

S. 7486

A. 9674

S E N A T E - A S S E M B L Y

May 15, 2014

IN SENATE -- Introduced by Sen. LAVALLE -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

IN ASSEMBLY -- Introduced by M. of A. THIELE -- read once and referred to the Committee on Local Governments

AN ACT to amend the town law, in relation to fire district nominations for the offices of chief and assistant chiefs

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

1 Section 1. Subdivisions 11-a and 11-b of section 176 of the town law,
 2 subdivision 11-a as amended by chapter 351 of the laws of 2000 and
 3 subdivision 11-b as amended by chapter 169 of the laws of 1986, are
 4 amended to read as follows:
 5 11-a. The members of the fire department of the fire district shall
 6 meet at a time and place designated by the board of fire commissioners
 7 on the Thursday following the first Tuesday in April of each year and
 8 nominate persons WHO MAY BE EMPLOYED BY THE DISTRICT for the offices of
 9 chief and such assistant chiefs as may be provided for in the rules and
 10 regulations adopted by the board of fire commissioners. If the Thursday
 11 following the first Tuesday in April falls upon a day of special religious
 12 observance, the board of fire commissioners may designate any
 13 other weekday in April after such Thursday as the day upon which to hold
 14 such meeting. Each nominee shall be a member of the fire department. In
 15 addition, the board of fire commissioners may by resolution require that
 16 any or all of such fire department officers shall be residents of the
 17 fire district. All nominations shall be made by ballot. The person
 18 acting as secretary of such meeting shall promptly notify the fire
 19 district secretary in writing of such nominations. The board of fire
 20 commissioners at its meeting next succeeding the making of such nominations
 21 shall consider the same and shall appoint such persons to the
 22 offices to which they have been respectively nominated or, if a nomination
 23 is not approved the board of fire commissioners shall call another
 24 meeting of the members of the fire department at which a new nomi-

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

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1 nation shall be made to take the place of any nomination not approved,
2 which procedure shall continue until a full set of officers is approved.
3 Any such person shall assume the duties of his office as soon as he has
4 been appointed thereto by the board of fire commissioners and shall
5 serve until his successor is appointed. A person who has been convicted
6 of arson in any degree shall not be eligible for nomination, election or
7 appointment to the office of fire department chief or assistant chief.
8 Any fire department chief or assistant chief who is convicted of arson
9 in any degree during his term of office shall be disqualified from
10 completing such term of office.

11 11-b. The members of the fire department at a regular or special meet-
12 ing of the department held after the month of April but prior to the
13 month of November in any year may adopt a resolution recommending that
14 future meetings for the nomination of the chief and assistant chiefs be
15 held in December, either on the first Thursday, the first Saturday, the
16 Thursday following the first Tuesday, the Saturday following the first
17 Tuesday, the Thursday following the second Tuesday, or the Saturday
18 following the second Tuesday in such month, instead of April as provided
19 in subdivision eleven-a of this section. Provided, however, the Davis
20 Park fire department may adopt a resolution to hold future meetings, for
21 nomination of chief and assistant chiefs, on the last Sunday in Septem-
22 ber. The notice or call for such meeting shall specify that such a
23 resolution will be offered to be voted upon at such meeting. If such
24 resolution is adopted, the board of fire commissioners may adopt a rule
25 or regulation providing that future meetings for the nomination of chief
26 and assistant chiefs shall be held in December, either on the first
27 Thursday, the first Saturday, the Thursday following the first Tuesday,
28 the Saturday following the first Tuesday, the Thursday following the
29 second Tuesday, or the Saturday following the second Tuesday in such
30 month or the last Sunday in September in the Davis Park fire department,
31 as specified in the fire department resolution, instead of April as
32 provided in subdivision eleven-a of this section. Each nominee shall be
33 a member of the fire department and a resident of the state of New York.
34 In addition, the board of fire commissioners may by resolution require
35 that any or all of such fire department officers shall be residents of
36 the fire district. All nominations shall be made by ballot. The person
37 acting as secretary of such meeting shall promptly notify the fire
38 district secretary in writing of such nominations. The board of fire
39 commissioners at its organization meeting in the month of January next
40 succeeding the making of such nominations shall consider the same and
41 shall appoint such persons WHO MAY BE EMPLOYED BY THE DISTRICT to the
42 offices to which they have been respectively nominated or, if a nomi-
43 nation is not approved the board of fire commissioners shall call another
44 meeting of the members of the fire department at which a new nomi-
45 nation shall be made to take the place of any nomination not approved,
46 which procedure shall continue until a full set of officers is approved.
47 Any such person shall assume the duties of his office as soon as he has
48 been appointed thereto by the board of fire commissioners and shall
49 serve until his successor is appointed. A person who has been convicted
50 of arson in any degree shall not be eligible for nomination, election or
51 appointment to the office of fire department chief or assistant chief.
52 Any fire department chief or assistant chief who is convicted of arson
53 in any degree during his term of office shall be disqualified from
54 completing such term of office.

55 If the date of meetings for the nomination of chief and assistant
56 chiefs is changed from April to September or December pursuant to the

1 foregoing provisions of this subdivision, the members of the fire
2 department at a regular or special meeting of the department held after
3 the month of April but prior to the month of November in any year may
4 adopt a resolution recommending that future meetings for the nomination
5 for such officers shall be held in April pursuant to the provisions of
6 subdivision eleven-a of this section. The call for such meeting shall
7 specify that such a resolution will be offered to be voted upon at such
8 meeting. If such a resolution is adopted, the board of fire commission-
9 ers may adopt a rule or regulation providing that future meetings for
10 the nomination of chief and assistant chiefs shall be held in April
11 pursuant to the provisions of subdivision eleven-a of this section and
12 that the provisions of such subdivision eleven-a shall again become
13 applicable.

14 S 2. This act shall take effect immediately.