

## State Finance

§ 97-pp. New York state emergency services revolving loan account. 1. There is hereby established within the combined expendable trust fund-020 in the custody of the state comptroller a new account to be known as the "New York state emergency services revolving loan account".

2. The account shall consist of all moneys appropriated for its purpose, all moneys transferred to such account pursuant to law, and all moneys required by this section or any other law to be paid into or credited to this account, including all moneys received by the account or donated to it, payments of principal and interest on loans made from the account, and any interest earnings which may accrue from the investment or reinvestment of moneys from the account.

3. Moneys of the account, when allocated, shall be available to the commissioner of the division of homeland security and emergency services to make loans as provided in this section. Up to five percent of the moneys of the account or two hundred fifty thousand dollars, whichever is less, may be used to pay the expenses, including personal service and maintenance and operation, in connection with the administration of such loans.

4. (a) The commissioner of the division of homeland security and emergency services, on recommendation of the state fire administrator, may make, upon application duly made, up to the amounts available by appropriation, loans for:

(i) Purchasing fire fighting apparatus. A loan for purchasing fire fighting apparatus shall not exceed the lesser of three hundred seventy-five thousand dollars or seventy-five percent of the cost of the fire fighting apparatus; provided, however, that loans issued in response to a joint application shall not exceed the lesser of five hundred fifty thousand dollars or seventy-five percent of the cost of the fire fighting apparatus.

(ii) Purchasing ambulances or rescue vehicles. A loan for purchasing an ambulance or a rescue vehicle shall not exceed the lesser of two hundred twenty-five thousand dollars or seventy-five percent of the cost of the ambulance or rescue vehicle; provided, however, that loans issued in response to a joint application shall not exceed the lesser of three hundred fifty thousand dollars or seventy-five percent of the cost of the ambulance or rescue vehicle.

(iii) Purchasing protective equipment or communication equipment. A loan for purchasing protective equipment or communication equipment or both shall not exceed two hundred thousand dollars. Communication equipment purchased with such loan shall, to the maximum extent practicable, be compatible with the communication equipment of adjacent services and jurisdictions; provided, however, that loans issued in response to a joint application shall not exceed two hundred sixty-five thousand dollars.

(iv) Repairing or rehabilitating fire fighting apparatus, ambulances, or rescue vehicles. A loan for repairing or rehabilitating fire fighting apparatus, ambulances, or rescue vehicles shall not exceed the lesser of two hundred thousand dollars or one hundred percent of the cost of the repair or rehabilitation; provided, however, that loans issued in response to a joint application shall not exceed the lesser of four hundred thousand dollars or one hundred percent of the cost of the repair or rehabilitation.

(v) Purchasing accessory equipment. A loan for purchasing accessory equipment shall not exceed one hundred twenty-five thousand dollars; provided, however, that loans issued in response to a joint application shall not exceed one hundred seventy-five thousand dollars.

(vi) Renovating, rehabilitating or repairing facilities that house firefighting equipment, ambulances, rescue vehicles and related

equipment. A loan for this purpose shall not exceed the lesser of two hundred fifty thousand dollars or seventy-five percent of the cost of the project; provided, however, that loans issued in response to a joint application shall not exceed the lesser of five hundred thousand dollars or seventy-five percent of the cost of the project.

(vii) Construction costs associated with the establishment of facilities that house firefighting equipment, ambulances, rescue vehicles and related equipment. A loan for this purpose shall not exceed the lesser of five hundred thousand dollars or seventy-five percent of the cost of the construction, or be used for the payment of fees for design, planning, preparation of applications or other costs not directly attributable to land acquisitions or construction; provided, however, that loans issued in response to a joint application shall not exceed the lesser of seven hundred fifty thousand dollars or seventy-five percent of the cost of the construction, or be used for the payment of fees for design, planning, preparation of applications or other costs not directly attributable to land acquisitions or construction.

(viii) Construction costs associated with the establishment of facilities for the purpose of live fire training. A loan for this purpose shall not be granted if another live fire training facility is located within the boundaries of the county or within twenty-five miles. A loan for this purpose shall not exceed the lesser of two hundred fifty thousand dollars or seventy-five percent of the cost of construction, provided, however, joint applications shall not exceed the lesser of four hundred thousand dollars or seventy-five percent of the cost of construction or be used for the payment of fees for design, planning, preparation of applications or other costs not directly attributable to land acquisitions or construction.

(b) No loan authorized by this section shall have an interest rate exceeding two and one-half percent. No applicant shall receive a loan for any purpose under paragraph (a) of this subdivision more than once in any five-year period; provided, however, that joint applicants may receive up to two loans in any five year period. The minimum amount of any loan shall be five thousand dollars. The period of any loan shall not exceed the period of probable usefulness, prescribed by section 11.00 of the local finance law, for the emergency equipment to be purchased with the proceeds of the loan or, if no period be there prescribed, five years. The total amount of any interest earned by the investment or reinvestment of all or part of the principal of any loan made under this section shall be returned to the commissioner of the division of homeland security and emergency services for deposit in the account and shall not be credited as payment of principal or interest on the loan. The commissioner of the division of homeland security and emergency services may require security for any loan and may specify the priority of liens against any emergency equipment wholly or partially purchased with moneys loaned under this section. The commissioner of the division of homeland security and emergency services may make loans under this section subject to such other terms and conditions the commissioner of the division of homeland security and emergency services deems proper.

(c) The commissioner of the division of homeland security and emergency services shall have the power to make such rules and regulations as may be necessary and proper to effectuate the purposes of this section.

(d) The commissioner of the division of homeland security and emergency services shall annually report by March fifteenth to the governor and the legislature describing the activities and operation of

the loan program authorized by this section. Such report shall set forth the number of loan applications received and approved; the number of joint applications received and approved; the names of counties, cities, towns, villages and fire districts receiving loans together with the amount and purpose of the loan, the interest rate charged, and the outstanding balance; and the balance remaining in the New York state emergency services revolving loan account, along with fund revenues and expenditures for the previous fiscal year, and projected revenues and expenditures for the current and following fiscal years.

5. (a) Application for loans may be made by a town, village, city, fire district, fire protection district, independent, not-for-profit fire and ambulance corporation or county, other than a county wholly contained within a city, provided that the application is otherwise consistent with its respective powers. Applications may also be submitted jointly by multiple applicants provided that the application is otherwise consistent with each applicant's respective powers.

(b) Every application shall be in a form acceptable to the commissioner of the division of homeland security and emergency services. Every application shall accurately reflect the conditions which give rise to the proposed expenditure and accurately reflect the ability of the applicant to make such an expenditure without the proceeds of a loan under this section.

(c) (i) The commissioner of the division of homeland security and emergency services shall give preference to those applications which demonstrate the greatest need, joint applications, and to those applications the proceeds of which will be applied toward attaining compliance with federal and state laws and may disapprove any application which contains no adequate demonstration of need or which would result in inequitable or inefficient use of the moneys in the account.

(ii) In making determinations on loan applications, the commissioner of the division of homeland security and emergency services shall assure that loan fund moneys are equitably distributed among all sectors of the emergency services community and all geographical areas of the state. Loans for the purpose of personal protective firefighting equipment shall be given preference for a period of two years from the date the first loan is made. Not less than fifty percent of the loans annually made shall be made to applicants whose fire protection or ambulance service is provided by a fire department or ambulance service whose membership is comprised exclusively of volunteers.

(d) An application or joint application shall not be approved:

(i) if the applicant or applicants are in arrears on any prior loan under this section,

(ii) if it shall be shown that at any time in the prior ten years the applicant or applicants used state funds to repay all or part of any loan made under this section.

(e) The commissioner of the division of homeland security and emergency services shall, to the maximum extent feasible, and consistent with the other provisions of this section, seek to provide that loans authorized by this section reflect an appropriate geographic distribution, are distributed equitably and encourage regional cooperation.

6. For purposes of this section, the following terms shall have the accompanying meanings:

(a) "Fire companies" means (i) a fire company, the members of which are firefighters, volunteer, paid or both, of a county, city, town, village, fire district or fire department, or (ii) a fire corporation, the members of which are firefighters, volunteer, paid or both,

providing fire protection pursuant to a fire protection contract within a fire protection district of a town.

(b) "Volunteer ambulance service" means an individual, partnership, association, corporation, municipality or any legal or public entity or subdivision thereof engaged in providing emergency medical services and the transportation of sick, disabled or injured persons by motor vehicle, aircraft or other form of transportation to or from facilities providing hospital services which is (i) operating not for pecuniary profit or financial gain, and (ii) no part of the assets or income of which is distributable to, or inures to the benefit of, its members, directors or officers.

(c) "Ambulance" means a motor vehicle designed, appropriately equipped, and used for carrying sick or injured persons.

(d) "Accessory equipment" means equipment necessary to support the ordinary functions of fire fighting, emergency medical services, or rescue activities other than communication equipment, protective equipment, and motor vehicles together with their fixtures and appointments.

(e) "Account" means the New York state emergency services revolving loan account established by this section within the combined expendable trust fund-020.

(f) "Communication equipment" means any voice or original transmission system or telemetry system used to enhance fire fighter safety on the grounds of a fire or other emergency.

(g) "Emergency equipment" means any or all of the following: ambulances, accessory equipment, communication equipment, fire fighting apparatus, protective equipment, and rescue vehicles.

(h) "Fire fighting apparatus" means elevated equipment, pumpers, tankers, ladder trucks, hazardous materials emergency response vehicles, or other such specially equipped motor vehicles used for fire protection, together with the fixtures and appointments necessary to support their functions.

(i) "Joint application" means an application submitted by two or more towns, villages, cities, fire districts, fire protection districts, not-for-profit fire and ambulance corporations or counties, other than a county wholly contained within a city, for any purposes provided in subdivision four of this section.

(j) "Protective equipment" means any clothing and devices that comply with occupational safety and health administration standards (federal occupational safety and health act regulations) used to protect personnel who provide emergency services from injury while performing their functions, including, but not limited to, helmets, coats, boots, eyeshields, gloves and self contained respiratory protection devices.

(k) "Rescue vehicle" means a motor vehicle, other than an ambulance or fire fighting apparatus, appropriately equipped and used to support fire department operations and includes a vehicle specifically for carrying accessory equipment.