

S. 323

A. 91

2015-2016 Regular Sessions

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

(PREFILED)

January 7, 2015

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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 313 of the laws of 2014, 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 nomi-

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

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1 nations shall consider the same and shall appoint such persons to the  
2 offices to which they have been respectively nominated or, if a nomi-  
3 nation is not approved the board of fire commissioners shall call anothe-  
4 er meeting of the members of the fire department at which a new nomi-  
5 nation shall be made to take the place of any nomination not approved,  
6 which procedure shall continue until a full set of officers is approved.  
7 Any such person shall assume the duties of his office as soon as he has  
8 been appointed thereto by the board of fire commissioners and shall  
9 serve until his successor is appointed. A person who has been convicted  
10 of arson in any degree shall not be eligible for nomination, election or  
11 appointment to the office of fire department chief or assistant chief.  
12 Any fire department chief or assistant chief who is convicted of arson  
13 in any degree during his term of office shall be disqualified from  
14 completing such term of office.

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

1 of arson in any degree shall not be eligible for nomination, election or  
2 appointment to the office of fire department chief or assistant chief.  
3 Any fire department chief or assistant chief who is convicted of arson  
4 in any degree during his term of office shall be disqualified from  
5 completing such term of office.

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

21 S 2. This act shall take effect immediately.