§ 9-1121. Fire moneys and accounts.

In order to carry into effect the provisions of this title the following is prescribed:

1. Temporary loan. The State Comptroller shall have, subject to the approval of the Governor, the authority to make, on behalf of the state a temporary loan not exceeding one hundred thousand dollars in any fiscal year, for the use of the department in protecting the forests and extinguishing fires as provided by title 11 of this article upon the certification of the department that any emergency exists whereby through insufficiency of appropriations it is found to be impossible to protect the forests from fire. The Comptroller shall thereupon borrow such sums as may be directed by the Governor for such purposes and shall report such transactions to the legislature which shall thereupon appropriate the moneys borrowed. Section 41 of the State Finance Law shall not apply to any indebtedness so incurred.

2. Payment of fire bills. All salaries and other expenses incurred by the department and its employees in protecting the forests from fire shall be paid by the state.

3. Rebate by counties. The full expense incurred by a town supervisor acting as superintendent of fires as provided in subdivision twelve of section twenty-nine of the town law and paid by the town in extinguishing fires actually burning except salaries and expenses of regular employees shall be a charge upon the county in which the fire burned provided that the county has within its borders any fire town or fire district as provided in subdivision 1 or 2 of section 9-1109 of this title and provided that no part of the expenses incurred in extinguishing fires on Indian reservations located in Cattaraugus or Suffolk county shall be a charge upon or payable by such counties. The supervisors acting as superintendents of fires shall on or before September first, of each year, transmit to the clerk of the board of supervisors or county legislative body of each county in which such expense of extinguishing fires was incurred, a summary statement of expenses incurred together with the amount charged against the county,

except that a detailed statement of expenses shall be furnished for any designated fire or fires when so requested by a county. The clerk shall thereupon cause the amount due to the town to be included in the budget and levied upon the taxable property of such county at the same time and in the same manner as other county charges, and the amount due the town so levied shall be paid by the County Treasurer, on or before May first following the levy thereof to the town supervisor according to such claim.

4. May pay accounts. If any person incurs expenses fighting forest fires in a fire town, or in a town included in a fire district as defined in subdivision 2 of section 9-1109, the department may upon the receipt of satisfactory proof and accounts filed in its offices within sixty days from the time the expense was incurred audit and pay all or such portion thereof as in its judgment the public interest requires.

5. Recovery of expenses. Any moneys necessarily expended by the state, a municipality, or any person in fighting forest fires may be sued for by the state, municipality or person expending the same and recovered from the person causing the fire. Such actions may be maintained in addition to other actions for damages or penalties and may be demanded in the same or separate actions.

6. Certain towns raise fire fund. Towns other than fire towns may raise necessary funds for prevention and extinguishment of forest fires in their towns either by levy or pursuant to the Local Finance Law.

7. Advance by Comptroller. Upon request of the department, the Comptroller may advance a sum, not to exceed five thousand dollars at any time, to the department for the purpose of facilitating payment of fire accounts.