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## End of Session Legislative Update for the NYS Association of Fire Chiefs July 11, 2023

The 2023 NYS Legislative Session began on January 4, 2023. Governor Kathy Hochul was sworn in as the first woman governor elected to office in NYS. Governor Hochul opened the session with her State of the State Address on January 10<sup>th</sup> where she outlined her blueprint for the upcoming session. Some of her proposals included a plan to end the sale of any new fossil-fuel-powered heating equipment by 2030, a requirement that all new construction to be zero-emission, starting in 2025 for small buildings and 2028 for large buildings, and a directive to build 800,000 new affordable housing in the next decade.

The fire service had a very successful session, with a twist on a Lobby Day scheduled for February 28<sup>th</sup>, that was cancelled due to a winter storm, so we ultimately held a virtual Lobby Day with legislators instead. The timing of Lobby Day was key because the fire service had several items proposed in the Budget that we wanted to advocate for, in addition to our Issues of United Concern, and other key legislation.

The fire service organizations joined forces to lobby for Budget proposals, and we had strong grassroots support from the organization members. In the end, the following Budget items passed:

- Stabilizing Fire Service to Improve Emergency Response: We were successful in securing \$10 million in new funding to establish a training stipend fund for volunteer firefighters. This will allow incoming volunteer firefighters to receive a stipend from the State for completion of specified trainings, up to \$2,000. The program, managed by OFPC, will apply to core training (BEFO, IFO).
- \$25 million State grant fund to help fire departments with construction, renovation, and purchase of facilities or equipment.
- Authorizes the EMS Council to advise the NYS Department of Health on matters relating to EMS services, and develop rules and regulations.

The following Budget items were not included in the final Budget:

- Allowing volunteer firefighters to receive both the income tax credit and real property tax exemption. (*Standalone legislation, S.6630 / A.6274 by Mannion / Barrett introduced*)
- Increasing the State Income Tax credit for volunteer firefighters, which has been at \$200 since 2006. (*Standalone legislation, S.7286 / A.7524 by Martinez / Thiele introduced to increase the credit to \$800*)
- Stopping the sweep of 54-G funding into the General Fund instead of going to local code enforcement for municipalities. (*Standalone legislation, S.2986/A.4430 by Kavanagh/Zebrowski to accomplish this*)

Throughout the session, The Vandervort Group tracked more than 900 bills for the Association of Fire Chiefs, including the following:

### **IUC Bills:**

Establishes the Crimes of Reckless Endangerment of an Emergency Service Person: S.3458/A.2776 (Skoufis/Zebrowski)

This bill makes it a crime to illegally circumvent uniform code by making illegal conversions a charge of endangering the welfare of fire and emergency personnel. Landlords who make conversions without obtaining the proper permits and without proper egress create a very dangerous situation for firefighters.

Status: These bills are in the Codes Committee in both houses.

Designates EMS as Essential Personnel: S.4020-A/A.3392-A (Mayer/Otis)

This bill would establish a special district for EMS workers and ensure that EMS personnel receive health and retirement benefits. The bill was amended in both houses to remove several provisions. Senator Mayer is anxious to work on it over the summer, and we will engage with her as needed.

Status: This bill is in the Local Government Committee in both houses.

Provides for state assistance to local governments for the enforcement of fire prevention and building codes: S.2986/A.4430 (Kavanagh/Zebrowski)

This bill, also referred to as "54-G" would provide much-needed funding for local governments for the enforcement of the Building Code. In this year's Budget, \$19.8 million was provided for local government assistance, but instead of going to local governments to assist with code enforcement, the money was swept into the General Fund, where it has been consistently redirected since 1993. This legislation would ensure that these funds flow to the municipalities.

Status: This bill moved out of the Senate Insurance Committee without discussion to the Senate Finance Committee and the Assembly Bill is in the Assembly Insurance Committee.

Timely Adoption of Codes: S.3531-A/A.5249-A (Skoufis/Hunter)

We have lobbied this bill for several years and it is time to enact this important bill that ensures up-to-date building codes. The bill passed the Senate by a vote of 42-16. About 95% of Democrats voted for the bill and about 75% of Republicans voted no.

Status: Passed the Senate / Assembly Governmental Operations Committee

VFBL Parity with Workers Compensation: S.5436/A.5991 (Skoufis/McMahon)

This bill increases the amounts of permanent disability, temporary total disability, permanent partial disability, maximum compensation for disfigurement, and maximum compensation for lost earnings benefits for volunteer firefighters and volunteer ambulance workers.

Status: Assembly and Senate Local Government Committees

### **Tax Credit Legislation:**

- Provides volunteer firefighters and ambulance workers with both a property tax credit and income tax credit: S.6630/A.6274 (Mannion/Barrett)

Allowing both tax credits would help with recruitment and retention. These financial incentives would go a long way in boosting the volunteer service in municipalities that adopt local laws to do so. We were unsuccessful in getting this language in the final Budget, so we will work to get this bill enacted. We distributed a Memo in Support to the full Senate and full Assembly, as well as the Senate Majority Counsel / Program Committee (Central Staff).

Status: Senate Budget and Revenue Committee / Assembly Ways and Means Committee

- Provides tax credits for volunteer firefighters and volunteer ambulance workers: S.7286 / A.7524 (Martinez/Thiele)

Increases the volunteer firefighters' and ambulance workers' personal income tax credit from \$200 to \$800 for eligible individuals and from \$400 to \$1600 for eligible married joint filers. We distributed a Memo in Support to the full Senate and full Assembly; however, this bill is still in committee.

Status: Senate Budget and Revenue Committee / Assembly Ways and Means Committee

- Retirement service credit for volunteer fire or emergency service: S.6273/A.7219 (Mannion/Sillitti)

One year of service credit for every 5 years of volunteer fire or emergency service (not more than 3 years of service credit for a total of 15 years of service). This would help with recruitment and retention efforts.

Status: Senate Civil Service Committee / Assembly Governmental Employees Committee

### **Lithium-Ion Batteries:**

S.1106 / A.2981 (Comrie / Pheffer Amato: Warnings on lithium-ion batteries

Status: Passed the Senate / Assembly Consumer Affairs

S.154-C / A.4938-B (Krueger / Dinowitz): Creates safety standards for lithium-ion batteries

This bill was amended further to add: "chargers for any light electric-powered vehicle or personal electric mobility device such as a bicycle or scooter powered mobility device". It is moving in the Senate but remains in committee in the Assembly.

Status Passed Senate / Assembly Consumer Affairs

S.157 / A.5310 (Krueger / Dinowitz): Prohibits the sale of second-use lithium-ion batteries

Status: Passed Senate / Assembly Consumer Affairs

S.6237 / A.5677-A (Cleare / Tapia) Sets requirements for the sale, lease, and rental of powered bicycles, powered mobility devices, and storage batteries for such devices

Status: Senate Consumer Committee / Assembly Consumer Committee

S.6660 / A.7483 (Martinez / Jean-Pierre): Authorizes a study on lithium-ion battery fires and prevention

Status: Passed Senate / Assembly Governmental Operations Committee

S.6723/A.6517 (Skoufis/Eachus): Establishes a specialized electric vehicle emergency response training program:

This bill will provide important training on electric vehicles, lithium-ion batteries, and the differences between electric vehicles and traditional fuel vehicles.

Status: Senate Finance Committee / Assembly Governmental Operations Committee

### **Other Legislation:**

Exempt Volunteer Firefighters from Jury Duty S.5187/A.137 (Skoufis/Santabarbara)

This bill was introduced early in the Session and although it is not one of our IUC, enactment of this bill would align volunteer firefighters with police and paid firefighters, who are already receiving this exemption. It would also provide an incentive to attract and retain the volunteer sector of the fire service.

Status: The bills are in the Judiciary Committee in both houses and many of the co-sponsors are friends of the fire service, which will help move this bill to passage.

Next-Gen 911 Services: S.4560 / A.6290 (Martinez / Jean-Pierre)

New York State's current 911 system is struggling to keep pace with the increasing volume of emergency calls and the evolving needs of the public. This is due, in part, to the fact that funds from the dedicated 911 surcharge have been diverted to the state's general funds, leaving the 911 services severely underfunded and lacking in modern technology.

This bill would implement new technology, Next Generation 911 (NG911), that would provide enhanced capabilities for emergency call centers to receive, process, and respond to emergency calls more effectively.

Status: Senate Finance Committee / Assembly Ways and Means Committee

Authorizes exemptions from school district real property taxes for volunteer firefighters: S.5833 / A.4970 (Mannion / Hunter)

Status: Senate Local Government Committee / Assembly Real Property Tax Committee

A bill that would divert a portion of the 2% tax on premiums of fire insurance policies written by out-of-state insurers, away from its intended purpose: S.6269 / A.7160-A (Gounardes / Weprin)

Status: Senate and Assembly Insurance Committees

Requires 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 buildings: S.6573 / A.7322 (May / Kelles)

We oppose this legislation that would weaken New York's building code and weaken the argument that the ICC code should be adopted as is.

Status: Passed Senate / Assembly Governmental Operations Committee

First Responders Peer Support Program Act: S.7079 / A.7552 (Harckham / Burdick)

This program would assist firefighters and EMS personnel suffering from mental health and work-related stress. The program would provide resources such as peer support services.

Status: Senate and Assembly Mental Health Committees

### **Bills Passed Both Houses:**

- Enacts the 9/11 Notice Act: S.2946-B/A.75-B (Kavanagh/Sayegh)
- Prohibits municipal officers or employees from displaying political advertisements on or within public buildings and various other locations: S.7050/A.124-A (Skoufis/Solages)
- Authorizes direct payments to nonparticipating or nonpreferred providers of ambulance services by health insurance companies: S.1466 / A.250-A (Breslin / Magnarelli). We actively lobbied in support of this bill.
- Authorizes municipalities to establish an emergency repair pilot program: S.5207-B / A.1662-A (Skoufis/Hunter)
- Provides that certain local elections held outside of New York City shall be in an even-numbered year: S.3505-B / A.4282-B (Skoufis/Paulin)
- Relates to the retirement of certain members employed in a participating Suffolk County Fire Department: S.7242-A / A.7613 (Martinez / Stern)
- Relates to emergency response plans relating to downed wires: S.7230/A.237 (Mayer/Sayegh)
- Relates to standards for the prompt investigation and settlement of claims arising out of states of emergency and disasters: S.5201/A.2078 (Skoufis/Stern)
- Requires the New York State energy research and development authority to develop a real-time mobile application with a corresponding map with information on electric vehicle charging stations: S.5253-A/A.5687 (Harckham/Barrett)

The 2023 Legislative Session adjourned on June 10<sup>th</sup>, but the Assembly returned on June 20<sup>th</sup> and 21<sup>st</sup> to finish some outstanding business. Lawmakers are not scheduled to return until January unless something requires their action before that.

However, we have a busy summer and fall schedule. We will actively participate in EMS Cost Recovery Implementation and actions of the Code Council. At the last NYS Fire Prevention and Building Code Council meeting they discussed residential fire sprinklers, which is in play as part of the code development process leading into 2024.

We look forward to continuing to work together.