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End of Session Update for the NYS Association of Fire Chiefs

By Todd Vandervort

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On June 8th, Albany lawmakers concluded their legislative session amid uncertainty caused by Governor Kathy Hochul's unexpected decision to indefinitely halt congestion pricing in Manhattan. This move left a significant \$15 billion gap in the Metropolitan Transportation Authority's current capital plan. While the legislature didn't approve the governor's proposed solutions (a new tax or an IOU for MTA funding), they did pass numerous other bills. Notably, 489 out of 805 bills passed during the final week of the session. Some key measures include groundbreaking social media regulations for children, an extensive expansion of red light cameras in New York City, and a new fee on polluters to support climate mitigation efforts. Additionally, the Climate Change Superfund Act received a vote in the Assembly for the first time, addressing environmental concerns.

There is potential for a special session to be called before regular session for 2025-2026 begins in January if lawmakers need to find ways to address the massive fiscal deficit left in the MTA's operating budget and debt obligations due to indefinite suspension of the congestion pricing program. A Primary Election was held on June 25th and all legislators are up for re-election on November 5th. There are a significant number of legislators that will be retiring or not running again for office, which means more new faces and more education on our issues next session.

Progressives are aiming to boost their representation in the NYS Legislature. Both the Working Families Party and the Democratic Socialists of America are actively supporting their preferred candidates; moderates and the establishment are also pushing back, challenging progressive incumbents; and there are some local political clashes among power players and a few competitive Republican primaries.

Here is a list of unofficial Primary Election results posted on the NYS Board of Elections website (will be continually updated as final results are available): [NYS Board of Elections Unofficial Election Night Results](#) as well as City and State's review of the elections: [2024 New York state Senate and Assembly primary election results - City & State New York \(cityandstateny.com\)](#)

Now that the Primaries are over, the 2024 election table is set. As such, we would like to identify inexpensive in-district fundraisers for you to participate in over the summer. Thanks to the new [Public Financing Program](#), eligible candidates may be able to have contributions between \$5 and \$250 from constituents matched. We can help you determine which candidates participate in the matching program and how you can leverage this opportunity.

In review of the 2024 Legislative Session, we provide the following overview and final statuses of legislation.

In January, the 2024 Legislative Session began with Governor Hochul’s State-of-the-State Address that was meant to create a blueprint for the upcoming session priorities. Specific to the fire service, the Governor proposed:

- Modernize Emergency Medical Services
- Reduce Fatal Fires
- Support First Responders with Mental Health Services

Shortly after the State-of-the-State, Governor Hochul released her Executive Budget Proposal and the negotiations among the Senate, Assembly, and Governor’s Office commenced. The Budget was late for the first time in several years, however the protracted Budget process gave us more time to push for our priority bills that were under consideration.

In February, the Fire Service organizations (Association of Fire Districts of the State of NY, the NYS Association of Fire Chiefs, and the Firefighters Association of the State of NY) were joined by the State of NY Fire Coordinators, Volunteer Fire Police Association, and NYS Fire Marshalls and Inspectors Association, gathered for a unified Lobby Day in Albany, engaging with approximately 50 legislators and staff members. The day began with a press conference alongside key lawmakers, outlining the agenda for six hours of meetings focused on advocating for sustained grant and stipend allocations, tax credits for firefighters and emergency medical service (EMS) personnel, building code initiatives, and EMS as Essential Service. These efforts play a crucial role in attracting and retaining both firefighters and EMS.

While some proposals didn't find a place in the final Budget, many legislators expressed support for the fire service and committed to advancing as many omitted proposals as possible. We fought hard for the wins we got, however many of the issues we hoped would be included in the final budget were not.

The following chart outlines the proposed and final Budget items of interest to the fire service:

Subject/Title	Governor's Executive Proposal	Assembly One-House Bill	Senate One-House Bill	Final Budget
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<p>EMS and Hospital at Home</p>	<p>Allow health care providers, including EMS agencies, to collaborate with hospitals and home care agencies to provide care outside of the health care facility, including in the home; extend the community paramedicine demonstration program to March 31, 2031; expand the definition of "emergency medical service" to include community paramedicine; authorize EMS practitioners and nurse practitioners to administer immunizations; classify EMS as an essential service and require response to emergency calls; authorize the DOH to license emergency medical technicians; and other provisions related to expanding EMS.</p>	<p>The Assembly rejects the Executive proposal to expand the hospital-home carephysician collaborative to include additional professions and facilities; rejects the Executive proposal to establish the Hospital at Home program for hospitals to provide acute-level care outside of the facility; rejects the Executive proposal to extend the community paramedicine demonstration program to March 31, 2031 and expand the number of programs included; rejects the Executive proposal to classify EMS as an essential service and require county-based responses to emergency calls; rejects the Executive proposal to authorize the DOH to license emergency medical technicians; and rejects the Executive proposal to establish paramedic urgent care programs.</p>	<p>The Senate modifies the Executive proposal regarding Hospital at Home and Emergency Medical Services (EMS) by rejecting the Hospital at Home program, the extension and expansion of the Mobile Integrated and Community Paramedicine Program, the change in the definition of emergency medical services, the authorization EMS demonstration programs, the authorization certified nurse practitioners and licensed physicians to prescribe and order non-patient specific regimens to allow EMS practitioners to administer vaccines, the creation of the minimum standards for the licensure of EMS practitioners and for the specialized credentialing of these practitioners, the enactment of the "Emergency Medical Services Essential Services Act," and the authorization of paramedic urgent care programs. The Senate instead advances language to declare general ambulance services as an essential service, establish special districts for the financing and operation of general ambulance services, and provide for a statewide comprehensive emergency medical system plan (S.4020-C).</p>	<p>Omitted From the Final Budget</p>
<p>Cell Surcharge Revenue</p>	<p>This part would suspend the subsidy to the Revolving Loan Fund from the Public Safety Communication Account for two additional fiscal years.</p>	<p>The Assembly accepts the Executive proposal to suspend the subsidy to the Revolving Loan Fund from the Public Safety Communication Account for two additional fiscal years.</p>	<p>The Senate accepts the Executive proposal to extend the suspension of the annual transfer of \$1.5 million from the Public Safety Communications Account to the Emergency Services Revolving Loan Fund for the State Fiscal Years of 2024-25 and 2025-26</p>	<p>Two additional years</p>

Safe Lithium-Ion Batteries	This part would prohibit the distribution, assembly, reconditioning, sale, or offering for sale of a lithium-ion battery or second-use -lithium-ion battery intended for use in a micromobility device or bicycle with electric assist unless such battery has been certified by an accredited testing laboratory for compliance with certain standards.	The Assembly rejects the Executive proposal to prohibit the distribution, assembling, reconditioning, sale, or offering for sale a lithium-ion battery or second-use lithium-ion battery intended for use in a micromobility device or bicycle with electric assist unless it has been certified by an accredited testing laboratory for compliance with certain standards.	The Senate intentionally omits the Executive proposal to require certification for distribution, assembly, reconditioning, sale of lithium-ion batteries and second-use lithium-ion batteries as S.154-E addresses this issue.	Omitted From the Final Budget
Training Stipends to VVF \$6.5 m				\$6.5 million
Grants to support fire investigations \$3.3 m	The Executive provides \$3.3 million to establish a competitive grant program for localities to maintain their assets and increase fire prevention efforts.			\$3.3 million
VFF recruitment and retention \$300,000				\$300,000
Peer to Peer Training for First Responders \$1 mil for suicide prevention and \$2 mil for organizations related to the above and \$8 mil for Joseph P. Dwyer veteran program (re: \$210 m)		The Assembly includes a proposal that would require OMH to establish a statewide grant program to develop peer-to-peer mental health programs for first responders, including firefighters, police officers, 911 operators, emergency dispatchers, and emergency medical services personnel.	The Senate adds \$310,000 for the Joseph P. Dwyer Peer to Peer Services Program.	<p>\$1,000,000 for suicide prevention for first responders</p> <p>\$2,000,000 for suicide prevention, peer to peer training and mental health supports for first responders</p> <p>\$8,023,600 for Joseph P. Dwyer Veterans program</p>

Executive All Funds recommendation of \$21 million			The Senate adds \$25 million for Volunteer Firefighter Capital grants.	\$25 million (no increase)
Fire equipment sales tax exemption		The Assembly includes language excluding fire extinguishers, fire alarms, smoke alarms, and carbon monoxide alarms from state sales taxes during the month of October.		Omitted From the Final Budget
Regulations for certain residential buildings			The Senate advances language to require the State Fire Prevention and Building Code Council study and adopt regulations for single-exit, single stairway multi-unit residential buildings of at least six stories (S.6573).	Requiring the state fire prevention and building code council to study and adopt uniform fire prevention and building code standards to promote fire safety and accessibility in certain single-exit, single stairway multi-unit residential buildings
VFF tax credits			The Senate advances language to increase the value of the volunteer firefighter and ambulance workers credit to \$800 from the current \$200 (based on S.7286).	Omitted From the Final Budget
Accessory dwelling units			The Senate advances a proposal to create an optional incentive program for municipalities to legalize accessory dwelling units, to create an optional tax exemption for homeowners to create accessory dwelling units, and to create a state-level financing for accessory dwelling units (S.5172-A).	Provides a tax exemption on the increase in value of property resulting from the addition of an accessory dwelling unit

Address legalization of basement and cellar dwellings in NYC	This part would authorize New York City to establish a program to legalize illegal basement and cellar apartments notwithstanding any state or local law.	The Assembly does not include the Executive proposal that would allow New York City to legalize illegal basement and cellar apartment units.	The Senate intentionally omits the Executive proposal to authorize New York City to develop a program to legalize certain basement and cellar dwellings.	Omitted From the Final Budget
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Once the Budget was passed, we were able to move forward with our IUC and EMS agendas and work to enact standalone legislation that was not part of the final Budget as well as other priority issues we were advocating for, or against, including, but not limited to the following bills.

Please note that we submitted Memos in Support or Opposition to some of these bills, as noted, and we will forward the Memos to the Governor’s Office as they consider signing or vetoing bills. If there are additional memos that we need to submit from the “Bills that Passed Both Houses” below, we are happy to work on those as well.

BILLS PASSED BOTH HOUSES:

S.154-F / A.4938-D (Krueger / Dinowitz)

Relates to standards for the manufacture and sale of lithium-ion batteries

Status: Passed Both Houses

Enforcement of this bill will be an issue. We will be meeting with the Governor’s Office to suggest amendments

S.489-A / A.8869 (Comrie / Barrett)

Requires NYSERDA to develop a comprehensive electric vehicle fast charging station implementation plan

Status: Passed Both Houses

S.1059 / A.5311 (May / Zebrowski)

Relates to code enforcement training programs for code enforcement personnel

Status: Passed Both Houses

S.1736-E / A.3780-E (Krueger / Fahy)

Requires electric Vehicle charging stations and electric vehicle ready parking spaces in certain new construction

Status: Passed Both Houses

S.1218-B / A.1080-B (Comrie / Woerner)

Relates to the appointment for agricultural representation on the state fire prevention and building code council

Status: Passed Both Houses

S.2862-A / A.2121-A (Martinez / Stern)

Authorizes municipalities to offer a real property tax exemption to certain volunteers who live in such municipality but who serve in a neighboring municipality

Status: Passed Both Houses

This bill is part of our Recruitment and Retention agenda. It was viewed as a good fix to the 2021 RPT authorization. The bill sponsors both worked tremendously hard to gain its passage. The bill is effective immediately, so once Governor Hochul signs the bill, it impacted volunteers can get a local law/resolution passed to extend the RPT exemption offered to Volunteer Firefighters/Volunteer Ambulance Workers who provide to neighboring municipalities.

S.3249-B / A.5730-B (Baily / Zaccaro)

Requires the installation of smoke detectors in common places of certain dwellings

Status: Passed Both Houses

S.5732 / A.5370 (Skoufis / Paulin)

Relates to creating the health emergency response data system

Status: Passed Both Houses

S.6226-A / A.5789-A (Hinchey / Woerner)

Provides for availability of ambulance services and advanced life support first response service to store and distribute blood and initiate and administer blood transfusions

Status: Passed Both Houses

S.6809-B / A.6811-C (Cleare / Tapia)

Relates to establishing a lithium-ion battery safety program

Status: Passed Both Houses

S.8486-C / A.9102-C (Hinchey / Kelles)

Relates to medicaid reimbursement for treatment in place and transportation to alternative health care settings by ambulance services

Status: Passed Both Houses

This bill is on our IUC agenda and was not included in the final Budget. We submitted a memo in support of this bill to the full Senate and full Assembly

S.8742 / A.9337 (Cleare / Taylor)

Relates to hazardous materials emergency response training for incidents involving lithium-ion batteries

Status: Passed Both Houses

S.8743 / A.9338 (Cleare / DeLosSantos)

Relates to lithium-ion battery safety resources

Status: Passed Both Houses

S.8997 / A.9959 (Martinez / Stern)

Relates to the retirement of certain members of the Suffolk County Fire Department

Status: Passed Both Houses

S.9205 / A.9933(Gournardes / Pfeffer-Amato)

Expands disability benefits for firefighters who suffered any condition or impairment of health caused by endocrine/thyroid cancer

Status: Passed Both Houses

BILLS PASSED ONE HOUSE:

S.4020-C / A.3392-C (Mayer / Otis)

Designates EMS as an Essential Service

Status: Passed Senate / Assembly Local Government Committee

This bill is part of our EMS Package of Bills and on our IUC agenda. We submitted a Memo in Support of this bill to the full Senate and full Assembly. This bill was the product of ongoing lobbying and end-of-session negotiations

S.6645-B / A.6136-B (Comrie / Eachus)

Provides that the thruway authority shall issue permits for ambulances and fire vehicles for toll exemptions

Status: Senate Transportation / Passed Assembly

This bill is part of our Recruitment and Retention agenda

S.7079-A / A.7552-A (Harckham / Burdick)

Relates to the first responder peer support program act

Status: Passed Senate / Assembly Ways and Means

We submitted a Memo in Support of this bill to the full Senate and full Assembly

S.7286-A / A.7524-A (Martinez / Thiele)

Relates to tax credits for volunteer firefighters and volunteer ambulance workers

Status: Passed Senate / Assembly Ways and Means

This bill is part of the EMS Package of Bill and is an IUC for the fire service. We submitted a Memo in Support of this bill to the full Senate and full Assembly

S.9298 / A.10235 (Martinez / Stern)

Relates to the real property tax exemption for un-remarried spouses of volunteer firefighters or volunteer ambulance workers killed in the line of duty

Status: Passed Senate / Assembly Ways and Means

This bill is part of our Recruitment and Retention Agenda. We submitted a Memo in Support of this bill to the full Senate and full Assembly

BILLS THAT DID NOT PASS EITHER HOUSE:

S.9850 / A.10568 (Mayer / Otis)

Relates to EMS as Essential Services

Status: Senate Rules / Assembly Local Governments Committee

S.9851 / A.10569 (Mayer / Otis)

Relates to EMS as Essential Services

We have a commitment from both sponsors and our EMS Coalition to work off-session to get EMS as an Essential Service poised to pass early in the session next year. It was a victim of last-minute interference by some groups who had concerns about changes in scope of practice for EMS workers. Both sponsors have indicated that they are motivated.

Status: Senate Rules / Assembly Local Governments Committee

** Negotiations were ongoing throughout the last 2 weeks of session in hopes of coming to an agreement on the bill. The collective group lobbying on the bill decided that the best course of action during the last week of session would be to introduce a new bill that memorialized where we were in the negotiations. Rather than amending the original bill a decision was made to put in a new bill as amending the bill might not have given us enough time to let the bill age 3 days as is required under law unless the Governor provides a Message of Necessity.

Unfortunately, the two bills that were introduced S.9850 / A10568 (Mayer/Otis) and S.9851 / A.10569 (Mayer/Otis) didn't include language that allowed for non-emergency transportation which is critical to have as 80% of what is done in the field is non-emergency transportation.

Suffice to say, what looked promising on essential services this session didn't happen. We all agreed to work together on this and other EMS priorities through the summer and into the fall well in advance of the Issues of United Concerns meeting.**

Throughout the session we had weekly and bi-weekly calls within the AFD and with our partners in the fire service. These calls were extremely helpful in devising strategies to work together on lobbying our common issues.

Over the summer and fall we will continue to have conversations both internally and externally with legislators and staff on the grant program for the \$2 million in peer-to-peer support networks secured in this year's Budget as we determine how to proceed with accompanying legislation.

We also look forward to crafting our IUC agenda for next session with our fire service partners. We will focus on extending or removing the current sunset on EMS Cost Recovery, which is going to sunset in 2026. In addition, we will be seeking another 5-year reauthorization of the heart and lung presumption which expires next year. We will push to make the presumption law permanent.