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

4437--A

2013-2014 Regular Sessions

I N A S S E M B L Y

February 5, 2013

Introduced by M. of A. GABRYSZAK -- read once and referred to the Committee on Local Governments -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the general municipal law, in relation to authorizing volunteer firefighters from other states to provide assistance to fire departments, companies and districts in this state

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

Section 1. Subdivisions 1, 1-a and 3 of section 209-i of the general municipal law, subdivisions 1 and 3 as amended by chapter 967 of the laws of 1965 and subdivision 1-a as amended by chapter 354 of the laws of 1999, are amended to read as follows:

1. Whenever a volunteer [fireman] FIREFIGHTER, WHETHER HE OR SHE IS A RESIDENT OF THIS STATE OR ANOTHER STATE, is within this state, but outside the area regularly served by the fire company or fire department of which he OR SHE is a member and has knowledge of a fire or other emergency at or near the place where he OR SHE is for the time being, such volunteer [fireman] FIREFIGHTER may report to the officer in command of the paid or volunteer fire company or paid or volunteer fire department, or in command of one of the paid or volunteer fire companies or one of the paid or volunteer fire departments, engaged in the handling of any such fire or other emergency and, on an individual basis, offer his OR HER services to assist such fire company or fire department. After his OR HER services are so accepted, the volunteer [fireman] FIREFIGHTER shall then be entitled to all powers, rights, privileges and immunities granted by law to volunteer [firemen] FIREFIGHTERS during the time such services are rendered, in the same manner and to the same extent as if he OR SHE were a volunteer member of the fire company or fire department which he OR SHE is assisting, including benefits under the volunteer [firemen's] FIREFIGHTER'S benefit law. Any such commanding officer shall have power, in his OR HER discretion, to so accept the

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

LBD06918-03-3

services of a volunteer [fireman] FIREFIGHTER unless the legislative body of the city or the village, the board of fire commissioners or other governing board of the fire district, or the town board of the town in relation to (a) the fire companies serving territory outside villages and fire districts or (b) a town fire department, as the case may be, by resolution heretofore or hereafter adopted, has forbidden the acceptance of any such services pursuant to this section. Any such resolution shall continue in effect until amended or repealed by the adoption of a subsequent resolution. The officer in charge of any fire company or fire department shall be notified promptly of the adoption of any such resolution and of any amendment or repeal thereof.

1-a. A volunteer firefighter WHO IS A RESIDENT OF THIS STATE OR ANOTHER STATE AND who, because of his OR HER residence or usual occupation, is regularly in the area served by a volunteer fire company or department of which he OR SHE is not a member may nevertheless volunteer his OR HER services on an on-going basis to the officer in command thereof to assist such fire company or fire department for the purpose of assisting such company or department's general or emergency ambulance services, or for the purpose of assisting such fire company or fire department at a fire or other emergency scene or for the purpose of training with such fire company or fire department. After his OR HER services are so accepted, the volunteer firefighter shall then be entitled to all powers, rights, privileges and immunities granted by law to volunteer firefighters during the time such services are rendered, in the same manner and to the same extent as if he OR SHE were a volunteer member of the fire company or fire department which he OR SHE is assisting, including benefits under the volunteer firefighters' benefit law. Any such commanding officer when authorized by the legislative body of the city or the village, the board of fire commissioners or other governing board of the fire district, or the town board of the town in relation to (a) the fire companies serving territory outside villages and fire districts or (b) a town fire department, as the case may be, shall have power, in his discretion, to so accept the services of a volunteer firefighter.

3. As used in this section, the term "volunteer fireman" OR "VOLUNTEER FIREFIGHTER" means a "volunteer fireman" as such term is defined in section three of the volunteer [firemen's] FIREFIGHTER'S benefit law OR AS SUCH TERM IS DEFINED IN THE STATE IN WHICH THE VOLUNTEER FIREFIGHTER RESIDES; the term "area regularly served" means the home area of the volunteer fireman as described in subdivisions one, two, three, four or five of section thirty of the volunteer [firemen's] FIREFIGHTER'S benefit law and, in addition, any other area served pursuant to a contract for fire protection, OR THE STATE IN WHICH THE VOLUNTEER FIREFIGHTER RESIDES, and the terms "fire company" and "fire department" shall include emergency rescue and first aid squads or other squads or units of a fire company or fire department.

S 2. This act shall take effect immediately.