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

3998

2011-2012 Regular Sessions

I N A S S E M B L Y

February 1, 2011

Introduced by M. of A. GABRYSZAK, HAWLEY, GIGLIO, GUNTHER, LUPARDO, SCHIMMINGER, CALHOUN, MAYERSOHN, CASTRO, JAFFEE, M. MILLER -- Multi-Sponsored by -- M. of A. BURLING, CONTE, CROUCH, DenDEKKER, DUPREY, FINCH, P. LOPEZ, MAGEE, McKEVITT, RAIA, SALADINO, TEDISCO, THIELE, WEISENBERG -- read once and referred to the Committee on Local Governments

AN ACT to amend the general municipal law and the town law, in relation to exempting fire departments from consolidation or dissolution

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

Section 1. Subdivision 13 of section 750 of the general municipal law, as added by chapter 74 of the laws of 2009, is amended to read as follows:

13. "Local government entity" or "entity" shall mean a town, village, district, special improvement district or other improvement district, including, but not limited to, special districts created pursuant to [articles eleven,] ARTICLE twelve, twelve-A or thirteen of the town law, library districts, and other districts created by law; provided, however, that a local government entity shall not include school districts, city districts, FIRE DISTRICTS or special purpose districts created by counties under county law.

S 2. Subdivision 1 of section 174 of the town law, as amended by chapter 74 of the laws of 2009, is amended to read as follows:

1. (A) Whenever a fire district shall be established, within ten days thereafter the town board of the town in which such district is located or, in the case of a district including territory in two or more towns, the town boards of such towns acting jointly by a majority vote of the members of each of such town boards, shall appoint five fire district commissioners and a treasurer for such district who shall hold their respective offices until the thirty-first day of December next succeeding; provided, however, that if such district be established subsequent

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

LBD07713-01-1

to the first day of October in any year, the officers so appointed by the town board shall hold office until the thirty-first day of December of the next succeeding calendar year. A person so appointed as fire district commissioner shall not serve as chief or assistant chief of the fire district fire department after taking his oath of office as such commissioner and during the time he serves as such commissioner pursuant to such appointment. The town clerk shall immediately notify the appointees of their appointment and of the time and place which he shall fix for the organization meeting of the board of fire commissioners, which meeting shall be held not later than ten days after the appointment of said officers. At such organization meeting, the treasurer shall preside until such time as a chairman of the board of fire commissioners shall be chosen, but such treasurer shall not be entitled to a vote at such meeting. The board of fire commissioners shall appoint a secretary who shall hold office until the thirty-first day of December following the first election of fire district officers.

(B) WHENEVER TWO OR MORE FIRE DISTRICTS SHALL HAVE BEEN CONSOLIDATED PURSUANT TO THIS ARTICLE, THE SEVERAL COMMISSIONERS OF EACH OF SUCH DISTRICTS SHALL CONSTITUTE THE BOARD OF FIRE COMMISSIONERS THEREOF AND THE SEVERAL TREASURERS OF SUCH DISTRICTS SHALL SERVE JOINTLY AS THE TREASURERS OF SUCH CONSOLIDATED DISTRICT, UNTIL THE THIRTY-FIRST DAY OF DECEMBER NEXT SUCCEEDING THE FIRST ELECTION OF FIRE DISTRICT COMMISSIONERS AND A TREASURER FOR SUCH CONSOLIDATED DISTRICT, HELD PURSUANT TO SUBDIVISION TWO OF THIS SECTION. THE TERMS OF OFFICE OF SUCH FIRE DISTRICT OFFICERS OF THE SEVERAL DISTRICTS SO CONSOLIDATED SHALL TERMINATE ON SAID THIRTY-FIRST DAY OF DECEMBER NEXT SUCCEEDING SUCH ELECTION.

S 3. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after June 24, 2009.