



# The Siren

**Important News and Updates for NYSPFFA Members**

*Prepared by Hinman Straub and Corning Place Communications*

**November 2013**

[nyspffa.org](http://nyspffa.org)

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## **NYS Professional Firefighters**

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## **BUFFALO/BUBBLE BILL REMINDER**

The Statewide 20-Year Section 384-d Retirement Plan and “Bubble” Bill (A.7822-A/S.5091) is still awaiting delivery to the Governor. There is still time to prepare and send a letter in support to the Governor’s Office. This is an important piece of legislation for our fellow members of the New York State and Local Police and Fire Retirement System (“NYSPFR”) who either were working without a collective bargaining agreement or who were on the “bubble”—i.e., entered the system between July 1, 2009 and January 10, 2010. It will give them access to certain retirement plans and ensure that all firefighter members of the NYSPFR are being treated equally under Tier V legislation.

Please log onto the [Members Only Area](#) for a sample letter to show your support of the bill.

## **CALENDAR**

**2nd District Meeting December 10, 2013**

**5th District Meeting December 12, 2013**

**4th District Meeting December 19, 2013**

Please visit the NYSPFFA website for additional [details](#).

If you have any questions or concerns regarding the information in this newsletter, please contact Joseph Dougherty or John Black at (518) 436-0751. For other NYSPFFA matters, please contact Mike McManus or Sam Fresina at (518) 436-8827.

## **WEBSITE REGISTRATION**

In our continuing effort to use the most efficient, effective, and expeditious methods to disseminate important information to our members on the front lines, the NYSPFFA proudly created a secure [Members Only Area](#) on our website. Our priority is to keep members informed and provide timely details of important issues to keep our members and their families safe and secure.

If you have not already done so, please sign up for your access by using the [registration link](#) on the NYSPFFA webpage.

Any questions or difficulties in gaining access to the Members Only Area can be directed to our office at (518) 436-8827.

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## **GEAR-UP FOR AMBULANCE REFORM**

The reform of Article 30 of the New York State Public Health Law with regard to the operation of municipi-

pal ambulance services continues to unfold. There have been three (3) stakeholder meetings and positive feedback on moving forward with some changes. With room in the budget, there is a real possibility that Article 30 can receive some crucial overhauling. Such reforms are aimed at permitting municipalities and fire districts greater access and equitable treatment in obtaining a certificate of need to operate an ambulance service. Continue to check in for updates as the talks continue into the 2014 legislative session.

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## **THREE-YEAR PLAN**

The NYSPFFA has recently formulated a Three-Year Plan. This document offers a framework for our future goals and how to achieve them. However, much like a fire pre-plan, this cannot be cast in stone. We must be able to adjust our plan to changes in politics, unforeseen attacks, and emerging technology in order to achieve our objectives.

Our future success will depend on such communication, legislation, education, service to Locals, and, of course, your participation. The Plan has been sent to every Local President and is also available for review on our website. We welcome and encourage comments and/or suggestions at any time.

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## **NYSPFFA ANNUAL HEALTH SAFETY CONFERENCE**

The 2013 Annual Health and Safety Conference held on October 29-31, 2013 at the Sheraton Syracuse University Hotel and Conference Center was another success. Topics of discussion included hazard recognition, reducing risk, fire ground leadership, and burn prevention. Thank you for all those who participated. These topics will continue to ensure the safety of our firefighters as we protect the citizens of New York State.

## LOCAL ANALYSIS

Recently every Local President received a Local Analysis form seeking specific information in relation to each Local and input from our Locals regarding our legislative agenda and any other issues that is of particular interest to that specific Local. We encourage the completion of this analysis and its return to us as soon as possible.

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## FOREIGN FIRE TAX

The Foreign Fire Tax is a benefit program for our fire departments, fire companies, and firefighter benevolent associations. However, just like any other government fund, members must be aware of how to properly use the Foreign Fire Tax. State Auditors examine the expenditure of Foreign Fire Tax funds. This article will give you a brief overview of the tax and how your fire company or department can use the monies without running afoul of the law.

***What is the Foreign Fire Tax?*** The Foreign Fire Tax

is a 2% tax on out-of-state insurance companies writing insurance policies against fire loss (i.e., homeowner policies) on properties located within the State. The tax equals 2% of a policy's premium, which is paid to the State. The State will then distribute the collected 2% tax to the fire departments, fire districts, the Fireman's Association of the State of New York ("FASNY"), or other authorized entity by March 1st. The Legislature also issues special acts to distribute the tax to a fire department benevolent association or authorize the expenditure for a specific purpose.

### ***How is the Foreign Fire Tax Allocated?***

The amount of the Foreign Fire Tax funds distributed to each fire district or department is based upon the total premiums of all properties insured by foreign or alien insurers within the district or department's primary area of responsibility. Fire districts and departments should ensure that the Department of Financial Services knows of the properties assigned to that fire district or department. To do so, the district or department must make

up-to-date changes, additions, or deletions to its street list. Since the Foreign Fire Tax is tied to the number of policies within a fire district or department, the amount of the tax invariably differs from year to year.

### ***How Much Do Fire Companies Receive?***

Once the treasurer of a fire district or department receives the Foreign Fire Tax funds, they will then allocate and disburse a pro rata portion to each fire company actively rendering fire protection services in the district or department (if there is more than one company in a department). Fire companies include both paid and volunteer members. The pro rata amount is proportional to the number of active members in each fire company. The law requires that the fire district or department disburse the funds by March 15th of each year.

### ***What Can the Foreign Fire Tax Funds Be Spent On?***

With the exception of funds authorized

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## FOREIGN FIRE TAX

(Continued)

through a special legislative act or disbursed to FASNY, the law affords the fire companies or a fire department (when there is only one company in a fire department) the authority to decide how to spend it. The general qualification is that the expenditure must be for ***“the use and benefit of the fire company as a whole.”*** So long as the members determine that the expenditure is for the use and benefit of the fire company as a whole, the Comptroller will generally not disturb it. The following are examples of proper and improper uses of Foreign Fire Tax funds.

### Proper uses include:

- Department Social Functions – installation dinners, picnics, banquets, and holiday parties;
- Appliances, office equipment, furniture, televisions, and other items for the firehouse;
- Dress and parade uniforms;
- Turn-out gear and equipment for members of the department, so long as it is not something considered a municipal charge;

or

- Offset costs from group life or disability insurance policies.

### Improper Uses include:

- Donations to outside fire departments for members injured or killed in the line of duty;
- Payment of salaries or compensation (unless used for the salary of a fire department’s secretary or treasurer and solely covers the administration of Foreign Fire Tax funds);
- Fees and expenses for fire service schools and courses;
- Medical aid and assistance to disaster victims;
- Expenses for an annual Halloween or Christmas Party for children in fire district; or
- Loans to individuals.

***What’s the Catch?*** As with handling any government funds, precautions must be taken to ensure the Foreign Fire Tax funds’ proper use. The Comptroller recommends that receiving entities create a separate line of accounting, create a separate checking or savings account, and maintain documentation of each expense and its corresponding purpose. Not only will

this be invaluable during an audit but it will assist the fire company in preparing the annual report on the receipt and disbursement of foreign fire insurance funds to the Comptroller.