

Legislative Update

On February 15, 2011, representatives of Long Island Fire District Legislative Committees of both the Association of Fire Districts of Nassau County and the Suffolk County Fire District Officers Association traveled to Albany to meet with members of the state Senate and Assembly regarding legislative issues of importance to the volunteer fire service. Throughout a very productive day, representatives met with several members of both houses to explain the group's positions and concerns and literature was delivered to the offices of all the members.

The day culminated with a sit down meeting with Senate Majority Leader Dean Skelos and recognition of the committee members in the Assembly chamber after it convened, thanks to the assistance of Assemblyman Dean Murray (Suffolk). Those members attending were introduced to the chamber by their local assembly member.

Committee members also met with Assembly Deputy Majority Leader Vivian Cook (Queens) who took the time to discuss issues that are usually only of concern to counties outside of New York City.

Officers of the Association of Fire Districts of the State of New York, along with counsel, also took part by meeting with several other members of the Senate and Assembly to advance the same agenda.

The following summarizes the text of the literature submitted by the legislative committees to the members of the state legislature:

We are representatives of Long Island Fire District Legislative Committees of both the Association of Fire Districts of Nassau County and the Suffolk County Fire District Officers Association. Please reference the United Concerns of eight New York State fire service and emergency medical service associations that have joined us in this combined effort. We have included their statement in your folder and direct you to the website of the Association of Fire Districts of the State of New York for an electronic version.

We respectfully request your support of legislative initiatives that are of importance to the volunteer fire service. The following provides a summary of each:

Honoring of Paul Brady, line of duty death as a member of the Malverne Volunteer Fire Department and recognition on Fallen Firefighter Memorial at Capitol Mall; [Assembly Bill No. 10836 of 2009 (Weisenberg), Senate Bill No. 8450 of 2009 (Skelos)].

Paul Brady, a volunteer firefighter in the Malverne Fire Department, died in the line of duty as a result of a tragic accident at his fire station, which has been recognized as a line of duty death by the state and federal governments. Paul has been denied his rightful place on the Fallen Firefighters' Memorial at the Capitol Mall in Albany because of determinations made by the committee which approves recognition and placement on the memorial monument. This 2009 legislation sought to provide for automatic entitlement to recognition for a firefighter who dies in the line of duty as determined by an "authorized agency" such as the Workers Compensation Board or the Federal Department of Justice. We are hopeful that in 2011, legislation will be introduced and passed that will provide for this recognition for Mr. Brady and other firefighters who may make the ultimate sacrifice for their community.

Chapter Amendments to the New York Local Government Reorganization and Citizen Empowerment Act (Chapter 74 of the Laws of 2009), [Assembly Bill No. 1274 (Schimel), Senate Bill No. 1824 (Martins)].

While the volunteer fire service tends to refer to this legislation as the "Consolidation Law," it actually relates to both consolidations and dissolutions of local governments. We seek to have amendments enacted that would bring informed decision making into the process. Under the new law, the community is called upon to vote on consolidation or dissolution with very little information provided. The vote on it is based upon signing a petition stating that they are in favor of the change and the vote is "yes" or "no" on a simple proposition.

No plan is created until after the community has voted to consolidate or dissolve the local government, and barriers are put in place to make it difficult to accomplish a second election once the clear plan has been developed.

We believe that transparency, accountability and informed choice can be better achieved by creating a simplified process for the community to vote on the new plan after details have been established and the community is clear about what consolidation or dissolution will mean for them in terms of costs and services.

The community needs to know what impact the plan will have on their real property taxes and emergency services; which fire stations will be closed; which pieces of fire apparatus, ambulances, and equipment will be eliminated; and what new structure will be put in place for their fire department—for example. The community needs to be informed about the impact the new plan will have on volunteering to serve as firefighters and emergency medical personnel.

The current law correctly attempts to create a universal process to be used by local governments to consolidate or dissolve units when necessary, but the aspects that place barriers on informed decision making cause it to emphasize “form over substance.”

The current law makes the assumption that dissolution or consolidation will always lead to better and less expensive services.

Our proposed amendments show that we trust that our communities will make the correct choices when they are provided with the detailed plan of the reorganization. We are portrayed by some as opponents to consolidation; we are not. We oppose forcing a community to make a final determination before a complete plan is placed before it. We oppose barriers to a vote on the completed reorganization plan.

New Election Machines and Fire District Elections [TL 176 (29)] [Assembly Bill No. 3093A (Schimel), Senate Bill No. 2339 (Martins, O. Johnson)].

Since most fire districts hold an annual election each December, guidance is needed about what to do with reference to voting machines, since fire districts were not exempted from new election machine requirements, as schools districts were.

As a result, many fire districts used paper ballots rather than election machines for their 2010 annual elections, which in turn showed the need for guidance on paper ballot procedures. The legislation put in place for the optical scanning voting machines eliminated prior paper ballot procedures and forms from the election law, raising a number of operational concerns about training and cost.

If fire districts using the new optical scanning voting machines will be required to purchase one ballot for every registered voter in their district at the cost \$ 00.55 each, than a fire district with 10,000 registered voters will incur an additional expense of \$5,500 to conduct its election.

Legislation is necessary to amend Section 176 subparagraph 29 of the Town Law to permit the continued use of lever voting machines, since it references voting machine procedures under the Election Law which would trigger the need to use the new optical scanning machines. It is noted that by amendment of the Education Law in August, 2010, school districts, which process far more votes than fire districts, were given until December 31, 2012 to continue to use the level voting machines.

The above bills address access to level voting machines until December 31, 2012 and procedures and forms for the use of paper ballots in lieu of voting machines.

Preserve 2% Foreign Fire Insurance Funds for Volunteer Firefighter Exempt Benevolent Associations and Volunteer Fire Departments where no Exempt Benevolent Associations exists (Sections 9104 and 9105 of the Insurance Law) [2009 Bills; A7678/S3983] [S5240].

We oppose efforts to amend Section 9104 and 9105 of the Insurance Law, which would divert the 2% foreign fire insurance fund proceeds from the volunteer fire department

exempt benevolent associations, volunteer fire departments in areas where no exempt benevolent association has been created, and FASNY (for the firefighters' home) who currently share such funds. These funds should not be used for other purposes, even if they are labeled as volunteer firefighter recruitment and retention programs. Other funds should be found by the state for recruitment and retention programs.

Safety Ropes and System Components (*Rope Safety Systems or Bailout Systems*)
(see Section 27-a of the Labor Law) [*Senate Bill No. 2600 (Grisanti) / Assembly Bill No. 2949 (Gabryszak)*].

We support legislation to amend the statute on providing firefighters with rope safety systems to permit local fire departments to have more choice in the development of protocols to address above-grade evacuations and rescue of firefighting personnel. The current law places too much emphasis on rope safety systems; the bills listed address these concerns. The current law is another reminder that more thought is necessary before the state places unfunded mandates on local government.

Truss Construction and Firefighter Safety [*Assembly Bill No. 4857 (Schimel)*].

We support legislation that requires fire departments to be notified of new construction involving truss construction, in the interest of firefighter safety.

SUMMARY

On behalf of our committee and the associations we represent, thank you for your time and consideration of these legislative issues. We stress our support the United Concerns of the fire service and emergency medical service organizations that have already been presented to you. Several of the bills mentioned above show that you are already actively working on those United Concerns and on behalf of our members; thank you for that.

Since this agenda/literature was prepared, a watered-down amended version of the bill to address the lever voting machine issue was passed on February 14 by the Assembly, which was seeking to fast track an amendment to assist villages with their March 15, 2011

elections. It provides villages with a two-year exemption through December 31, 2012. The bill was subsequently passed by the State Senate and signed into law by Governor Cuomo.

We were informed that the legislature intends to pass a more sweeping version later in the session that would add fire districts and other local governments that conduct elections. Hopefully, our lawmakers will follow through on that promise as well as address other agenda items later in the session.