

**FASNY LEGISLATIVE OUTREACH PROGRAM
FASNY SCORECARD - 2012**

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FALLEN FIGHTER MEMORIAL RECOGNITION BILL

Scorecard Bill: Fallen Firefighter Memorial Recognition Bill

Bill Numbers: Assembly Bill Number:
Senate Bill Number:

Bill Sponsors: Assembly sponsor M. of A. Weisenberg
Senate sponsor Sen. Skelos

Purpose of Bill To amend VFBL law to provide that in the case of a line of duty death where a benefit is paid to a covered volunteer, that the name of that volunteer firefighter shall be inscribed upon the NYS Fallen Firefighters Memorial at the Capitol Mall in Albany.

Analysis: This legislation is designed to establish appropriate statutory criteria by which volunteer firefighters may be considered to have their names placed on the Fallen Firefighter Memorial Wall at the Capitol Mall in Albany, NY. Currently, the Board of the Fallen Firefighter Foundation makes that determination and recommends those names to be placed on the Memorial. The criteria has changed on a case by case basis since the inception of the Foundation. The Foundation Board which consists of an even number of representatives from both Volunteer and Career responders work together to submit the names. Historically, the State Fire Administrator was the deciding vote in the case of disagreement when names were submitted to the Office of General Services for placement on the Memorial.

The general rule followed by Volunteers on the Foundation's Board describes a line of duty death as responding to, at, or returning from an emergency or participating in training exercises. Career firefighters prefer to memorialize those who die actually fighting a blaze although exceptions have been made in both cases.

In a recent case, the Foundation Board decision to deny the name of Long Island volunteer Paul Brady from the Malverne Fire Department demonstrated narrow criteria severely limiting opportunities for inscription.

Brady is memorialized on the United States Fallen Firefighters Memorial at Emmitsburg, Maryland. His death is considered line of duty death under Federal guidelines for the Public Safety Officer's Death Benefit Program under New York States Volunteer Firefighters' Benefit Law (VFBL). Yet he is not recognized on the NYS Fallen Firefighters Memorial.

This legislation simply defers to the criteria, already established under VFBL, which is more appropriate to volunteer response

patterns. This is also consistent with the United States Department of Justice position on line of duty deaths which now includes compensation under the Hometown Heroes Survivors Benefit Act of 2003 for routine response where extremely stressful physical conditions occur.

Key Points:

1. Criteria for being placed on the Fallen Firefighter Memorial in Albany, NY should be the same or similar to that used to be placed on the Memorial in Emmitsburg, Maryland.
2. Criteria used Federally and by New York's Volunteer Firefighters' Benefit Law are broader and less subjective than those used by the New York Fallen Firefighter Foundation.
3. There is a statistical and empirical basis for decisions made to by the NY Workers Compensation System to give benefits to recipients under VFBL.
4. VFBL takes into account the latest interpretations of law regarding medical evidence when claims such as heart attack or stroke are controverted.
5. VFBL considers prior medical history, which can be properly reviewed by qualified administrative and medical personnel during the course of routine case review, in the Worker Compensation system.
6. A line of duty death while fighting an active fire is absolutely commendable. To exclude other criteria for being memorialized on the New York Fallen Firefighter Memorial is arbitrary.

BAIL OUT ROPE REFORM

Scorecard Bill: Bail Out Rope Reform

Bill Numbers: Senate Bill Number:
Assembly Bill Number:

Bill Sponsors: Senate Sponsor:
Assembly Sponsor:

Purpose of Bill: To amend the “safety ropes” law in order to provide firefighters with appropriate equipment and procedures for above grade floors in structure fires.

Background & Analysis: In 2007, New York adopted a law that required the use of “safety ropes and system components” in order to protect the health and safety of firefighters. The law required the NYS Department of Labor to establish rules for the use of “safety ropes” based on the National Fire Protection Association (NFPA) section 1983 standard.

Although well-intended, the safety ropes law had a few unintended consequences which have made compliance with the law a concern. First, under the law, “safety ropes and system components” only includes ropes, safety harnesses, belts, ascending devices, carabiners, descent control devices, rope grab devices and snap-links. As a result, the law does not authorize the use of other equipment that may be suitable for firefighter escape from an above-grade structure fire. It also does not authorize use of equipment that is generally recognized as acceptable but that is not included in the definition of “safety ropes and system components”.

Secondly, NFPA standards change from time to time to reflect advances in technology and best practices. Because the rules established by the NYS Department of Labor are based on the 2006 version of the NFPA 1983 standard, the current law may prevent use of newly developed or improved equipment that can save firefighters’ lives.

Lastly, safety ropes and system components can be expensive. For some fire companies, the cost of such equipment presents a significant challenge especially in cases where there are no multi-story structures.

To address these unintended consequences, legislation coordinated through the Governor’s office, Homeland Security, Labor

Department, Senate and Assembly, seek to make amendments to the Labor Law. The intention of the amendments is to allow the consideration of appropriate safety and evacuation equipment, and to provide the fire service with the flexibility to equip their firefighters with the equipment that best suits the needs of their communities.

Key Points:

1. Although well-intended, the current safety ropes law presents a number of challenges for fire companies across the state.
2. Amendments to the current safety ropes law will enable fire companies to equip firefighters with equipment that best suits the needs of their respective communities without sacrificing firefighter safety.

CONSOLIDATION AMENDMENTS

- Scorecard Bill:* Consolidation Amendments
- Bill Numbers:* Senate Bill Number: S. 1824
Assembly Bill Number: A. 1274-A
- Bill Sponsors:* Sen. Martins
M. of A. Schimel
- Purpose of Bill:* This bill would amend Chapter 74 of the laws of 2009 changing the requirements for consolidating or dissolving Fire Districts. Chapter 74, which became effective March 21, 2010, and is known as the Government Reorganization and Citizen Empowerment Act, created several methodologies by which citizens and local governments can initiate dissolution or consolidation. This bill would change those requirements for Fire Districts recognizing the important difference volunteer time represents in the economic impact of such initiatives and the importance of communicating the cost savings created by donated volunteer time to the impacted taxpayer.
- Analysis:* The consolidation or dissolution of governmental units may result in savings to taxpayers by reducing structure or equipment. Currently this structure and equipment accounts for less than 1% of all local government expenditures. The true value of a Fire District to its residents is in the volunteer time contributed freely each year. If paid personnel were to replace the 130,000 Volunteer Fire and EMS responders in NYS it would cost more than 7 billion dollars annually. The opportunity for a final vote of the citizens at the end of a consolidation or dissolution initiative must be added to the procedures established by Chapter 74, so as to properly inform taxpayers of the true economic impact of citizen generated referendums. The "Citizen Empowerment Act" must be amended to add a "Citizen Enlightenment" component allowing for a final referendum so that citizens can vote for or against a consolidation or dissolution initiative with full knowledge of all facets of the issue.
- Background/History:* Consolidation and reorganization legislation has been heralded as a method of creating cost savings for the taxpayer at the local government level. FASNY does not question the overarching need for consolidation initiated by the impacted taxpayer to be readily available as a viable local solution to rising taxes. Existing law creates a one size fits all approach to reorganization which ignores unique situations that render the reorganization ineffective and detrimental to the volunteer community's willingness to continue to serve the newly instituted entity. FASNY believes that any referendum on Volunteer Fire and EMS response issues should

contain an information and economic impact step placed in the process before a final vote of the populace involved.

Key Points:

1. Local decisions on whether or not to dissolve or consolidate Fire Districts should be made by informed (enlightened) citizens.
2. Community needs should be emphasized over county needs.
3. Public Hearings should precede all Town Board decisions and referendums.
4. The time for petitions to be gathered should have an end date.
5. Methodologies for starting the consolidation process should be the same as those for stopping the process.
6. A master plan for dissolution or consolidation of fire services should emanate from the communities involved and not be dictated by the State or County government.
7. The citizens should be given the opportunity for a final vote before embarking on dissolution or consolidation.

ELIMINATION OF EXEMPTION FROM SEAT BELT LAW

<i>Scorecard Bill:</i>	Elimination of Exemption from Seat Belt Law
<i>Bill Numbers:</i>	Senate Bill Number: S. 4765 Assembly Bill Number: A. 7244
<i>Bill Sponsors:</i>	Senate Sponsor: Sen. Flanagan Assembly Sponsor: M. of A. Thiele
<i>Purpose of Bill:</i>	To require emergency vehicles to comply with requirements relating to use of seat belts.
<i>Analysis, Background & History:</i>	<p>In 1984, NYS adopted Section 1229-c of the NYS Vehicle and Traffic Law. This law sets forth the rules for operation of vehicles that have safety or seat belts. In general, this law requires operators and passengers of “motor vehicles” to be restrained by safety belts. However, certain vehicles are exempt from the law’s requirements.</p> <p>Under Section 1229-c, “authorized emergency vehicles” are exempt from the definition of the term “motor vehicle”. These vehicles were excluded from the requirements of Section 1229-c since the operators of these vehicles needed the ability to perform their duties in an unhampered fashion.</p> <p>The term “authorized emergency vehicle” is defined under Section 101 of the Vehicle and Traffic Law and is defined to include fire and ambulance vehicles. As a result, fire and ambulance vehicles are exempt from the requirement to use safety or seat belts.</p> <p>This new legislation would require the use of safety belts as installed by the manufacturer in volunteer emergency vehicles. An exception exists for volunteer EMS personnel providing patient care in the rear compartment of an ambulance. Additional exceptions will exempt other fire apparatus where rear compartment seat belts are impractical or non-applicable.</p> <p>In the 2011 Legislative Session, this bill passed the Senate but remained in the Assembly Transportation Committee. Amendments are being developed.</p>
<i>Key Points:</i>	1. Use of seat belts promotes safety and saves lives. Since buckling a seat belt takes just a few seconds, fire and ambulance vehicles should be required to use them.

FELONY/SEX OFFENDERS

<i>Scorecard Bill:</i>	Felony/Sex Offenders
<i>Bill Numbers:</i>	Senate Bill Number: S. 4931-A Assembly Bill Number: A. 3523-A
<i>Bill Sponsors:</i>	Senate Sponsor: Sen. Bonacic Assembly Sponsor: M. of A. Reilly
<i>Purpose of Bill:</i>	To prohibit individuals that have been convicted of a felony and certain misdemeanor sex offenses from joining or remaining members of volunteer fire companies and volunteer ambulance companies.
<i>Analysis, Background & History</i>	<p>Throughout its history, the volunteer fire service has always been an integral part of its local community. The reason for this is the unique nature of the relationship between the volunteer firefighter and his or her community. Throughout the state, the volunteer firefighter is viewed as a reliable and trustworthy public servant that gives and sacrifices for the community. In fact, many in the community, especially children and young adults, consider the volunteer firefighter to be a role model. Because of this, the volunteer firefighter interacts regularly with young individuals in our schools, scouting programs and in various response activities that involve the volunteer being in citizens homes.</p> <p>In order to provide the highest levels of service and effectiveness, it is essential that the volunteer fire service maintain the sense of trust and reliability that it has with the public. This legislation solidifies the trust between the volunteer fire service and the public by prohibiting convicted felony sex offenders from joining volunteer fire companies and volunteer ambulance companies.</p> <p>Under these proposed amendments, an individual that has been convicted of certain felonies and misdemeanor sex offenses is not eligible for membership in a volunteer fire company or volunteer ambulance companies. Also under this legislation, if a current volunteer is convicted of these offenses then the membership of that volunteer is terminated immediately.</p> <p>This legislation is needed to maintain the trust between the volunteer fire service and those that they protect. It will also assist volunteer fire companies in selecting proper candidates for membership and in removing members that are risks.</p>
<i>Key Points:</i>	<ol style="list-style-type: none">1. The volunteer fire service is an integral part of society. Volunteers are viewed as role models and, because of that, they

have a higher level of interaction with the public (particularly younger individuals) through school and community activity.

2. In order for the volunteer fire service to survive, there must be a high level of trust and reliability between the volunteers and those that they protect. This legislation will help solidify that trust, and promote a more effective volunteer fire service.

AFFORDABLE HEALTH INSURANCE FOR VOLUNTEERS

Scorecard Bill: Affordable Health Insurance for Volunteers

Bill Numbers: Senate Bill Number: S. 5092
Assembly Bill Number: A. 8169

Bill Sponsors: Senate Sponsor: Sen. Seward
Assembly Sponsor: M. of A. Morelle

Purpose of Bill: To further amend a series of recent changes to Insurance Law providing for direction to health care providers when a local government entity opts to provide coverage to volunteer responders and establish access for volunteer using their own funds to affordable health insurance programs such as Healthy New York.

Analysis, Background & History: According to the National Volunteer Fire Council (NVFC), the number of volunteers in the United States has dropped over 10% in the last 20 years. This trend is even worse in New York. According to the New York State Office of Fire Prevention and Control (OFPC), there are now less than 100,000 volunteer firefighters in the state – this represents a decline of nearly 20% in the last 10 years. The number of volunteer ambulance workers is declining at a similar rate. These figures are even more troubling with the realization that fire protection for most of New York’s geographic area is provided by the volunteers and ambulance response.

In order to maintain a satisfactory level of emergency response, additional incentives are required to retain existing volunteers and recruit new volunteers. Because the cost of health insurance is so high for volunteers, access to lower cost health insurance is one such incentive.

In response to these circumstances, New York enacted a law in 2008 that allows volunteer firefighters and ambulance workers to participate in the health insurance program offered by the volunteer’s municipality. This new law took effect January 17, 2009.

In general, the law provides a municipality with the ability to add volunteer firefighters and ambulance workers to its health insurance plan. Under the law, coverage is available to a volunteer and his or her family. Payment for the health insurance coverage is the responsibility of the volunteer. It is anticipated that this law, when implemented, will provide volunteers with a health insurance

option that is less expensive than the health insurance plans available in the private market.

In order to facilitate implementation of this new law, a number of amendments are being considered. For example, access to Healthy New York, allowing volunteers falling below a specified income level to access affordable health insurance will be addressed along with amendments that include provisions to clarify (and possibly expand) the types of health insurance plans that may be offered. The clarifying amendments may also include provisions that clarify the role and requirements for municipalities, fire companies and health insurance companies providing coverage.

Key Points:

1. Most fire protection service in NYS is provided by volunteer firefighters. However, the number of volunteer firefighters and ambulance workers in NYS is declining - and the call volume is increasing.
2. Many volunteers do not have access to affordable health insurance coverage. Access to lower cost health insurance will help maintain and attract volunteers.
3. A new law enacted in 2008 allows a municipality to add volunteer firefighters and ambulance workers to its health insurance plan. Under this law, payment for the health insurance coverage is the responsibility of the volunteer. Therefore, there are no negative financial implications to the municipality or the State.
4. The effectiveness of the recently passed legislation will depend on the cooperation of local governments, the New York State Health Insurance plan and government plans such as Healthy New York to create a variety of choices for the volunteer to use in seeking affordable health insurance.

NOVELTY LIGHTERS

<i>Scorecard Bill:</i>	Novelty Lighters
<i>Bill Numbers:</i>	Senate Bill Number: Assembly Bill Number: A. 8402
<i>Bill Sponsors:</i>	Senate Sponsor: Assembly Sponsor: M. of A. Dinowitz
<i>Purpose of Bill:</i>	To prohibit the retail sale or distribution of novelty lighters to any person in the state of New York.
<i>Analysis & Background:</i>	<p>Volunteer firefighting is dangerous. Whenever a volunteer enters a burning building, it is possible that injuries or even death can occur. The risk of injury or death is one of the reasons why people do not volunteer – given this fact, it is easy to see why the number of volunteer firefighters is declining. In fact, according to the National Volunteer Fire Council (NVFC), the number of volunteers in the United States has dropped over 10% in the last 20 years. This trend is even worse in New York. According to the New York State Office of Fire Prevention and Control (OFPC), there are now less than 100,000 volunteer firefighters in the state – this represents a decline of nearly 20% in the last 10 years.</p> <p>In order to protect our volunteer firefighters and as a measure of public safety, measures should be taken to ensure that unnecessary risks and avoidable dangers are eliminated or minimized. One such measure is the prohibition on the sale and distribution of novelty lighters.</p> <p>Fires caused by novelty lighters are linked to injuries, death and property loss across the country. Although the fire service educates children about the dangers of lighters, children are still drawn to novelty lighters because they are manufactured to look like toys (e.g. animals, cars, phones, cartoon figures, cameras and other items). Sometimes it is difficult if not impossible to tell the difference between a toy and a novelty lighter – especially for a child. According to the United States Fire Administration:</p> <ul style="list-style-type: none">- 37% of fires were started by juveniles aged 10-17 where age was cited as a factor in a fire's ignition by lighter or matches;- Children under the age of 5 are more than 8 times as likely to die in a fire caused by playing with a heat source than are people of all ages; and- Fires started by “playing” cause 38% of civilian deaths. 19% of these fires are started by children 4 years old.

To protect New York's firefighters and its citizens, especially young people, this bill prohibits the sale or distribution of novelty lighters. More than 12 other states have already passed similar legislation - including the neighboring states of New Jersey and Massachusetts. Passage of this law in NYS will result in safer communities and greater protection for our firefighters, citizens and most of all our children .

Key Points:

1. Firefighting is a dangerous activity. Measures should be taken to eliminate or minimize unnecessary risks and avoidable dangers.
2. Novelty lighters are linked to fires, injuries and death across the country. They pose a danger to our firefighters and our citizens. A prohibition on the sale of novelty lighters will make New York's communities safer.
3. More than 12 other states have already passed laws prohibiting the sale and distribution of novelty lighters.

UTILITY RATE REDUCTION

<i>Scorecard Bill:</i>	Utility Rate Reduction
<i>Bill Numbers:</i>	Senate Bill Number: S. 4775 Assembly Bill Number: A. 8082
<i>Bill Sponsors:</i>	Senate Sponsor: Sen. Maziarz Assembly Sponsor: M. of A. Cahill
<i>Purpose of Bill:</i>	This bill prohibits the utility company from applying demand charges to the commercial rate for a volunteer fire company when that fire company is responding to emergencies occurring during the utilities billing cycle.
<i>Analysis, Background & History:</i>	<p>In NYS, volunteer fire companies are not-for-profit organizations. Despite their not-for-profit status, under current law, public utility companies have the ability to charge volunteer fire companies the commercial rate for utility service and add to that a peak demand charge that greatly increases the monthly bill.</p> <p>A peak demand charge is calculated by fixing the fire companies monthly charge at the point of highest demand during the billing cycle. This means that the commercial rate is augmented by an inflated charge associated with something as uncontrollable as opening the fire company bay doors to respond to an emergency. It is ironic that a volunteer fire company would be charged a peak demand rate for responding to an emergency that involved a downed power line in an ice storm</p> <p>To address this problem, this bill amends the NYS Public Service Law. Specifically, the bill adds new provisions to the Public Service Law which simply prohibits public utility companies from charging volunteer fire companies a peak rate while responding to an emergency.</p> <p>In the 2011 Legislative Session, this bill passed the Assembly but remained in the Senate Rules Committee.</p>
<i>Key Points:</i>	<ol style="list-style-type: none">1. Volunteer fire companies are not-for-profit organizations. Despite their not-for-profit status, these organizations must pay the higher commercial rate for utility service.2. Utility costs are high. The commercial utility rate, which incorporates the concept of higher rates based on peak demand usage, compounds the problems volunteer fire companies face with meeting their utility costs.

3. Fire companies do not have control over when they respond, therefore are subject to peak demand rates throughout a utilities billing cycle.
4. This peak demand application in inclement weather can double or triple a fire company's utility bill.
5. It seems inequitable that a fire company should be included in a peak demand calculation. Commercial rates were based on the assumption that private companies can exercise control over how and when energy is used.
6. Other not-for-profit organizations such as the veterans' organizations already have the benefit of the non-peak demand utility rates and in fact are charged a residential rate which is even lower than the commercial rate charged by utility companies.

JOB PROTECTION FOR VOLUNTEERS

Scorecard Bill: Volunteer Job Protection When Responding

Bill Numbers: Senate Bill Number:
Assembly Bill Number:

Bill Sponsors: Senate Sponsor:
Assembly Sponsor:

Purpose of Bill: This legislation is designed to ensure volunteer firefighters and EMS responders won't lose their paying jobs simply because they were late or missed work while performing their duties during a state or federal declared emergency.

Analysis: The bill would prohibit the employer, from immediately terminating an employee, who is also a volunteer, solely because the employee is late or misses work due to a state or federal declared emergency to which he or she was duly dispatched.

There have been numerous high profile examples of Volunteers responding to state declared emergencies during hurricanes, floods, ice storms and snow storms. The threat of losing a job has a chilling effect on response at a time when more than 80 percent of New York State's geography is covered by volunteer response. Volunteers are frontline first responders and cannot be replaced without enormous cost to local governments at a time when the State is in the throes of a budget crisis.

The bill has several employer protections. It requires verification from a commanding officer that the volunteer was duly dispatched. It allows for verification of the timeline for the response.

If the employee does not have accrued time the legislation allows the employer to grant unpaid leave to the volunteer and protects his or her unfettered return to employment.

Background/History: Declared state or federal emergencies require immediate response on the part of volunteers. Eight states including Ohio, Illinois and California have passed statutes to protect their volunteers. Volunteers should not have to choose between their job and protecting their community during times of recognized disaster relief.

Key Points: 1. The bill addresses line of duty response in a state or federal declared emergency.

2. It requires the responder to give the employer upon request specific documentation provided by the chief of the response. It balances the interests of the volunteer, the community and the employer.

3. This legislation is similar to protection afforded National Guard personnel responding to state or federal declared emergencies which encourages grass roots response when all facets of a community are impacted by a declared emergency.

VFBL VAWBL REFORM

- Scorecard Bill:* VFBL VAWBL Reform
- Bill Numbers:* Senate Bill Number: S. 5624
Assembly Bill Number: A. 8563
- Bill Sponsors:* Sen. Griffo
M. of A. Magnarelli
- Purpose of Bill:* To increase weekly VFBL & VAWBL benefit levels from \$400 to \$500 the maximum weekly benefit for permanent and temporary total disabilities.
- Analysis:* Since 1992 the flat weekly benefit level is \$400 for temporary total and permanent total benefits for volunteer firefighters and ambulance workers.
- The WC reform act of 2007 increased the maximum weekly benefit to \$500 per week for the state's covered workforce and as of 7/1 of 08 to \$600. In 7/1 of 09 it went to an automatically adjusted amount equal to 2/3 of the NYS average weekly wage. Currently that amount has been adjusted to approximately \$775 per week. **Volunteers have not benefited from the 2007 reform and have not had an increase in twenty years.**
- Background/History:* Historically, periodic acts of the Legislature have increased the benefits paid under VFBL and VAWBL creating a multi tiered system that under reimbursed those Volunteers suffering disabilities over a long period of time. This legislation is designed to address a very small segment of the volunteers disabled in the line of duty. Those temporary totally disabled and those permanently totally disabled after July 1, 2012 would receive \$500 per week during the period disabled.
- Key Points:*
1. Currently, VFBL and VAWBL benefit levels are well below the benefit levels for paid employees under the Workers' Compensation Law.
 2. The benefit levels for VFBL & VAWBL have not been updated since 1992 to account for the rise in the cost of living. The time to do so for permanently disabled volunteer firefighters and ambulance workers injured in the line of duty is now. This legislation stipulates a very small increase in weekly benefits to those totally disabled. A CPI inflation calculated \$400 in 1992 is worth \$645 today.
 3. Because there is such a small increase for a very select part of VFBL/VAWBL claimants, there are no fiscal implications for

local governments. Local governments and Fire Districts pay the premiums for this coverage which is based on population density. This increase for the very limited segment of the population impacted by the legislation will be a minute factor in the calculation of premiums.

REBUTTABLE CANCER PRESUMPTIONS

<i>Scorecard Bill:</i>	Cancer Impairment Expansion
<i>Bill Numbers:</i>	Senate Bill Numbers: S. 4004 Assembly Bill Numbers:
<i>Bill Sponsors:</i>	Senate Sponsor: Sen. Nozzilio Assembly Sponsors:
<i>Purpose of Bill(s):</i>	To expand coverage under VFBL for various cancers including internal organs and neurological systems (brain).
<i>Analysis, Background & History:</i>	<p>Cancer disabilities for firefighters exceed that of the average adult population. This is due in large part to smoke inhalation that occurs as a result of firefighting activities. Another contributing factor to this is the proliferation of synthetic chemicals that result in fumes from plastics and other synthetic materials at fire scenes.</p> <p>Section 11-c of the Volunteer Firefighters' Benefit Law (VFBL) was enacted to deal with diseases of the lung including cancer. Generally, this law creates the presumption that a volunteer's death or disability from lung disease was incurred in the volunteer's line of duty and that the death or disability was not caused by the firefighter's own negligence.</p> <p>Although VFBL provides coverage for diseases of the lung (e.g. cancer), it does not currently provide coverage for cancer of other parts of the body which may have been contracted through volunteer firefighting activity.</p> <p>Exposure to smoke and toxic fumes creates greater risks of cancer in numerous parts of the body. For example, exposure to smoke and fumes through volunteer firefighting may also cause cancer in an individual's esophagus, stomach, blood, or intestines. For these reasons, coverage under this law should be expanded to include any melanoma and any condition of cancer of the digestive, hematological, lymphatic, urinary, prostate breast, reproductive and neurological (e.g. brain) systems.</p>
<i>Key Points:</i>	<ol style="list-style-type: none">1. The rate of cancer for firefighters exceeds that of the average adult population. Firefighters are exposed to smoke and other dangerous fumes on a regular basis during firefighting activities.2. The VFBL process can be complicated and drawn-out for a volunteer firefighter. By creating the presumption that a death or disability associated with certain cancers was incurred in the line

of duty, this new bill will simplify the VFBL process. It will also assist volunteers in getting the benefits they deserve.

3. Paid firefighters have enjoyed the benefit of this cancer impairment presumption for several years.

4. It is important to note that the creation of a rebuttable presumption does not guarantee payments of a benefit. In fact the presumption merely allows for consideration of a possible connection between a volunteer's response to environment and a disability he or she suffers.

VFBL COVERAGE FOR APPROVED FITNESS PROGRAM

Scorecard Bill: Extend VFBL Benefits for physical fitness

Bill Numbers: Senate Bill Number:
Assembly Bill Number:

Bill Sponsors: Senate Sponsor: Sen. Griffo
Assembly Sponsor: M. of A. Magnarelli

Purpose of Bill: To expand benefits to include injuries sustained while participating in an approved physical fitness program.

Analysis:

Current law provides coverage for volunteers participating in a physical fitness program. It stipulates that the individual is covered for injuries sustained while supervising or being instructed or participating in a supervised program for the purpose of maintaining performance of their duties as firefighters. The statute has been construed to mean that unsupervised participation in an otherwise approved program would possibly not be covered.

The language is broad, even covering travel to and from such an event, but references a “supervised physical fitness class” which is archaic, as most fitness programs today do not involve active supervision.

Background/History:

Physical fitness programs and the awareness for integrating them into the Volunteer training regime has evolved significantly since the statute initially provided for coverage under supervised circumstances. Volunteers and the general public have become accustomed to participating in approved training programs without the need for active supervision. The imperative need for fitness in order to perform the duties of a firefighter or EMS responder has become paramount.

This legislation removes the emphasis on supervision and places it on an approved program. Volunteer responders must have an annual physical. Those that pass that physical are deemed fit to respond. “Fit to respond” should also mean fit to participate in an approved fitness program.

Key Points:

1. To exclude coverage for injuries sustained while participating in approved fitness programs is counterproductive. If a volunteer is medically certified as fit for duty and is deemed active by the Chief that volunteer should be encouraged to participate in a regular approved fitness program.

2. Fitness programs must meet the schedule of today's volunteer. In more than ten years since VFBL was amended to allow for coverage in a supervised setting technology and equipment has evolved and it is now commonplace for exercise and fitness programs to be self-initiated and to follow approved practices that do not require supervision. If the program has been reviewed and participation is documented it need not depend on a dated and vague restrictions that render it non applicable and unresponsive to today's volunteer.

COST RECOVERY FOR FIRE DEPT. AMBULANCE SERVICE

- Scorecard Bill:* Ambulance Cost Recovery
- Bill Numbers:* Senate Bill Number: S. 4856
Assembly Bill Number: A. 7291
- Bill Sponsors:* Senate Sponsor: Sen. Little
Assembly Sponsor: M. of A. Canestrari
- Purpose of Bill:* To provide for those authorities having control of a fire department, or fire company that provides emergency medical services, may establish fees and charges for services.
- Analysis:* The General Municipal law prohibits any ambulance service, run as part of a fire department from charging a fee for ambulance services. Opinions of the Office of State Comptroller have underscored that prohibition. Because of the rapidly escalating number of ambulance calls, (in some localities as much as a 300 percent increase in the last few years), many areas of the state are experiencing radical cost shifts making the provision of volunteer services difficult if not impossible. This is especially true in seasonal areas where tourists create the need for coverage without contributing to the tax base. The practice of “soft billing” has sprung up to address this shortfall, but there are inherent dangers in sending such a bill including the potential to violate state and federal law, because once a billing procedure is put in place it must be done in accordance with applicable statutes and maintained on a fair and equitable basis for all those billed. Various software applications and billing companies claim the ability to maintain such systems but the ultimate responsibility and liability lies with the Fire Company or Ambulance Squad that engages in cost recovery. This bill addresses this problem by defining emergency medical service and allowing those authorities that have authorized the fire department to provide the volunteer EMS service to establish a schedule of fees in concert with the fire department and ambulance squad.
- Background/History:* While the number of fire calls has declined in the past five years the number of EMS responses within that fire department has increased exponentially. This has caused a financial hardship in many fire departments and municipalities responsible for delivering this service. In most cases a fee may be charged with the notable exception of ambulance service that is provided as part of a volunteer fire department. The state legislature has sought to address this issue as far back as 1995 and has entertained legislation every year to the present to address this rapidly escalating problem.

Key Points:

1. The bill enables towns, villages and local government entities to authorize fees and charges for EMS services, it does not mandate them.
2. The fees are to be established by the municipality and fire company/ambulance squad involved.
3. The monies received by the municipality or local government entity authorizing the billing are to be disbursed in accordance with a written contract entered into between the authority having authorized the provision of services and the fire company itself.

ILLEGAL OCCUPANCY INCREASED PENALTY PROVISIONS

- Scorecard Bill:* Illegal Occupancy in Multi-family Dwellings
- Bill Numbers:* Senate Bill Number:
Assembly Bill Number:
- Bill Sponsors:* Senate Sponsor:
Assembly Sponsor:
- Purpose of Bill:* To subject persons who own or otherwise have possession of buildings to fines and criminal penalties if they permit a building to be used in violation of the uniform fire prevention and building code in a manner that impedes egress during a fire or other emergency evacuation.
- Analysis:* Section 1 amends the executive law to impose a fine of not less than \$1,000 or more than \$10,000, together with imprisonment for up to one year when the construction or use of a building impedes egress from the building during a fire or other emergency evacuation.
- Background/History:* In recent years, there has been a proliferation of buildings that have been altered or otherwise used in a manner that violates the uniform fire prevention and building code in a manner that impedes egress during a fire or other emergency. In many instances, these unsafe conditions have resulted in the loss of life to tenants and other occupants of these buildings. In at least one instance, firefighters became trapped in a burning building when partitions were installed to create additional living quarters without regard to fire codes. This bill seeks to enhance civil and criminal penalties that may be imposed for creating these unsafe conditions. This is a new bill.
- Key Points:*
1. Uncaring landlords continue to maximize income by maximizing occupancy. Multi partitioned structures result creating extreme hazards for occupants and firefighters.
 2. Fines are currently too low and are considered a cost of doing business.
 3. Increasing fines from \$1,000 to \$10,000 together with a possible jail penalty of up to one year for violations and making it a criminal matter will draw attention to this abhorrent practice.

FASNY NEW YORK STATE BUDGET ISSUES

911 Surcharge

911 Surcharge Distribution

It is FASNY's position that adequate and representative funding should be provided through the new Division of Homeland Security and Emergency Services for 911 coordination purposes derived from cellular and landline surcharges.

In last year's budget (2010) the Governor proposed an allocation of \$45 million for distribution to the local PSAP centers to fund in part technology upgrades in communications related to the 911 call system. This money was appropriated but not yet disbursed.

More than \$200 million is collected each year in cell surcharge revenue and for the past several years only \$10 million has been dedicated to the needs of the County PSAP centers. This figure is inadequate, in that 62 counties spend on average more than a million dollars per year in operating expenses alone, without imputing the cost of mandated changes in communications technology.

FASNY's position is to again support the \$45 million allocation and to work with the new Division in getting proper budgetary understanding of the necessary technological upgrades to County systems.

