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2015-2016 Regular Sessions

I N S E N A T E

January 8, 2015

Introduced by Sens. FUNKE, ADDABBO, CROCI, LARKIN, NOZZOLIO, O'MARA, ORTT, PANEPINTO, RITCHIE, ROBACH, SEWARD, YOUNG -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Local Government in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the volunteer firefighters' benefit law, in relation to the payment of benefits

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Section 8 of the volunteer firefighters' benefit law, as
2 amended by section 1 of part GG of chapter 54 of the laws of 2016, is
3 amended to read as follows:
4 S 8. Permanent total disability benefits. In the case of total disa-
5 bility adjudged to be permanent the volunteer firefighter shall be paid
6 [four] SIX hundred dollars for each week during the continuance thereof.
7 Permanent total disability, within the meaning of this section, shall
8 exist only if the earning capacity of the volunteer firefighter has been
9 lost permanently and totally as the result of the injury. The loss of
10 both hands, or both arms, or both feet, or both legs, or both eyes, or
11 any two thereof, shall, in the absence of conclusive proof to the
12 contrary, constitute permanent total disability, but in all other cases
13 permanent total disability shall be determined in accordance with the
14 facts. Notwithstanding any other provisions of this chapter, an injured
15 volunteer firefighter disabled due to the loss or total loss of use of
16 both eyes, or both hands, or both arms, or both feet, or both legs, or
17 any two thereof shall not suffer any diminution of such weekly benefit

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets [] is old law to be omitted.

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1 by engaging in business or employment provided his or her weekly earn-
2 ings or wages, when combined with his or her weekly benefit shall not be
3 in excess of eight hundred dollars; and further provided that the appli-
4 cation of this section shall not result in reduction of benefits which
5 an injured volunteer firefighter who is disabled due to the loss or
6 total loss of use of both eyes, or both hands, or both arms, or both
7 feet, or both legs, or any two thereof would otherwise be entitled to
8 under any other provisions of this article.

9 S 2. This act shall take effect on the same date and in the same
10 manner as part GG of chapter 54 of the laws of 2016 takes effect and
11 shall apply to weekly benefit periods that commence after January 1,
12 2017.