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

2306

2011-2012 Regular Sessions

I N A S S E M B L Y

January 18, 2011

Introduced by M. of A. DESTITO, McENENY -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the labor law, the county law, the general city law, the general municipal law, the town law and the village law, in relation to prohibiting municipalities from contracting with any private entity for the provision of fire protection, suppression or prevention services

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

Section 1. Legislative intent. The legislature hereby finds that the privatization of fire services by municipalities poses a considerable threat to the lives, safety and property of individuals throughout the state. Public sector fire services use all their resources solely to provide service and protection to the public. Private sector fire services exist to make a profit. Recent history has demonstrated that the services, experience, and the administrative and personnel requirements of private companies do not compare with the high quality of services and assurances of public safety provided by public sector fire departments. Given the profound role fire departments play in protecting the lives and property of all citizens, the legislature hereby declares that no governmental body may contract with any private entity, organization, corporation or company for the furnishing of fire protection, fire suppression and fire prevention services.

S 2. The labor law is amended by adding a new section 220-i to read as follows:

S 220-I. CONTRACTS FOR FIRE PROTECTION. NO CITY, COUNTY, TOWN, VILLAGE, AUTHORITY OR FIRE DISTRICT SHALL CONTRACT WITH ANY ENTITY FOR THE PROVISION OF FIRE PROTECTION, SUPPRESSION OR PREVENTION SERVICES WITHIN THE BOUNDARIES OF SUCH MUNICIPALITY, UNLESS:

(A) SUCH ENTITY IS CREATED BY A CITY, COUNTY, TOWN, VILLAGE, AUTHORITY OR FIRE DISTRICT AND SUBJECT TO THE SUPERVISION OF THE GOVERNING BODY OF

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

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THE CITY, COUNTY, TOWN, VILLAGE, AUTHORITY OR FIRE DISTRICT ESTABLISHING SUCH ENTITY; OR

(B) SUCH ENTITY IS A NOT-FOR-PROFIT CORPORATION.

S 3. Subdivision 9 of section 224 of the county law, as amended by chapter 297 of the laws of 1952, is amended to read as follows:

(9) Fire training schools for training [firemen] FIREFIGHTERS, including the power to pay to a city within or without the county for services in the training of [firemen] VOLUNTEER FIREFIGHTERS of such county; PROVIDED, HOWEVER, THAT UNDER NO CIRCUMSTANCES, SHALL A COUNTY CONTRACT FOR THE PROVISION OF FIRE PROTECTION, SUPPRESSION OR PREVENTION SERVICES WITH:

(A) ANY ENTITY WHICH IS NOT CREATED BY A CITY, COUNTY, TOWN, VILLAGE, AUTHORITY OR FIRE DISTRICT AND SUBJECT TO THE SUPERVISION OF THE GOVERNING BODY OF THE CITY, COUNTY, TOWN, VILLAGE, AUTHORITY OR FIRE DISTRICT ESTABLISHING SUCH ENTITY; OR

(B) SUCH ENTITY IS A NOT-FOR-PROFIT CORPORATION.

S 4. Subdivision 12 of section 20 of the general city law, as added by chapter 247 of the laws of 1913, is amended to read as follows:

12. To prevent and extinguish fires and to protect the inhabitants of the city and property within the city from loss or damage by fire or other casualty; PROVIDED, HOWEVER, THAT UNDER NO CIRCUMSTANCES SHALL ANY CITY CONTRACT WITH ANY ENTITY FOR THE PROVISION OF FIRE PROTECTION, SUPPRESSION OR PREVENTION SERVICES WITHIN THE BOUNDARIES OF SUCH CITY, UNLESS:

(A) SUCH ENTITY IS CREATED BY A CITY, COUNTY, TOWN, VILLAGE, AUTHORITY OR FIRE DISTRICT AND SUBJECT TO THE SUPERVISION OF THE GOVERNING BODY OF THE CITY, COUNTY, TOWN, VILLAGE, AUTHORITY OR FIRE DISTRICT ESTABLISHING SUCH ENTITY; OR

(B) SUCH ENTITY IS A NOT-FOR-PROFIT CORPORATION.

S 5. The general municipal law is amended by adding a new section 103-g to read as follows:

S 103-G. PROHIBITED CONTRACT; FIRE SERVICES. NO MUNICIPAL CORPORATION OR AUTHORITY SHALL CONTRACT WITH ANY ENTITY FOR THE PROVISION OF FIRE PROTECTION, SUPPRESSION OR PREVENTION SERVICES WITHIN THE BOUNDARIES OF SUCH MUNICIPAL CORPORATION, UNLESS:

1. SUCH ENTITY IS CREATED BY A CITY, COUNTY, TOWN, VILLAGE, AUTHORITY OR FIRE DISTRICT AND SUBJECT TO THE SUPERVISION OF THE GOVERNING BODY OF THE CITY, COUNTY, TOWN, VILLAGE, AUTHORITY OR FIRE DISTRICT ESTABLISHING SUCH ENTITY; OR

2. SUCH ENTITY IS A NOT-FOR-PROFIT CORPORATION.

S 6. The town law is amended by adding a new section 173-a to read as follows:

S 173-A. PROHIBITED CONTRACT; FIRE SERVICES. NO TOWN OR FIRE DISTRICT ESTABLISHED THEREBY SHALL CONTRACT WITH ANY ENTITY FOR THE PROVISION OF FIRE PROTECTION, SUPPRESSION OR PREVENTION SERVICES WITHIN THE BOUNDARIES OF SUCH TOWN OR FIRE DISTRICT, UNLESS:

1. SUCH ENTITY IS CREATED BY A CITY, COUNTY, TOWN, VILLAGE, AUTHORITY OR FIRE DISTRICT AND SUBJECT TO THE SUPERVISION OF THE GOVERNING BODY OF THE CITY, COUNTY, TOWN, VILLAGE, AUTHORITY OR FIRE DISTRICT ESTABLISHING SUCH ENTITY; OR

2. SUCH ENTITY IS A NOT-FOR-PROFIT CORPORATION.

S 7. Subparagraph a of paragraph 9 of subdivision 3 of section 4-412 of the village law, as added by chapter 976 of the laws of 1973, is amended to read as follows:

a. May contract for the furnishing of fire protection within the village with the fire department in the village or with any city,

village, fire district, or incorporated fire company having its headquarters outside such village and maintaining adequate and suitable apparatus and appliances for the furnishing of fire protection in such village. UNDER NO CIRCUMSTANCES SHALL A VILLAGE CONTRACT WITH ANY ENTITY FOR THE PROVISION OF FIRE PROTECTION, SUPPRESSION OR PREVENTION SERVICES WITHIN THE BOUNDARIES OF THE VILLAGE UNLESS:

1. SUCH ENTITY IS CREATED BY A CITY, COUNTY, TOWN, VILLAGE, AUTHORITY OR FIRE DISTRICT AND SUBJECT TO THE SUPERVISION OF THE GOVERNING BODY OF THE CITY, COUNTY, TOWN, VILLAGE, AUTHORITY OR FIRE DISTRICT ESTABLISHING SUCH ENTITY; OR

2. SUCH ENTITY IS A NOT-FOR-PROFIT CORPORATION.

The contract also may provide for the furnishing of emergency service in case of accidents, calamities or other emergencies in connection with which the services of [firemen] FIREFIGHTERS would be required, as well as in case of alarms of fire. The contract also may provide for the furnishing of general ambulance service subject, however, to the provisions of section two hundred nine-b of the general municipal law. In the event that the fire department or fire company furnishing fire protection within the village pursuant to contract does not maintain and operate an ambulance then a separate contract may be made for the furnishing within the village of emergency ambulance service or general ambulance service, or both, with any city, village or fire district the fire department of which, or with an incorporated fire company having its headquarters outside the village which, maintains and operates an ambulance subject, however, in the case of general ambulance service, to the provisions of section two hundred nine-b of the general municipal law.

S 8. This act shall take effect immediately, and shall apply to contracts entered into on or after such effective date.