§ 216-b. Continuation of service award programs. 1. (a) In the event that a town establishes a service award program for the volunteer firefighters of a fire company located within a fire protection district and, subsequently, the fire protection district is dissolved and the entire area thereof is included in or added to a fire district established pursuant to article eleven of the town law, and the fire district neither has established a service award program nor includes the area of any other jurisdiction which has established a service award program, the service award program established by the town shall be continued as provided in this subdivision.

(b) Except as otherwise provided in this subdivision, as of the date of completion of the proceedings described in paragraph (a) of this subdivision or, in the case of a newly established fire district, as of the date of the first organization meeting of the board of fire commissioners, the town shall have no further responsibility for administering or funding the service award program and the fire district shall assume responsibility for those functions. As of that date, the fire district shall succeed the town as the sponsor of the service award program and the board of fire commissioners shall exercise and perform all of the powers and duties of the sponsor of the program under this article and under any agreements or contracts entered into by the town pursuant thereto in furtherance of its powers and duties as sponsor of the program, including but not limited to the program trust agreement and any contracts relating to the custody, control, investment, or disbursement of program assets. The fire district shall be responsible for funding any unfunded liability of the sponsor of the program existing as of the date the fire district succeeds the town as sponsor of the program.

(c) Upon the fire district's succeeding the town as sponsor of the service award program, the town shall retain responsibility for administering the assets of the program until discharged from such responsibility as provided in this subdivision. Except for those records required for the continued administration of program assets, the town shall turn over immediately to the fire district all records maintained by the town as sponsor of the program.

(d) Within sixty days after the date on which the fire district succeeds the town as sponsor of the service award program, the board of

fire commissioners of the fire district shall develop a plan for the continued administration of program assets. Subject to the provisions of the program trust agreement and any contracts entered into by the town in furtherance of its powers and duties as sponsor of the program, such plan may provide for the custody, control, transfer, investment, or disbursement of program assets. Such plan, however, shall provide for the replacement of any individual serving in his or her official capacity as a town officer or employee as trustee or in any other position involving the administration of program assets. In developing such plan, the board of fire commissioners may request from the town information concerning the town's administration of program assets, and the town shall provide promptly such information as the board may reasonably request. Upon completion of the plan, the board of fire commissioners shall submit to the supervisor of the town a copy of the plan and a list of actions required to be taken by the town for implementation of the plan, including but not limited to execution of documents and the transfer of assets. Immediately after receiving such plan and list, the supervisor shall cause the actions on the list to be taken. Upon completion of the actions on the list and submission to the board of fire commissioners of all town records relating to the administration of program assets, the town shall be discharged from any further responsibility for administering the assets of the program. In the event that the board of fire commissioners fails to submit to the supervisor such plan and list within sixty days after the date on which the fire district succeeds the town as sponsor of the program, the supervisor may submit to the board of fire commissioners all town records relating to the administration of program assets, and upon such submission the town shall be discharged from any further responsibility for administering the assets of the program, and the board of fire commissioners shall assume responsibility for administering the assets of the program.

(e) The participants in the service award program as of the date that the fire district succeeds the town as sponsor of the program shall retain all point totals, service credit, contributions, and benefits earned prior to that date, irrespective of whether or not a participant has acquired a nonforfeitable right to a percentage of a service award on or before such date; provided, however, that nothing in this

subdivision shall be construed as modifying or eliminating any requirement that a participant obtain a nonforfeitable right to a percentage of a service award in accordance with the provisions of the program. Any other active volunteer firefighters of the fire district fire department shall be eligible to participate in the service award program. Such active volunteer firefighters shall earn credit for years of firefighting service commencing with the calendar year in which the fire district succeeds the town as sponsor of the program, based on activities performed on or after the date that the fire district succeeds the town as sponsor.

(f) Except as provided in this subdivision, the service award program shall continue to be governed by the provisions of this article.

2. (a) In the event that either a town establishes a service award program for the volunteer firefighters of a fire company located within a fire protection district or a village establishes a service award program for the volunteer firefighters of the village fire department or a fire district establishes a service award program for the volunteer firefighters of the fire district fire department and, subsequently, the entire area of the fire protection district, village, or fire district is included in or added to a joint fire district established pursuant to article eleven-A of the town law and article twenty-two-A of the village law, and the joint fire district neither has established a service award program nor includes the area of any other jurisdiction which has established a service award program, the service award program established by the town, village, or fire district shall be continued as provided in this subdivision.

(b) Except as otherwise provided in this subdivision, as of the date of completion of the proceedings described in paragraph (a) of this subdivision or, in the case of a newly established joint fire district, as of the date of the first organization meeting of the board of fire commissioners of the joint fire district, the town, village, or fire district which established the service award program shall have no further responsibility for administering or funding the program and the joint fire district shall assume responsibility for those functions. As of that date, the joint fire district shall succeed the town, village, or fire district as the sponsor of the service award program, and the

board of fire commissioners of the joint fire district shall exercise and perform all of the powers and duties of the sponsor of the program under this article and under any agreements entered into by the town, village, or fire district pursuant thereto in furtherance of its powers and duties as sponsor of the program, including but not limited to the program trust agreement and any contracts relating to the custody, control, investment, or disbursement of program assets. The joint fire district shall be responsible for funding any unfunded liability of the sponsor of the program existing as of the date that the joint fire district succeeds the town, village, or fire district as sponsor of the program.

(c) Upon the joint fire district's succeeding the town, village, or fire district which established the service award program as sponsor of the program, the town, village, or fire district shall retain responsibility for administering the assets of the program until discharged from such responsibility as provided in this subdivision. Except for those records required for the continued administration of program assets, the town, village, or fire district shall turn over immediately to the joint fire district all records it maintained as sponsor of the program.

(d) Within sixty days after the date on which the joint fire district succeeds the town, village, or fire district which established the service award program as sponsor of the program, the board of fire commissioners of the joint fire district shall develop a plan for the continued administration of program assets. Subject to the provisions of the program trust agreement and any contracts entered into by the town, village, or fire district in furtherance of its powers and duties as sponsor of the program, such plan may provide for the custody, control, transfer, investment, or disbursement of program assets. Such plan, however, shall provide for the replacement of any individual serving in his or her official capacity as a town, village, or fire district officer or employee as trustee or in any other position involving the administration of program assets. In developing such plan, the board of fire commissioners may request from the town, village, or fire district information concerning the town, village, or fire district's administration of program assets, and the town, village, or fire district shall provide promptly such information as the board may

reasonably request. Upon completion of the plan, the board of fire commissioners shall submit to the supervisor of the town, the mayor of the village, or the chairperson of the board of fire commissioners of the fire district a copy of the plan and a list of actions required to be taken by the town, village, or fire district for implementation of the plan, including but not limited to execution of documents and the transfer of assets. Immediately after receiving such plan and list, the supervisor, mayor, or chairperson of the board of fire commissioners shall cause the actions on the list to be taken. Upon completion of the actions on the list and submission to the board of fire commissioners of the joint fire district of all town, village, or fire district records relating to the administration of program assets, the town, village, or fire district shall be discharged from any further responsibility for administrating the assets of the program. In the event that the board of fire commissioners of the joint fire district fails to submit such plan and list within sixty days after the date on which the joint fire district succeeds the town, village, or fire district as sponsor of the program, the supervisor, mayor, or chairperson of the board of fire commissioners may submit to the board of fire commissioners of the joint fire district all town, village, or fire district records relating to the administration of program assets and upon such submission the town, village, or fire district shall be discharged from any further responsibility for administering the assets of the program, and the board of fire commissioners of the joint fire district shall assume responsibility for administering the assets of the program.

(e) The participants in the service award program as of the date that the joint fire district succeeds the town, village or fire district which established the service award program as sponsor of the program shall maintain all point totals, service credit, contributions, and benefits earned prior to that date, irrespective of whether or not a participant has acquired a nonforfeitable right to a percentage of a service award on or before such date; provided, however, that nothing in this subdivision shall be construed as modifying or eliminating any requirement that a participant obtain a nonforfeitable right to a percentage of a service award in accordance with the provisions of the program. Any other active volunteer firefighters of the joint fire district fire department shall be eligible to participate in the service

award program. Such active volunteer firefighters shall earn credit for years of firefighting service commencing with the calendar year in which such proceedings are completed, based on activities performed on or after the date of completion of such proceedings.

(f) Except as provided in this subdivision, the service award program shall continue to be governed by the provisions of this article.