

# STATE OF NEW YORK

4367

2023-2024 Regular Sessions

## IN ASSEMBLY

February 14, 2023

Introduced by M. of A. PALMESANO, BLANKENBUSH, BRABENEC, MILLER, MORI-  
NELLO, REILLY, TAGUE -- Multi-Sponsored by -- M. of A. BYRNES,  
J. M. GIGLIO, McDONOUGH -- read once and referred to the Committee on  
Local Governments

AN ACT to amend the town law, in relation to the election of fire chiefs  
and assistant fire chiefs

The People of the State of New York, represented in Senate and Assem-  
bly, do enact as follows:

Section 1. Subdivision 11-a of section 176 of the town law, as amended  
by chapter 351 of the laws of 2000, is amended to read as follows:

11-a. The members of the fire department of the fire district shall  
meet at a time and place designated by the board of fire commissioners  
on the Thursday following the first Tuesday in April of each year and  
nominate persons for the offices of chief and such assistant chiefs as  
may be provided for in the rules and regulations adopted by the board of  
fire commissioners; provided, however, that the board of fire commis-  
sioners may by resolution, adopt a policy allowing fire districts the  
option to set the day of election of chief and assistant chiefs on the  
same day as the fire department's election of administration officers.

~~[If the Thursday following the first Tuesday in April falls upon a day  
of special religious observance, the board of fire commissioners may  
designate any other weekday in April after such Thursday as the day upon  
which to hold such meeting.]~~

Each nominee shall be a member of the fire  
department. In addition, the board of fire commissioners may by resol-  
ution require that any or all of such fire department officers shall be  
residents of the fire district. All nominations shall be made by ballot.  
The person acting as secretary of such meeting shall promptly notify the  
fire district secretary in writing of such nominations. The board of  
fire commissioners at its meeting next succeeding the making of such  
nominations shall consider the same and shall appoint such persons to  
the offices to which they have been respectively nominated or, if a

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

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

13 § 2. This act shall take effect immediately.