S T A T E O F N E W Y O R K

6015

2011-2012 Regular Sessions

I N A S S E M B L Y

March 3, 2011

Introduced by M. of A. BURLING, KOLB, GIGLIO, HAWLEY, McKEVITT, OAKS, MOLINARO, SALADINO, SAYWARD, FINCH, RAIA, STEVENSON -- Multi-Sponsored by -- M. of A. BARCLAY, CALHOUN, CROUCH, MAYERSOHN, McLAUGHLIN, MONTESANO, PALMESANO, REILICH, WEISENBERG -- read once and referred to the Committee on Local Governments

AN ACT to amend the volunteer firefighters' benefit law, in relation to increasing the funeral benefit and lump sum death benefit

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

Section 1. Subdivision 1 of section 7 of the volunteer firefighters' benefit law, as amended by chapter 212 of the laws of 2005, is amended to read as follows:

1. The reasonable funeral expenses of the deceased volunteer firefighter shall be paid in an amount not exceeding [six] SEVEN thousand [seven] FIVE hundred dollars; provided however, that such [six] SEVEN thousand FIVE HUNDRED dollar maximum shall not apply where a volunteer firefighter dies from injuries received in the line of duty as a direct result of firefighting. If such funeral expenses shall have been paid by a person entitled to benefits under this section or by others, the funeral expenses awarded shall be made payable to such beneficiary or others; otherwise they shall be payable to the undertaker who provided the burial. Funeral expenses shall be awarded in all death cases.

S 2. Subdivision 2 of section 7 of the volunteer firefighters' benefit law, as amended by chapter 212 of the laws of 2005, is amended to read as follows:

2. If there be a surviving spouse, to such spouse the lump sum of [fifty-six] ONE HUNDRED thousand dollars, but if there be no surviving spouse, then to the executor or administrator of the estate of the volunteer [fireman] FIREFIGHTER, the lump sum of [fifty-six] ONE HUNDRED thousand dollars. Such sum shall be in addition to any other benefits provided in this chapter and shall not be diminished by benefits paid to

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

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the volunteer [fireman] FIREFIGHTER during his OR HER lifetime. IN ADDITION, FOR EACH SURVIVING CHILD UNDER THE AGE OF EIGHTEEN AT THE TIME OF THE FIREFIGHTER'S DEATH, THE SURVIVING SPOUSE SHALL RECEIVE AN ADDITIONAL LUMP SUM OF TWENTY-FIVE THOUSAND DOLLARS. IF THERE IS NO SURVIVING SPOUSE, TO THE EXECUTOR OR ADMINISTRATOR OF THE ESTATE OF THE LUMP SUM OF TWENTY-FIVE THOUSAND DOLLARS FOR EACH SURVIVING CHILD UNDER THE AGE OF EIGHTEEN AT THE TIME OF DEATH OF THE FIREFIGHTER. Any money paid to an executor or administrator pursuant to the provisions of this subdivision shall be distributed in the manner provided by the laws of this state for the distribution of the personal property of an intestate decedent. Provided, however, that nothing [herein] IN THIS SECTION shall be construed as affording a greater benefit for those volunteer [firemen] FIREFIGHTERS injured prior to the effective date of this [act] SECTION, however the spouse or estate of such [fireman] FIREFIGHTER shall continue to be eligible for a benefit in the sum of eleven thousand eighty-four dollars.

S 3. This act shall take effect immediately.