

7014

I N S E N A T E

March 16, 2016

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

AN ACT to amend the town law, in relation to powers and duties of fire district commissioners

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

1 Section 1. Subdivision 11-b of section 176 of the town law, as amended
2 by chapter 313 of the laws of 2014, is amended to read as follows:
3 11-b. The members of the fire department at a regular or special meet-
4 ing of the department held after the month of April but prior to the
5 month of November in any year may adopt a resolution recommending that
6 future meetings for the nomination of the chief and assistant chiefs be
7 held in December, either on the first Thursday, the first Saturday, the
8 Thursday following the first Tuesday, the Saturday following the first
9 Tuesday, the Thursday following the second Tuesday, or the Saturday
10 following the second Tuesday in such month, instead of April as provided
11 in subdivision eleven-a of this section. Provided, however, the Davis
12 Park fire department may adopt a resolution to hold future meetings, for
13 nomination of chief and assistant chiefs, on the last Sunday in Septem-
14 ber; and the Caton fire district may adopt a resolution to hold future
15 meetings, for nominations of chief and assistant chiefs, on the second
16 Tuesday in December. The notice or call for such meeting shall specify
17 that such a resolution will be offered to be voted upon at such meeting.
18 If such resolution is adopted, the board of fire commissioners may adopt
19 a rule or regulation providing that future meetings for the nomination
20 of chief and assistant chiefs shall be held in December, either on the
21 first Thursday, the first Saturday, the Thursday following the first
22 Tuesday, the Saturday following the first Tuesday, the Thursday follow-
23 ing the second Tuesday, the Saturday following the second Tuesday in
24 such month, the last Sunday in September in the Davis Park fire depart-
25 ment, or the second Tuesday in December in the Caton fire district, as
26 specified in the fire department resolution, instead of April as
27 provided in subdivision eleven-a of this section. Each nominee shall be
28 a member of the fire department [and a resident of the state of New

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

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1 York]. In addition, the board of fire commissioners may by resolution
2 require that any or all of such fire department officers shall be resi-
3 dents of the fire district. All nominations shall be made by ballot.
4 The person acting as secretary of such meeting shall promptly notify the
5 fire district secretary in writing of such nominations. The board of
6 fire commissioners at its organization meeting in the month of January
7 next succeeding the making of such nominations shall consider the same
8 and shall appoint such persons to the offices to which they have been
9 respectively nominated or, if a nomination is not approved the board of
10 fire commissioners shall call another meeting of the members of the fire
11 department at which a new nomination shall be made to take the place of
12 any nomination not approved, which procedure shall continue until a full
13 set of officers is approved. Any such person shall assume the duties of
14 his office as soon as he has been appointed thereto by the board of fire
15 commissioners and shall serve until his successor is appointed. A person
16 who has been convicted of arson in any degree shall not be eligible for
17 nomination, election or appointment to the office of fire department
18 chief or assistant chief. Any fire department chief or assistant chief
19 who is convicted of arson in any degree during his term of office shall
20 be disqualified from completing such term of office.

21 If the date of meetings for the nomination of chief and assistant
22 chiefs is changed from April to September or December pursuant to the
23 foregoing provisions of this subdivision, the members of the fire
24 department at a regular or special meeting of the department held after
25 the month of April but prior to the month of November in any year may
26 adopt a resolution recommending that future meetings for the nomination
27 for such officers shall be held in April pursuant to the provisions of
28 subdivision eleven-a of this section. The call for such meeting shall
29 specify that such a resolution will be offered to be voted upon at such
30 meeting. If such a resolution is adopted, the board of fire commission-
31 ers may adopt a rule or regulation providing that future meetings for
32 the nomination of chief and assistant chiefs shall be held in April
33 pursuant to the provisions of subdivision eleven-a of this section and
34 that the provisions of such subdivision eleven-a shall again become
35 applicable.

36 S 2. This act shall take effect immediately.