

Chapter IV of Title 2 of the Official Compilation of Codes, Rules and Regulations of the State of New York is amended by adding a new Part 153 to read as follows:

Part 153

Required Training for Commissioners of Fire Districts

Section 153.1 Scope.

Chapter 242 of the Laws of 2006, effective on January 22, 2007, added a new section 176-e to the Town Law that requires each commissioner of a fire district to attend and successfully complete a State-approved training course within two hundred seventy days of taking office. Section 176-e requires the training course to contain training relating to such fire commissioners' legal, fiduciary, financial, procurement and ethical responsibilities, and such other disciplines as may be prescribed by the State Comptroller. That section also requires the training course to be prescribed and certified in rules promulgated by the State Comptroller, and requires such rules to establish the manner, frequency, and duration of the training course. Chapter 242 provides that the State Comptroller may promulgate any rules and regulations necessary to implement the new law prior to its effective date on January 22, 2007. Those rules are set forth in this Part.

Section 153.2 Definitions. As used in this Part:

(a) "Approved training course" means: (1) a training course consisting of the six course modules described in subdivisions (a) through (f) of section 153.4 of this Part that has been certified as an approved training course pursuant to section 153.8 of this Part, and for which such certification has not expired or been revoked, or (2) a training course offered by the State Comptroller that complies with the provisions of sections 153.4 through 153.6 of this Part.

(b) "Board of fire commissioners" or "board" means the governing body of a fire district, whether known as the board of fire commissioners or by some other name.

(c) “Course module” or “module” means one of the six components of an approved training course described in subdivisions (a) through (f) of section 153.4 of this Part.

(d) “Fire commissioner” means a person who has been duly elected, reelected, appointed or reappointed to the office of commissioner of a fire district.

(e) “Fire district” means a district corporation established pursuant to article 11 of the Town Law, or a district corporation established for similar purposes to which the provisions of section 176-e of the Town Law are applicable.

Section 153.3 Training requirement.

Every fire commissioner who is elected, reelected, appointed or reappointed shall attend and successfully complete an approved training course within two hundred seventy days of taking office on or after January 22, 2007. A fire commissioner may satisfy this requirement by attending and successfully completing course modules offered by different persons or organizations. A fire commissioner receiving documentation evidencing attendance and successful completion of an approved training course or course module shall retain it until the expiration of his or her term of office during which the documentation was issued, or until he or she vacates the office of fire commissioner prior to the expiration of that term, whichever is sooner.

Section 153.4 Content of approved training course.

An approved training course shall consist of instruction in the following six course modules:

(a) Fire district management, including:

- (1) the roles and responsibilities of fire district officers, including the board of fire commissioners;
- (2) the relationship between a fire district and the fire district fire department, including the powers and duties of the chief of the fire district fire department;
- (3) the election, appointment and employment of fire district officers and employees;

(4) public notice requirements for, and the conduct of, fire district elections and hearings, permissive referenda, and meetings of the board of fire commissioners; and

(5) public access to fire district records.

(b) Financial administration, including:

(1) preparation, adoption, and modification of fire district budgets;

(2) methods of financing fire district capital expenditures;

(3) custody, deposit, disbursement and investment of fire district moneys;

(4) financial reporting requirements; and

(5) internal and external audits.

(c) Travel procedures and policies, including:

(1) payment or reimbursement of actual and necessary expenses incurred by officers, employees and members of the fire district or the fire district fire department;

(2) expenses incurred in connection with conferences and training;

(3) pre and post travel procedures; and

(4) travel policies.

(d) Procurements and disposition of fire district assets including:

(1) procurements of goods and services, including competitive bidding, and the adoption of procurement policies and procedures for procurements for which competitive bidding is not required;

(2) cooperative purchasing;

(3) audit of claims;

(4) use of requisitions, purchase orders and claim vouchers;

(5) maintenance of asset inventories; and

(6) the sale or other disposition of fire district assets.

(e) Internal controls, and detection of fraud and abuse, including:

- (1) prevention of fraud and abuse;
- (2) the need for internal controls;
- (3) specific measures to create a control environment; and
- (4) warning signs of potential fraud and abuse.

(f) Conflicts of interest and ethics, including:

- (1) statutory conflicts of interest;
- (2) codes of ethics;
- (3) incompatibility of positions; and
- (4) situations warranting recusal and abstention.

Section 153.5 Manner of providing approved training course or course module.

(a) An approved training course or course module may be provided through live instruction in a classroom or similar setting, or by means of teleconferencing, interactive web-based training, self-paced on-line training, or any other method designed to address the learning needs of fire commissioners that is approved by the State Comptroller pursuant to section 153.8 of this Part.

(b) All methods of providing an approved training course or course module shall be interactive, providing, at a minimum, opportunities for the instructor to assess progress and receive comments from the fire commissioners taking the course or module, and opportunities for the fire commissioners taking the course or module to ask questions of the instructor.

(c) An approved training course may be offered in one or more sessions conducted on one or more days. The instructor presenting a course module shall verify attendance during, and successful completion of, the course module. No fire commissioner shall be issued documentation evidencing completion of an approved training course unless he or she successfully completes all six modules of the training course. No fire

commissioner shall be issued documentation evidencing completion of a course module unless he or she successfully completes that module.

(d) When an approved training course or course module is offered at a specific location or facility, the location or facility shall comply with all legal requirements relating to physical access by persons with disabilities. Upon request, study and reference materials, and delivery of the training course or module, shall be accessible and useable by persons with disabilities through the use of means such as aides, auxiliary materials and services, and written materials in accessible formats.

(e) Within forty-five days of a fire commissioner successfully completing an approved training course or course module, the person or organization offering the training course or course module shall issue to the fire commissioner documentation evidencing the date on which the fire commissioner successfully completed the training course or course module. Such person or organization shall maintain for a period of at least six years following the issuance of such documentation, and during that period make available to the State Comptroller, upon request, documentation with respect to each fire commissioner who successfully completes the training course or course module containing: (1) the fire commissioner's name, (2) the fire district for which the fire commissioner serves, (3) the fire commissioner's contact information, (4) the most recent date on which the fire commissioner took office, (5) the course modules completed by the fire commissioner, and (6) the date on which the fire commissioner successfully completed the course modules.

Section 153.6 Duration of approved training course and course modules.

(a) Except in the case of self-paced on-line training, the duration of an approved training course shall be at least six hours, with at least one hour of instruction in each course module.

(b) In the case of self-paced on-line training, an approved training course or course module shall be designed to enable verification that the training course or course module is completed.

Section 153.7 Frequency of approved training course and course modules.

(a) Each person or organization that has received certification of an approved training course pursuant to section 153.8 of this Part, which certification has not expired or been revoked, shall offer each course module at least once a year.

(b) Except in the case of self-paced on-line training, within thirty days of receiving such certification and, thereafter, annually, on or before the fifteenth day of January, every such person or organization shall establish a schedule specifying the date, time and location that each course module will be offered. Such person or organization shall take timely and reasonable steps to announce such schedule to the fire commissioners serving fire districts in the vicinity of the location that the course modules will be offered..

Section 153.8 Certification as an approved training course.

(a) Any person or organization may develop a training course which complies with the provisions of sections 153.4 through 153.6 of this Part and apply to the State Comptroller for certification of the course as an approved training course.

(b) Application for certification as an approved training course shall be made on a form prescribed by the State Comptroller. The application shall: (1) identify the applicant, including the applicant's address and contact information; (2) describe how the applicant intends to comply with the provisions of section 153.4 and 153.6 of this Part by including a detailed outline of each course module which specifies the amount of time to be devoted to each subject and topic included within the module; (3) describe how the applicant intends to comply with the provisions of sections 153.5 and 153.7 of this Part; and (4) list each city or town in which the applicant expects to offer the training course if the training course is to be offered at one or more specific locations or facilities.

(c) Applications shall be evaluated on the basis of compliance with the provisions of sections 153.4 through 153.6, and 153.7 of this Part.

(d) Within forty-five days of receiving an application for certification as an approved training course, the State Comptroller shall approve or disapprove the application.

(e) If an application for certification as an approved training course is approved, the State Comptroller shall issue to the applicant documentation evidencing such certification. Except as provided in subdivision (g) of this section, such certification shall be valid for the five year period commencing on the date of issue of such documentation and shall expire at the end of that period. The date on which the certification expires shall be shown on the documentation. The applicant shall retain the documentation until the date on which the certification expires. Commencing ninety days prior to the date on which the certification expires, a person or organization may reapply for certification.

(f) If an application for certification as an approved training course is disapproved, the State Comptroller shall issue to the applicant a statement indicating the reason or reasons for the disapproval. Following the receipt of that statement, the applicant may submit a new application pursuant to this section.

(g) The State Comptroller may revoke certification as an approved training course in the event that the Comptroller determines that there has been a material departure from the requirements of sections 153.4 through 153.7 of this Part, or a material departure from the representations made in the application for certification. Prior to revoking certification, the State Comptroller shall issue to the person or organization to which the certification was issued notice of intent to revoke the certification, stating the reason for revoking the certification and providing the person or organization with twenty days to reply. If the State Comptroller does not receive a written reply within the twenty days, or if a timely reply is determined to be unsatisfactory, the Comptroller may revoke the certification by issuing to the person or individual a notice of revocation stating the reason for revoking the certification.

(h) The State Comptroller shall maintain a record of all persons and organizations which have received certification of an approved training course, the dates on which such certifications expire and, if a certification has been revoked, the date of the revocation.