E W Y O R K

901--A

Cal. No. 85

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. DelMONTE, 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 -- reported from committee, advanced to a third reading, amended and ordered reprinted, retaining its place on the order of third reading

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:

Section 1. The first undesignated paragraph of section 177 of the town law, as amended by chapter 140 of the laws of 1996, is amended to read as follows:

The fire district treasurer shall be the fiscal officer of the fire district and shall receive and have the custody of the funds of the district and shall disburse the same for the purposes herein authorized when so ordered by resolution of the board of fire commissioners, except that no such resolution of the board of fire commissioners shall be required for the payment of fixed salaries, compensation for services of officers or employees regularly engaged by the fire district at agreed wages by the hour, day, week, month or year unless so required by resolution of the board of fire commissioners adopted at the organization meeting in the month of January, the principal of or interest on obligations issued by the fire district, fixed amounts becoming due on lawful contracts for the purchase of water for fire protection, and amounts which the fire district may be required to pay to the state and local employees' retirement system on account of contributions for past and current services of firemen. All such disbursements shall be made by check payable to the order of the person or persons entitled thereto.

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

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THE FIRE DISTRICT TREASURER SHALL ALSO BE RESPONSIBLE FOR FILING ANY PAPERWORK NECESSARY TO OBTAIN PERMITS OR SECURE ANY REFUNDS PROVIDED PURSUANT TO SECTION THREE HUNDRED SEVENTY-EIGHT-A OF THE PUBLIC AUTHORITIES LAW. The board of fire commissioners shall designate in the manner provided by section ten of the general municipal law the depositaries in which the fire district treasurer shall, within ten days, deposit and secure all moneys coming into his hands by virtue of his office.

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

S 378-A. EMERGENCY SERVICE PERMITS. 1. THE AUTHORITY IS HEREBY AUTHORIZED AND DIRECTED TO ISSUE REFUNDS FOR TOLLS INCURRED BY AMBULANCES OR FIRE VEHICLES ENGAGED IN AN EMERGENCY OPERATION, OR, AT THE OPTION OF THE AUTHORITY, TO ISSUE EMERGENCY SERVICES PERMITS FOR USE BY AMBULANCES AND FIRE VEHICLES WHICH SHALL PROVIDE FOR TRAVEL AT NO CHARGE BETWEEN INTERCHANGES AND BARRIERS WHILE SUCH VEHICLES ARE ENGAGED IN AN EMERGENCY OPERATION. FOR PURPOSES OF THIS SECTION, THE TERM "AMBULANCE" SHALL HAVE THE SAME MEANING AS SUCH TERM IS DEFINED BY SECTION ONE HUNDRED-B OF THE VEHICLE AND TRAFFIC LAW, THE TERM "FIRE VEHICLE" SHALL HAVE THE SAME MEANING AS SUCH TERM IS DEFINED BY SECTION ONE HUNDRED FIFTEEN-A OF THE VEHICLE AND TRAFFIC LAW, AND THE TERM "EMERGENCY OPERATION" SHALL HAVE THE SAME MEANING AS SUCH TERM IS DEFINED BY SECTION ONE HUNDRED FOURTEEN-B OF THE VEHICLE AND TRAFFIC LAW. IN ANY RULES AND REGULATIONS PROMULGATED FOR THE IMPLEMENTATION OF THIS SECTION, THE AUTHORITY MAY ESTABLISH THE TYPE OF DOCUMENTATION OR OTHER PROOF SATISFACTORY TO THE AUTHORITY THAT AN AMBULANCE OR FIRE VEHICLE WAS ENGAGED IN AN EMERGENCY OPERATION AT THE TIME A TOLL WAS INCURRED.

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

S 3. This act shall take effect June 1, 2012; provided that effective immediately the amendment, addition, and/or repeal of any rule or regulation necessary for the timely implementation of this act on its effective date is authorized and directed to be made on or before such effective date.