STATE OF NEW YORK

6542

2017-2018 Regular Sessions

IN SENATE

June 1, 2017

Introduced by Sen. LITTLE -- read twice and ordered printed, and when printed to be committed to the Committee on Civil Service and Pensions

AN ACT to amend the civil service law, the executive law, the legislative law, the public officers law, the workers' compensation law, the railroad law, the labor law, the vehicle and traffic law, the public authorities law, the public housing law, the public health law, the general municipal law, the second class cities law, the local finance law, the municipal home rule law, the general city law, the town law, the county law, the military law, the village law, the education law, the mental hygiene law, the Indian law, the retirement and social security law, the insurance law, the not-for-profit corporation law, the tax law, the general business law, the social services law, the penal law, the transportation corporations law, the multiple residence law, the correction law, the criminal procedure law, the real property tax law, the racing, pari-mutuel wagering and breeding law, the uniform justice court act, the New York city criminal court act, the administrative code of the city of New York, and the volunteer firefighters' benefit law, in relation to replacing all instances of the words or variations of the words fireman or policeman with the words firefighter or police officer or variation thereof

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The article heading of article 6 of the civil service law, as added by chapter 790 of the laws of 1958, is amended to read as follows:

SPECIAL RIGHTS FOR VETERANS AND EXEMPT VOLUNTEER [~~FIREMEN~~] FIREFIGHTERS

§ 2. Subdivision 4-b of section 23 of the civil service law, as added by chapter 785 of the laws of 1971, is amended to read as follows:

4-b. Geographic certification based on need. A municipal commission having jurisdiction over a city or civil division may provide that

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

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eligibles, other than those eligibles on [~~policemen and firemen~~] police officer and firefighter lists, who are residents of a geographically-defined area which is a portion of such city or civil division shall be certified first for appointment to positions in such area where in order to qualify for federal moneys such certification is required. Upon exhaustion of the list of such resident eligibles, certifications shall be made from the whole eligible list.

§ 3. Section 86 of the civil service law, as amended by chapter 283 of the laws of 1972, is amended to read as follows:

§ 86. Transfer of veterans or exempt volunteer [~~firemen~~] firefighters upon abolition of positions. If the position in the non-competitive or in the labor class held by any honorably discharged veteran of the armed forces of the United States who served therein in time of war as defined in section eighty-five of this chapter, or by an exempt volunteer [~~fireman~~] firefighter as defined in the general municipal law, shall become unnecessary or be abolished for reasons of economy or otherwise, the honorably discharged veteran or exempt volunteer [~~fireman~~] firefighter holding such position shall not be discharged from the public service but shall be transferred to a similar position wherein a vacancy exists, and shall receive the same compensation therein. It is hereby made the duty of all persons clothed with the power of appointment to make such transfer effective. The right to transfer herein conferred shall continue for a period of one year following the date of abolition of the position, and may be exercised only where a vacancy exists in an appropriate position to which transfer may be made at the time of demand for transfer. Where the positions of more than one such veteran or exempt volunteer [~~fireman~~] firefighter are abolished and a lesser number of vacancies in similar positions exist to which transfer may be made, the veterans or exempt volunteer [~~firemen~~] firefighters whose positions are abolished shall be entitled to transfer to such vacancies in the order of their original appointment in the service. Nothing in this section shall be construed to apply to the position of private secretary, cashier or deputy of any official or department. This section shall have no application to persons encompassed by section eighty-a of this chapter.

§ 4. Paragraph (f) of subdivision 2 of section 172-a of the executive law, as amended by chapter 43 of the laws of 2002, is amended to read as follows:

(f) A local post, camp, chapter or similarly designated element, or a county unit of such elements, of a bona fide veterans' organization which issues charters to such local elements throughout this state, a bona fide organization of volunteer [~~firemen~~] firefighters, an organization providing volunteer ambulance service (as defined in section three thousand one of the public health law) or a bona fide auxiliary or affiliate of such organizations, provided all its fund-raising activities are carried on by members of such an organization or an affiliate thereof and such members receive no compensation, directly or indirectly, therefor.

§ 5. Subdivision 1 of section 226 of the executive law, as amended by chapter 434 of the laws of 1966, is amended to read as follows:

1. The governing board of any police district provided for under article fourteen-a of the town law or of any town or of any village, may from time to time respectively contract upon behalf of said district, town or village with the superintendent of state police upon behalf of the state for the regular assignment of state police to said district, town or village upon the following terms and conditions: The superintendent of state police shall detail such number of state [~~policemen~~]

police officers as shall be agreed upon to such district, town or village for a period of one year; the pay, maintenance and other expenses of such detail for a period of one year shall be computed by the superintendent of state police with the approval of the state comptroller pro rata upon the total cost of the pay, maintenance and similar expenses of the whole department; before such contract shall take effect the governing board of said district, town or village shall deposit to the credit of the division of state police in a depository to be designated by the state comptroller with proper sureties, one half the sum of money so computed and upon the first day of the sixth month during the continuance of said contract shall likewise deposit the remainder of said sum; the superintendent of state police, upon audit of the comptroller, shall draw upon said depository for the pay, maintenance and other expenses of said detail when due; said detail shall have all the powers and duties and shall remain at all times under the authority and discipline of the superintendent of state police as provided for state police assigned to regular duty under this article.

§ 6. Paragraph (v) of subdivision (l) of section 1-c of the legislative law, as amended by chapter 14 of the laws of 2007, is amended to read as follows:

(v) municipal officers and employees including an officer or employee of a municipality, whether paid or unpaid, including members of any administrative board, commission or other agency thereof and in the case of a county, shall be deemed to also include any officer or employee paid from county funds. No person shall be deemed to be a municipal officer or employee solely by reason of being a volunteer [~~fireman~~] firefighter or civil defense volunteer, except a fire chief or assistant fire chief.

§ 7. Subdivision 5 of section 3 of the public officers law, as added by chapter 480 of the laws of 1958, is amended to read as follows:

5. Volunteer [~~firemen~~] firefighters and volunteer fire officers of a fire department or any company or unit thereof shall not be deemed to be holding a civil office or a local office within the meaning of this section and the provisions of this section shall not apply to such volunteer [~~firemen~~] firefighters and volunteer fire officers. This subdivision shall not be deemed to amend, modify or supersede any other general, special or local law, city or village charter, code or ordinance, or any rule or regulation governing any such fire department, which prescribes the qualifications which a person must have to be a volunteer [~~fireman~~] firefighter or a volunteer fire officer of a political subdivision or municipal corporation.

§ 8. Paragraph 3 of subdivision 4 of section 30 of the public officers law, as amended by chapter 895 of the laws of 1961, is amended to read as follows:

(3) If the police force of which he is a member consists of less than two hundred full-time members; provided, however, that the local legislative body of such political subdivision or municipal corporation having such police force shall have power to adopt and amend local laws, ordinances or resolutions of general application requiring members of such police force, other than those members covered by paragraph one or paragraph two of this subdivision, to reside in such political subdivision or municipal corporation, or permitting them to reside in specified areas of such counties or within specified distances from the political subdivision or municipal corporation provided such local legislative body shall determine that a [~~policeman~~] police officer may respond ther-

efrom promptly and be available to render active service in such political subdivision or municipal corporation.

§ 9. The opening paragraph of subdivision 5 and the opening paragraph of subdivision 9 of section 2 of the workers' compensation law, the opening paragraph of subdivision 5 as amended by chapter 503 of the laws of 2016, and the opening paragraph of subdivision 9 as amended by chapter 24 of the laws of 1988, are amended to read as follows:

"Employment" includes employment in a trade, business or occupation carried on by the employer for pecuniary gain, or in connection therewith, except where the employer elects to bring his **or her** employees within the provisions of this chapter as provided in section three of this article, and except employment as a domestic worker as provided in section three of this article, and except where a town elects to have the provisions of this chapter apply to the town superintendent of highways. "Employment" shall also include, in connection with the civil defense effort and for purposes of this chapter the service of a civil defense volunteer in authorized activities of a volunteer agency sponsored or authorized by a local office as defined in a state defense emergency act. "Employment" shall also include participation with an auxiliary police effort made within a municipal corporation which elected to include auxiliary [~~policemen~~] **police officers** within the definition of "employee" as authorized by subdivision four of this section and for purposes of this chapter, the services of members or volunteers in activities authorized by local law. The service of a civil defense volunteer who is also an employee recompensed by an employer for service to such employer, shall not be deemed to be in employment of a local office when he **or she** is performing civil defense service in his **or her** employment or in relation thereto. For the purposes of this chapter only "employment" shall also include the delivery or sale and delivery of newspapers or periodicals by a newspaper carrier as defined in section thirty-two hundred twenty-eight of the education law, but shall not include delivery of newspapers or shopping news to the consumer (including any services directly related to such trade or business) by a person who is not performing commercial goods transportation services for a commercial goods transportation contractor within the meaning of article twenty-five-C of the labor law. The term "employment" shall not include the services of a licensed real estate broker or sales associate if it be proven that (a) substantially all of the remuneration (whether or not paid in cash) for the services performed by such broker or sales associate is directly related to sales or other output (including the performance of services) rather than to the number of hours worked; (b) the services performed by the broker or sales associate are performed pursuant to a written contract executed between such broker or sales associate and the person for whom the services are performed within the past twelve to fifteen months; and (c) the written contract provided for in paragraph (b) herein was not executed under duress and contains the following provisions:

"Wages" means the money rate at which the service rendered is recompensed under the contract of hiring in force at the time of the accident, including the reasonable value of board, rent, housing, lodging or similar advantage received from the employer, or in the case of (a) a civil defense volunteer, (b) a volunteer worker in a state department as provided in group sixteen of subdivision one of section three of this chapter, (c) a volunteer worker for a social services district as provided in group seventeen of subdivision one of section three of this chapter, (d) a county fire coordinator, a deputy county fire coordinator

or a comparable county official to whom the provisions of group fifteen-a of subdivision one of section three of this chapter are applicable, who is also a volunteer firefighter or ambulance worker, (e) a fire district officer whether elective or appointive and whether or not he **or she** is compensated for his **or her** services or a paid fire or ambulance district employee, (f) a state fire instructor whose compensation is paid in whole or in part by the state, (g) an enrolled member of a fire company who, is not a volunteer firefighter, receives compensation for his **or her** services and is not a full-time [~~fireman~~] **firefighter**, known as a "call [~~fireman~~] **firefighter**", (h) persons who are performing services for a public or not-for-profit corporation, association, institution or agency organized as an unincorporated association or duly incorporated under the laws of this state in fulfillment of a sentence of probation or of conditional discharge, or persons performing such services pursuant to the provisions of section 170.55 or 170.56 of the criminal procedure law, (i) an auxiliary [~~policeman~~] **police officer** in a municipal corporation which elected to include such persons within the definition of "employee" as authorized by subdivision four of this section, or (j) a duly appointed member of a regional hazardous materials incidents team recognized under section two hundred nine-y of the general municipal law, such money rate applying in his **or her** regular vocation or the amount of the regular earnings of such volunteer, coordinator, instructor, or comparable officer, fire or ambulance district officer or employee or call [~~fireman~~] **firefighter**, or team member as the case may be, in his **or her** regular vocation, plus any amount earned as such a coordinator, instructor or comparable officer, or as such a fire or ambulance district officer or employee or call [~~fireman~~] **firefighter** or team member, provided, however, that in no event shall the average weekly wage be fixed at less than thirty dollars regardless of whether or not such volunteer, coordinator, instructor or comparable officer or fire or ambulance district officer or employee or call [~~fireman~~] **firefighter** or team member had gainful employment elsewhere at the time of the injury.

§ 10. Group 17 of subdivision 1 of section 3 of the workers' compensation law, as amended by chapter 470 of the laws of 1986, is amended to read as follows:

Group 17. Any employment carried on by a municipal corporation or other subdivision of the state and enumerated in the foregoing groups one to fourteen, inclusive, and on and after July first, nineteen hundred fifty-one, other such employment to the extent of authorized services related to civil defense and performed by employees in the course of employment or in relation thereto; and the sheriff and undersheriff of any county and the duly appointed regular deputies of the sheriff, notwithstanding the definition of the term "employment" in subdivision five of section two of this chapter; but employment in the department of sanitation of the city of New York in the sanitation service classification of the classified civil service of such city shall not be within the coverage of this chapter. The activities of civil defense volunteers who are auxiliary [~~firemen~~] **firefighters** and members of rescue squads in authorized services while undergoing training or practice sponsored or authorized by a local office of civil defense, as defined in the state defense emergency act, and on and after July first, nineteen hundred fifty-three, the activities of all civil defense volunteers who are personnel of such local office of civil defense in authorized services during authorized participation in training and practice exercises held at the direction of or designated as

state training and practice exercises by the state civil defense commission pursuant to the provisions of section twenty-one, subdivision three-f of the state defense emergency act, are hazardous employments carried on by the municipal corporation or other subdivision of the state that created the local office under the state defense emergency act and such members of an auxiliary police organization located in a municipal corporation which elected to include such persons within the definition of "employee" as authorized by subdivision four of section two of this chapter shall be deemed employees of the municipal corporation authorizing their services, and such members of rescue squads, auxiliary [~~firemen~~] **firefighters**, and civil defense volunteers shall be deemed employees of the municipal corporation or other subdivision of the state for purposes of this chapter, provided, however, that each such municipal corporation or other subdivision of the state or insurance carrier shall in the first instance pay all awards of workers' compensation, including medical benefits, provided by this chapter; and such municipal corporation or other subdivision of the state or insurance carrier shall be reimbursed by the comptroller of the state of New York, periodically every six months, on vouchers certified by the state civil defense commission, for one-half of all workers' compensation benefits, including both cash and medical benefits, paid pursuant to awards of the board, to the extent not previously reimbursed, paid for injury or death of a civil defense volunteer caused by an accident that arose out of and in the course of any such training and practice exercise, held on and after July first, nineteen hundred fifty-three, at the direction of or designated as a state training and practice exercise by the state civil defense commission pursuant to the provisions of section twenty-one, subdivision three-f of the state defense emergency act. A town shall not be deemed to be the employer of the officers and employees of a fire district and shall not be liable for payment of compensation to such officers or employees under any provision of this chapter. A social services official, as defined in subdivision fourteen of section two of the social services law, may accept or approve the services of volunteer workers without salary, in accordance with the regulations of the state department of social services, and such a voluntary worker shall be deemed to be an employee of the social services district in the unclassified service for the purpose of this chapter.

§ 11. Section 19-c of the workers' compensation law, as added by chapter 466 of the laws of 1978, is amended to read as follows:

§ 19-c. Actions against health services personnel; defense and indemnification. The provisions of section seventeen of the public officers law shall apply to actions and proceedings, against physicians, nurses and other employees of the board whose duties involve medical examinations under this chapter and the volunteer [~~firemen's~~] **firefighters'** benefit law or other health services, arising out of emergency medical treatment given to board employees while at work or to claimants, their attorneys, licensed representatives, witnesses, employers, their representatives and representatives of carriers, while visiting the offices of the board or the hearing points at which proceedings are conducted or any other person properly on board premises.

§ 12. Section 30 of the workers' compensation law, as amended by chapter 280 of the laws of 1963, is amended to read as follows:

§ 30. Revenues or benefits from other sources not to affect compensation. No benefits, savings or insurance of the injured employee, independent of the provisions of this chapter, shall be considered in deter-

mining the compensation or benefits to be paid under this chapter, except that (1) in case of the death of an employee of the state, a municipal corporation or any other political subdivision of the state, any benefit payable under a pension system or any other statutory benefit which is not sustained or provided for in whole or in part by the contribution of the employee, may be applied toward the payment of the death benefit provided by this chapter; (2) in case of an award of compensation to a paid [~~fireman~~] **firefighter** of a fire company or fire department of a city of less than one million population, or town, village or fire district any salary or wages paid to, or the cost of any medical treatment and hospital care provided for, such paid [~~fireman~~] **firefighter** under and pursuant to the provisions of section two hundred seven-a of the general municipal law shall be credited against any award of compensation to such paid [~~fireman~~] **firefighter** under this chapter where the injury occurred or disablement arose on or after May first, nineteen hundred fifty-one; and (3) in case of an award of compensation to a member of a police force of any county, city of less than one million population, town or village, or of any district, agency, board, body or commission thereof, any salary or wages paid to, or the cost of any medical treatment or hospital care provided for, such member under and pursuant to the provisions of section two hundred seven-c of the general municipal law shall be credited against any award of compensation to such member under this chapter where the injury occurred or the disablement arose on or after May first, nineteen hundred sixty-three.

§ 13. Section 30 of the workers' compensation law, as amended by chapter 628 of the laws of 1991, is amended to read as follows:

§ 30. Revenues or benefits from other sources not to affect compensation. No benefits, savings or insurance of the injured employee, independent of the provisions of this chapter, shall be considered in determining the compensation or benefits to be paid under this chapter, except that (1) in case of the death of an employee of the state, a municipal corporation, any other political subdivision of the state, including for this purpose The Long Island Rail Road Company, any benefit payable under a pension system or any other statutory benefit which is not sustained or provided for in whole or in part by the contribution of the employee, may be applied toward the payment of the death benefit provided by this chapter; (2) in case of an award of compensation to a paid [~~fireman~~] **firefighter** of a fire company or fire department of a city of less than one million population, or town, village or fire district any salary or wages paid to, or the cost of any medical treatment and hospital care provided for, such paid [~~fireman~~] **firefighter** under and pursuant to the provisions of section two hundred seven-a of the general municipal law shall be credited against any award of compensation to such paid [~~fireman~~] **firefighter** under this chapter where the injury occurred or disablement arose on or after May first, nineteen hundred fifty-one; and (3) in case of an award of compensation to a member of a police force of any county, city of less than one million population, town or village, any district, agency, board, body or commission thereof, or of The Long Island Rail Road Company, any salary or wages paid to, or the cost of any medical treatment or hospital care provided for, such member under and pursuant to the provisions of section two hundred seven-c of the general municipal law shall be credited against any award of compensation to such member under this chapter where the injury occurred or the disablement arose on or after May first, nineteen hundred sixty-three, or in the case of The Long Island

Rail Road Company, on or after the date this section is effective with respect to members of its police force.

§ 14. Subdivision 7 of section 60 of the workers' compensation law, as amended by chapter 24 of the laws of 1988, is amended to read as follows:

7. "Liability." The liability of a participant to pay compensation, assessments and all other obligations imposed by or pursuant to this chapter, the volunteer [~~firemen's~~] **firefighters'** benefit law, and the volunteer ambulance workers' benefit law except as otherwise provided in section sixty-one of this chapter.

§ 15. Subdivisions 3, 4 and 6 of section 61 of the workers' compensation law, as amended by chapter 755 of the laws of 1965, are amended to read as follows:

3. A local law establishing a plan pursuant to this article may, notwithstanding the provisions of paragraph f of subdivision one of section eleven of the municipal home rule law, provide that the provisions of subdivision three of section sixty-three of this [~~chapter~~] **article**, as amended from time to time, shall not be applicable to the plan in that county and, if such plan is established, the term "liability", as used in this article, shall not include any compensation, assessments or other obligations under the volunteer [~~firemen's~~] **firefighters'** benefit law and the provisions of subdivision three of section sixty-three of this [~~chapter~~] **article**, as amended from time to time, shall not be applicable in relation to such plan.

4. If a plan has been continued pursuant to this article, the board of supervisors may, notwithstanding the provisions of paragraph f of subdivision one of section eleven of the municipal home rule law, adopt a local law on or before the first day of August in any year to provide that the provisions of subdivision three of section sixty-three of this [~~chapter~~] **article**, as amended from time to time, shall not be applicable to the plan in that county after the thirty-first day of December in such year, except as to liabilities existing on such latter date, and, if such a local law is adopted, the term "liability", as used in this article, shall not include any compensation, assessments or other obligations under the volunteer [~~firemen's~~] **firefighters'** benefit law, and the provisions of subdivision three of section sixty-three of this [~~chapter~~] **article** shall not be applicable in relation to such plan, after the thirty-first day of December in such year, except as to, and in connection with, liabilities existing on such thirty-first day of December.

6. Notwithstanding the provisions of paragraph f of subdivision one of section eleven of the municipal home rule law, the board of supervisors of a county may by local law amend the definition of "liability", as defined in subdivision seven of section sixty of this [~~chapter~~] **article**, to exclude any liability under paragraph m of subdivision one of section five of the volunteer [~~firemen's~~] **firefighters'** benefit law.

§ 16. The section heading and subdivisions 1, 8, 10, 11, 12, 13, 14, 15, 16, 17 and 18 of section 88 of the railroad law, the section heading and subdivisions 8, 10, 11, 12, 13, 14, 15, 16 and 18 as amended by chapter 247 of the laws of 1964, subdivision 1 as amended by chapter 136 of the laws of 1968, and subdivision 17 as amended by chapter 149 of the laws of 1989, are amended to read as follows:

When railroads may designate [~~policemen~~] **police officers**.

1. Upon the application of any corporation owning or operating a railroad, express company operating over a railroad, or of any steamboat company, the superintendent of state police may appoint any person as a

[~~policeman~~] police officer, with all the powers of a [~~policeman~~] police officer in cities and villages, for the preservation of order and of the public peace, and the arrest of all persons committing offenses upon the land of or upon property in the custody of or under the control of such corporation, express company or steamboat company. [~~When the committed offense would constitute a violation a summons in lieu of arrest may be issued. In the city of New York such summonses shall be issued only in accordance with the provisions of paragraph eight of section fifty-seven of the New York city criminal court act and any rule or order of court promulgated pursuant thereto.~~]

8. If any person who has not received the minimum police and/or firearms training described in [~~the preceding two paragraphs~~] subdivisions six and seven of this section shall be appointed a [~~policeman~~] police officer under this section, the corporation, express company or steamboat company which made application for his or her employment shall furnish the superintendent of state police, within six months of the date of appointment, a certificate issued by an approved municipal police council training school or its equivalent as previously described in this section, certifying the successful completion by the appointee of the minimum training required and/or shall certify to the superintendent of state police within six months of the date of appointment that the appointee has received adequate training in the use of firearms and in the event such certificate and/or such certification are not furnished the superintendent of state police within the time prescribed herein, he or she shall revoke the appointment.

10. No person shall be appointed who is not an American citizen, and who has not, prior to the time of the filing of the application, filed in the office of the department of state his or her written consent to his or her appointment as such [~~policeman~~] police officer.

11. No conductor, brakeman, fireman, engineer or other person actively engaged in the operation and movement of any train or car or set of cars shall be eligible for appointment as a [~~policeman~~] police officer.

12. Each person designated to act as such [~~policeman~~] police officer shall receive a license from the secretary of state and shall not be permitted to enter upon his or her duties as such [~~policeman~~] police officer until he or she has actually received such license.

13. Every such [~~policeman~~] police officer shall when on duty wear a metallic shield with the words "railroad police" or "steamboat police" or "express police" as the case may be and the name of the corporation, express company or steamboat company for which appointed inscribed thereon, which shall always be worn in plain view, except when employed as a detective.

14. A person appointed [~~policeman~~] police officer under this section shall not, while the appointment is in force, be employed by or perform any service for the corporation, express company, or steamboat company, in any other capacity than that of [~~policeman~~] police officer and he or she shall not be permitted to exercise the duties or functions of a [~~policeman~~] police officer except upon the property or in connection with the property connected with or under the control of the corporation, express company, or steamboat company, for which he or she has been appointed.

15. The compensation of every such [~~policeman~~] police officer shall be such as may be agreed upon between him or her and the corporation, express company, or steamboat company, for which he or she is appointed and shall be paid by the corporation, express company, or steamboat company.

16. When any such corporation, express company, or steamboat company, shall no longer require the services of any [~~policeman~~] police officer appointed under this section it shall file notice to that effect in the office of the department of state, and thereupon such appointment shall cease and be at an end.

17. The superintendent of state police may also at pleasure revoke or suspend the appointment of any such [~~policeman~~] police officer by filing a notice of suspension or revocation thereof in the office of the department of state and mailing a notice of such filing to the corporation, express company or steamboat company for which he or she was appointed, and also to the person whose appointment is suspended or revoked, at his or her last home address as the same appears in the certificate of appointment or the latest statement thereof on file. An appointment suspended by the superintendent may be restored by him or her upon the filing of a restoration notice to the department of state, the person suspended, and his or her employer.

18. If such person thereafter, knowing of such revocation or having in any manner received notice thereof, exercises or attempts to exercise any of the powers of a [~~policeman~~] police officer, under this section, he or she shall be guilty of a misdemeanor; and the filing and mailing of such notice, as above provided, shall be presumptive evidence that such person knew of the revocation.

§ 17. Subdivision (b) of section 870-m of the labor law, as amended by chapter 643 of the laws of 1986, is amended to read as follows:

(b) This article shall not apply to the use of a viewing stand or tent on any state or county fairgrounds or to the use of a viewing stand or tent owned, leased or operated by any bona fide religious, charitable, educational, fraternal, service, veteran or volunteer [~~firemen~~] fire-fighter organization; except that it shall apply to any private owner or lessee who operates an amusement device, viewing stand or tent on a state or county [~~fairgound~~] fairground, or for or on behalf of such organization.

§ 18. The opening paragraph of subdivision 4 of section 375 of the vehicle and traffic law, as amended by chapter 592 of the laws of 1977, is amended to read as follows:

No headlamp shall be used upon any motor vehicle except a motorcycle operated upon the public highways of this state, unless such lamp is approved by the commissioner or is equipped with a lens or other device approved by the commissioner. Every such headlamp, lens or other device shall be applied and adjusted in accordance with the requirements of the certificate approving the use thereof. Every such headlamp shall be firmly and substantially mounted on the motor vehicle in such manner as to allow the lamp to be properly and readily adjusted. The operator of every motor vehicle shall permit any [~~policeman,~~] police officer or other person exercising police powers to inspect the equipment of such motor vehicle, and make such tests as may be necessary to determine whether the provisions of this section are being complied with.

§ 19. Subdivisions 2 and 3 of section 381 of the vehicle and traffic law, subdivision 3 as amended by chapter 300 of the laws of 1960, are amended to read as follows:

2. No head lamp shall be used upon any motorcycle operated upon the public highways of the state, unless such lamp is approved by the commissioner or is equipped with a lens or other device approved by the commissioner. Every such head lamp, lens or other device shall be applied and adjusted in accordance with the requirements of the certificate approving the use thereof. Every such head lamp shall be firmly

and substantially mounted on the motorcycle in such manner as to allow the lamp to be properly and readily adjusted. Each reflector which is used as a part of such head lamp shall have a polished silver or glass reflecting surface, or a reflecting surface which gives candle power intensity meeting the requirements of rules and regulations established by the commissioner, and shall be substantially free from dents, rust and other imperfections. The operator of every motorcycle shall permit any [~~policeman,~~] police officer or other person exercising police powers to inspect the equipment of such motorcycle and make such tests as may be necessary to determine whether the provisions of this section are being complied with. The commissioner may make reasonable rules and regulations relative to lights on motorcycles and the approval of the same which may be necessary to effectuate the foregoing provisions of this section.

3. Except as hereinafter provided, only a white or yellow light shall be displayed upon a motorcycle so as to be visible from a point directly in front of the vehicle. Any color light, except blue, may be displayed, so as to be visible from a point directly in front of the vehicle, on a police vehicle or on a motorcycle operated by a sheriff or regular deputy sheriff when engaged in the performance of duty as a police officer. Any color light, including blue, may be displayed, so as to be visible from a point directly in front of the vehicle, on a motorcycle operated by a chief or assistant chief of a fire department, a county or deputy county fire coordinator, or a county or assistant county fire marshal. A blue light may be displayed upon a motorcycle, so as to be visible from a point directly in front of the vehicle, when operated by an active volunteer member of a fire department or company duly authorized as hereinafter provided, and while such vehicle is in use for fire or other emergency service. No volunteer [~~fireman~~] **firefighter** shall be permitted to display a blue light upon a motorcycle as hereinbefore provided except while actually enroute to the scene of a fire or other emergency requiring his **or her** services and unless he **or she** shall be an active volunteer member of a fire department or company and shall have been authorized in writing to so display a blue light by the chief of the fire department or company of which he **or she** is a member, which authorization shall be subject to revocation at any time by the chief who issued the same, or his **or her** successor in office.

§ 20. Subdivision 2 of section 424 of the vehicle and traffic law, as amended by chapter 114 of the laws of 1991, is amended to read as follows:

2. Any [~~policeman~~] **police officer**, state trooper or peace officer acting pursuant to his **or her** special duties shall have the power to seize any motor vehicle or trailer in the state when there is good reason to believe that such motor vehicle or trailer has been stolen. Unless the vehicle is subject to the provisions of section four hundred twenty-three-a of this article, the appropriate agency shall contact the owner of such motor vehicle or trailer, if known, and, after any stolen vehicle alarm resulting from such theft has been cancelled, release the vehicle to such owner. If the owner thereof cannot be ascertained in accordance with procedures established by regulations of the commissioner, a local police agency shall dispose of such vehicle as an abandoned vehicle pursuant to section twelve hundred twenty-four of this chapter, and the state police shall hold such vehicle for, or deliver it to the office of general services.

§ 21. Subdivision 14 of section 528 of the public authorities law, as amended by chapter 1097 of the laws of 1971, is amended to read as follows:

14. To appoint or designate one or more persons for the purpose of enforcing law, order and the observance of the rules and regulations established by the authority. Each person as and when so appointed or designated may, during the term of such appointment or designation be uniformed and shall be known as a "New York state bridge authority patrolman" and shall be a police officer as defined by paragraph (e) of subdivision thirty-four of section 1.20 of the criminal procedure law and shall have, within the limits of the cities, towns and villages within which any part of a bridge, or any ferry property, operated by the authority shall be located, all the powers of a constable, marshal, police constable or [~~policeman~~] police officer of a city, town or village in the execution of criminal processes; and criminal process issued by any court or magistrate of a county, town, city or village within which any part of a bridge or any ferry property operated by the authority shall be located, may be directed to and executed by any such patrolman notwithstanding the provisions of any local or special act, ordinance or regulation.

§ 22. Subdivision 16 of section 1204 of the public authorities law, as separately amended by chapters 1024 and 1097 of the laws of 1971, is amended to read as follows:

16. In its discretion to provide and maintain a transit police department and a uniformed transit police force. Such department and force shall have the power and it shall be their duty, in and about transit facilities, to preserve the public peace, prevent crime, detect and arrest offenders, suppress riots, mobs and insurrections, disperse unlawful or dangerous assemblages and assemblages which obstruct free passage; protect the rights of persons and property; guard the public health; regulate, direct, control and restrict pedestrian traffic; remove all nuisances; enforce and prevent violation of all laws and ordinances; and for these purposes to arrest all persons guilty of violating any law or ordinance. Appointments to such transit police force shall be made in accordance with applicable provisions of the civil service law and only persons who shall be less than twenty-nine years of age at the date of the filing of an application for civil service examination, who have never been convicted of a felony, and who are citizens of the United States shall be appointed transit patrolmen on the transit police force. Each member of such force shall be a police officer as defined by paragraph (e) of subdivision thirty-four of section 1.20 of the criminal procedure law and shall possess all the powers of a [~~policeman~~] police officer of a city in the execution of criminal process; and criminal process issued by any court or magistrate of a city may be directed to and executed by a member of such force, notwithstanding the provisions of any local or special act, ordinance or regulation.

The authority may appoint a chief and a deputy chief of the transit police department who, in the discretion of the authority, may be selected from the ranks of the transit police force, and assign powers and duties to them and fix their compensation. The chief shall be the head of such department. During the absence or disability of the chief, the deputy chief shall possess all the powers and perform all the duties of the chief. The transit police force shall consist of captains, lieutenants, sergeants[~~, patrolmen and policewomen~~] and police officers. The authority may detail persons in the rank of captain of the transit

police force to serve in higher ranks. A captain when so detailed to serve in a higher rank may be granted an increase in salary above the grade established for the rank of captain in the uniformed force. The authority may maintain a division for detective purposes to be known as the detective division and may, from time to time, detail to service in said division as many members of the force as it may deem necessary, and may at any time revoke any such detail. Any member of the force while so detailed may be granted an increase in salary above the grade established for his **or her** rank in the uniformed force, but shall retain his **or her** rank in the force and shall be eligible for promotion the same as if serving in the uniformed force, and the time during which he **or she** serves in such division shall count for all purposes as if served in his **or her** rank or grade in the uniformed force.

§ 23. Section 2851 of the public authorities law, as added by chapter 832 of the laws of 1958, the section heading as amended and such section as renumbered by chapter 838 of the laws of 1983, is amended to read as follows:

§ 2851. Age not to be bar to employment by public authorities. No public authority shall hereafter prohibit, prevent, disqualify or discriminate against any person applying for employment by, such authority, who is physically and mentally qualified, or from competing, participating or registering for a position, or be penalized in a final rating for any position, by reason of his or her age. Any existing rule, regulation, penalty or requirement resolution preventing the hiring of persons because of age shall be void, except that nothing herein contained, shall prevent any public authority from adopting reasonable minimum or maximum age requirements for positions such as [~~policeman, fireman~~] **police officer, firefighter**, guard or other positions which require extraordinary physical effort except where age limits for such positions are already prescribed by law.

Notwithstanding any provisions to the contrary, no person who is physically or mentally qualified may be disqualified from, competing, participating or registering for a promotional examination or be penalized in a final rating or barred from promotion after having passed such promotion examination by reason of his or her age, by any public authority.

§ 24. The opening paragraph of subdivision 5 of section 402 of the public housing law, as amended by chapter 875 of the laws of 1990, is amended to read as follows:

Notwithstanding any provisions to the contrary contained in this chapter, or any general, special or local law, the New York city housing authority shall have the power in its discretion to provide and maintain a housing police department and a uniformed housing police force. Such department and force shall have the power and it shall be their duty, in and about housing facilities, to preserve the public peace, prevent crime, detect and arrest offenders, suppress riots, mobs and insurrections, disperse unlawful or dangerous assemblages and assemblages which obstruct free passage; protect the rights of persons and property; guard the public health; remove all nuisances; enforce and prevent violation of all laws and ordinances; and for these purposes to arrest all persons guilty of violating any law or ordinance and shall provide for the performance, without unnecessary delay, of all recording, fingerprinting, photographing and other preliminary police duties. Appointments to such housing police force shall be made in accordance with applicable provisions of the civil service law and only persons who have never been convicted of a felony, and who are citizens of the United States shall

be appointed housing [~~patrolmen~~] patrol officers on the housing police force. Each member of such force shall be a police officer as defined by paragraph (e) of subdivision thirty-four of section 1.20 of the criminal procedure law and, while on duty, shall possess all the powers of a [~~policeman~~] police officer of a city in the execution of criminal process; and criminal process issued by any court or magistrate of a city may be directed to and executed by a member of such force.

§ 25. Section 376 of the public health law is amended to read as follows:

§ 376. Certain cities; enforcement. The head of the police department shall whenever requested in writing by the commissioner of health or health officer in cities having a population of less than one hundred seventy-five thousand, with the approval of the mayor, detail such number of regular [~~policemen~~] police officers as shall be specified in such request who shall while so detailed serve under the direction of the commissioner of health or health officer.

§ 26. Section 455 of the public health law, as amended by chapter 843 of the laws of 1980, is amended to read as follows:

§ 455. Hospitals; special [~~policemen~~] police officers; powers and duties. 1. The director of each hospital in the department may designate attendants or other employees to act as special [~~policemen~~] police officers whose duty it shall be under the orders of the director to protect the grounds, buildings and patients of the hospital and to eject therefrom disorderly persons. Such attendants and employees, acting as special [~~policemen~~] police officers, shall possess all the powers of peace officers, as set forth in section 2.20 of the criminal procedure law, on the grounds and premises.

2. The designation of such attendants and employees as special [~~policemen~~] police officers in pursuance hereof, shall not be deemed to supersede, on the grounds and premises of such hospital, the authority of peace or police officers of the jurisdiction within which such hospital is located.

§ 27. Subdivisions 1 and 4 of section 6-j of the general municipal law, as amended by chapter 340 of the laws of 1973, are amended to read as follows:

1. The governing board of any municipal corporation, school district or fire district, which is, or shall hereafter become a self-insurer under the provisions of subdivision four of section fifty[~~, subdivision four~~] of the [~~workmen's~~] workers' compensation law or section thirty of the volunteer [~~firemen's~~] firefighters' benefit law may establish a reserve fund to be known as the [~~workmen's~~] workers' compensation reserve fund of such municipal corporation, school district or fire district.

4. An expenditure shall be made from such fund only for the payment of compensation and benefits, medical, hospital or other expense authorized by article two of the [~~workmen's~~] workers' compensation law and by the volunteer [~~firemen's~~] firefighters' benefit law and expenses of administering the self-insurance program for such municipal corporation, school district or fire district.

§ 28. Section 50-c of the general municipal law, as amended by chapter 673 of the laws of 1979, is amended to read as follows:

§ 50-c. Liability for negligent operation of certain vehicles in the performance of duty by [~~policemen~~] police officers and paid [~~firemen~~] firefighters. 1. Every city, town, village and fire district, notwithstanding any inconsistent provision of law, general, special or local or the limitation contained in the provisions of any city charter, shall be

liable for, and shall assume the liability to the extent that it shall save harmless any duly appointed [~~policeman~~] police officers of the municipality or any duly appointed paid [~~fireman~~] firefighters of the municipality or fire district for, the negligence of such appointee in the operation of a vehicle upon the public streets or highways of the municipality or fire district in the discharge of a statutory duty imposed upon such appointee or municipality or fire district, provided the appointee at the time of the accident, injury or damages complained of, was acting in the performance of his or her duties and within the scope of his or her employment.

A [~~policeman~~] police officer of a municipality or a paid [~~fireman~~] firefighter of a municipality or fire district, although excused from official duty at the time, for the purposes of this section, shall be deemed to be acting in the discharge of duty when engaged in the immediate and actual performance of a public duty imposed by law and such public duty performed was for the benefit of all the citizens of the community and the municipality or fire district derived no special benefit in its corporate capacity.

No action or special proceeding instituted pursuant to the provisions of this section or section fifty-b [~~or fifty-c~~] of this [~~chapter~~] article, shall be prosecuted or maintained against the municipality, fire district or appointee, unless notice of claim shall have been made and served in compliance with section fifty-e of this [~~chapter~~] article. Every such action shall be commenced pursuant to the provisions of section fifty-i of this [~~chapter~~] article.

2. The provisions of this section shall not apply to the city of New York.

§ 29. Subdivision 1 of section 50-i of the general municipal law, as amended by chapter 24 of the laws of 2013, is amended to read as follows:

1. No action or special proceeding shall be prosecuted or maintained against a city, county, town, village, fire district or school district for personal injury, wrongful death or damage to real or personal property alleged to have been sustained by reason of the negligence or wrongful act of such city, county, town, village, fire district or school district or of any officer, agent or employee thereof, including volunteer [~~firemen~~] firefighters of any such city, county, town, village, fire district or school district or any volunteer [~~fireman~~] firefighter whose services have been accepted pursuant to the provisions of section two hundred nine-i of this chapter, unless, (a) a notice of claim shall have been made and served upon the city, county, town, village, fire district or school district in compliance with section fifty-e of this article, (b) it shall appear by and as an allegation in the complaint or moving papers that at least thirty days have elapsed since the service of such notice, or if service of the notice of claim is made by service upon the secretary of state pursuant to section fifty-three of this article, that at least forty days have elapsed since the service of such notice, and that adjustment or payment thereof has been neglected or refused, and (c) the action or special proceeding shall be commenced within one year and ninety days after the happening of the event upon which the claim is based; except that wrongful death actions shall be commenced within two years after the happening of the death.

§ 30. The section heading and subdivision 1 of section 77 of the general municipal law, the section heading as amended by chapter 1013 of

the laws of 1969, and subdivision 1 as amended by chapter 400 of the laws of 2015, are amended to read as follows:

Leases of public buildings to posts of veteran organizations, organizations of volunteer [~~firemen~~] firefighters, and child care agencies.

1. A municipal corporation may lease, for not exceeding five years, to a post or posts of the Grand Army of the Republic, Veterans of Foreign Wars of the United States, American Legion, Catholic War Veterans, Inc., Disabled American Veterans, the Army and Navy Union, U.S.A., Marine Corps League, AMVETS, American Veterans of World War II, Jewish War Veterans of the United States, Inc., Italian American War Veterans of the United States, Incorporated, Masonic War Veterans of the State of New York, Inc., Veterans of World War I of the United States of America Department of New York, Inc., Polish-American Veterans of World War II, Amsterdam, N.Y., Inc., Polish-American Veterans of World War II, Schenectady, N.Y., Inc., Polish Legion of American Veterans, Inc., Vietnam Veterans of America or other veteran organization of honorably discharged members of the armed forces of the United States or to an incorporated organization or an association of either active or exempt volunteer [~~firemen~~] firefighters, a public building or part thereof, belonging to such municipal corporation, except schoolhouses in actual use as such, without expense, or at a nominal rent, fixed by the board or council having charge of such buildings and provide furniture and furnishings, and heat, light and janitor service therefor, in like manner.

§ 31. Paragraph (c) of subdivision 1 of section 77-b of the general municipal law, as added by chapter 413 of the laws of 1974, is amended to read as follows:

(c) Conference. A convention, conference, or school conducted for the betterment of any municipality or a convention or conference of [~~firemen~~] firefighters or firemanic officers if believed to be of benefit to the municipality.

§ 32. Subdivision 2 of section 93 of the general municipal law, as amended by chapter 58 of the laws of 1996, is amended to read as follows:

2. A municipal corporation, including a fire district, or town improvement district governed by a separate board of commissioners, if a group plan of life insurance provides that the employer shall contribute a share of the cost of such insurance for its officers and employees, or for the officers or employees of an agency or instrumentality thereof, is authorized to appropriate a sum required to be paid under such plan by the municipal corporation as employer. The sum to be paid by it under such plan, in the discretion of the municipal corporation, may be any percentage of the total cost, including the whole thereof. For the purposes of this section, the term employee shall include the volunteer [~~firemen~~] firefighters of the municipality or fire district or employees, commissioners, or officers of a town improvement district governed by a separate board of commissioners.

§ 33. Paragraphs b and c of subdivision 2 of section 100 of the general municipal law, paragraph b as amended by chapter 176 of the laws of 1973, and paragraph c as amended by chapter 104 of the laws of 1960, are amended to read as follows:

b. A fire corporation the members of which are volunteer [~~firemen~~] firefighters and which was incorporated under or is subject to the provisions of section fourteen hundred two of the not-for-profit corporation law, which is not included within paragraph a above, if such corporation is by law under the general control of, or recognized as a

fire corporation by, the governing board of a city, town, village or fire district, or

c. A fire corporation the members of which are volunteer [~~firemen~~] **firefighters** and which was incorporated under, or established pursuant to the provisions of, any general or special law, which is not included within paragraphs a and b above, if such corporation is by law under the general control of, or recognized as a fire corporation by, the governing board of a city, town, village, fire district or a district corporation other than a fire district.

§ 34. The opening paragraph of section 121-a of the general municipal law, as amended by chapter 597 of the laws of 1961, is amended to read as follows:

Notwithstanding the provisions of any law, general or special, the town board or boards of a town or towns in the same county and the board or boards of trustees of an incorporated village or villages located wholly within such town or towns, may, upon the adoption of propositions therefor duly submitted in such town or towns and village or villages, determine to create a joint town and village police department for such town or towns and village or villages. The proposition to be submitted in such village or villages may be submitted at a general or special election of each village and the proposition to be submitted in such town or towns may be submitted at a general or special election of each town. Upon the adoption of a proposition therefor as herein provided, the town board or boards and the board or boards of trustees of the village or villages shall meet in joint session, at a time and place to be determined by agreement of such boards, and organize such joint police department and establish rules and regulations governing the same. Such boards shall at such meeting, by a majority vote, appoint a chief of police for such joint police department. Such chief of police shall be a resident of the area covered by such joint department and be subject to the control, direction and supervision of such joint boards. Such chief of police shall be appointed for a term of office of three years, and shall receive such compensation as the town and village boards at joint session may determine. A chief of police may be removed by joint action of the town and village boards upon written charges for malfeasance or misfeasance in office. Such charges shall be filed in duplicate in the offices of the town and village clerks and a copy thereof served personally on the chief of police. The town and village boards shall, in joint session, designate a time and place for a hearing upon such charges and cause notice of such hearing to be served personally upon the chief of police at least five days before the day set for the hearing. The town and village boards shall hear the evidence in support and in defense of such charges and by majority vote make an order sustaining or dismissing the charges. An order sustaining the charges shall operate as a removal and the town and village boards shall thereupon appoint another person to fill the vacancy. The person so appointed shall hold office for the balance of the unexpired term or until the entry of a final order by a court of competent jurisdiction determining that the chief of police was wrongfully or unlawfully removed. An appeal to the county court may be taken by the chief of police removed within thirty days after personal service of a copy of such order of removal. The county court shall consider the charges presented and review the evidence taken before such joint board. It may hear additional evidence and shall make such determination as justice requires. A copy of such order shall be filed in the offices of the town and village clerks. An order by the county court determining the charges

shall, upon such filing, act as the reinstatement of the person removed. The board or boards of trustees of each village shall appoint village [~~policemen~~] police officers for service inside the area covered by such joint department, and the town board or boards shall appoint town [~~policemen~~] police officers for service inside the area covered by such joint department. Such town and village [~~policemen~~] police officers shall be appointed for such terms of office and receive such compensation as the town or village board may determine. The expense of village [~~policemen~~] police officers, chargeable by law to a village shall be a charge against the village employing them, and the expense of the town [~~policemen~~] police officers chargeable by law to a town, shall be a charge against real property in the town employing them situated outside of such participating village or villages. The salary of the chief of police and other expenses of the department, except compensation of village and town [~~policemen~~] police officers, shall be apportioned between the village or villages and the town or towns by such boards in joint session. The portion of such expense to be borne by a town shall be a charge in that portion of the town situated outside of such participating village or villages and the portion to be borne by a village a village charge. Upon the creation of a joint town and village police department as herein provided, the term of office of all town constables heretofore elected in such town or towns shall terminate and thereafter no constables shall be elected in any such town, unless and until such police department is abolished as hereinafter provided. A joint police department established as provided by this section may be abolished upon the adoption of a proposition duly submitted at a general or special village or town election to take effect on January first succeeding the next general election at which town officers are elected.

§ 35. Subdivision 4 of section 186 of the general municipal law, subdivision 4 as amended by chapter 574 of the laws of 1978, is amended to read as follows:

4. "Authorized organization" shall mean and include any bona fide religious or charitable organization or bona fide educational, fraternal or service organization or bona fide organization of veterans or volunteer [~~firemen~~] firefighters, which by its charter, certificate of incorporation, constitution, or act of the legislature, shall have among its dominant purposes one or more of the lawful purposes as defined in this article, provided that each shall operate without profit to its members, and provided that each such organization has engaged in serving one or more of the lawful purposes as defined in this article for a period of three years [~~immediatley~~] immediately prior to applying for a license under this article.

No organization shall be deemed an authorized organization which is formed primarily for the purpose of conducting games of chance and which does not devote at least seventy-five percent of its activities to other than conducting games of chance. No political party shall be deemed an authorized organization.

§ 36. The article heading of article 10 of the general municipal law is amended to read as follows:

[~~FIREMEN~~] FIREFIGHTERS AND [~~POLICEMEN~~] POLICE OFFICERS

§ 37. Section 200 of the general municipal law, as amended by chapter 954 of the laws of 1976, is amended to read as follows:

§ 200. Defining qualifications of exempt volunteer [~~firemen~~] firefighters. An exempt volunteer [~~fireman~~] firefighter is hereby declared to be a person who as a member of a volunteer fire company duly organ-

ized under the laws of the state of New York shall have at any time after attaining the age of eighteen years faithfully actually performed service in the protection of life and property from fire within the territory immediately protected by the company of which he **or she** is a member, and while a bona fide resident therein, for a period of five years, as provided in this article, or, if such company shall have been sooner disbanded upon the organization of a paid fire department, for a period of at least one year and shall also have been a member of such volunteer fire company at the time it shall have been disbanded; but the limitation of one year's service shall not apply to a volunteer [~~fire-man~~] **firefighter** who was a member of a fire company which was disbanded prior to January first, nineteen hundred two. The foregoing residence requirements shall not apply (1) to a volunteer [~~fireman~~] **firefighter** who has been duly elected to membership in his **or her** fire company as a non-resident member residing in territory which is afforded fire protection by his **or her** fire company pursuant to a contract for fire protection, as authorized by paragraph three of subdivision c of section fourteen hundred two of the not-for-profit corporation law or by subdivisions two and three of either section 10-1006 of the village law, section one hundred seventy-six-b of the town law or section sixteen-a of the general city law, (2) to a volunteer [~~fireman~~] **firefighter** whose membership has been duly continued in his **or her** fire company as authorized by paragraph three of subdivision c of section fourteen hundred two of the not-for-profit corporation law or by subdivision five of either section 10-1006 of the village law, section one hundred seventy-six-b of the town law or section sixteen-a of the general city law and (3) to a volunteer [~~fireman~~] **firefighter** who has been duly elected to membership as a non-resident as authorized by paragraph three of subdivision c of section fourteen hundred two of the not-for-profit corporation law or by subdivision six of either section 10-1006 of the village law, section one hundred seventy-six-b of the town law or section sixteen-a of the general city law. The foregoing requirement of five years' service shall not apply to a volunteer [~~fireman~~] **firefighter** serving as such at the time of his **or her** entry into the military service of the United States or of one of its allies in world war II, or during the period of hostilities as defined in subparagraph three or subparagraph four of paragraph (c) of subdivision one of section eighty-five of the civil service law, who, as a result of such military service, shall have become incapacitated for performing the full duties of a volunteer [~~fireman~~] **firefighter**, or to a volunteer [~~fireman~~] **firefighter** who, as the result of the performance of his **or her** duties as such, shall have become likewise incapacitated, but any such volunteer [~~fireman~~] **firefighter** shall be an exempt volunteer [~~fireman~~] **firefighter** even though he **or she** may have served as such for a lesser period than five years, and he **or she** shall be entitled to a certificate as provided in section two hundred two of this [~~chapter~~] **article** which, in addition to the specifications contained in said section, shall set forth the facts in reference to his **or her** military service, if any, as aforesaid and that as a result of such military service, or as the result of service as a volunteer [~~fire-man~~] **firefighter**, he **or she** was incapacitated for performing the full duties of a volunteer [~~fireman~~] **firefighter**. The term "military service" as used in this section shall mean the same as the term "military duty" as used in section two hundred forty-three of the military law, except that it shall relate to service for an ally of the United States in world war II as well as to service for the United States.

§ 38. Section 200-a of the general municipal law, as amended by chapter 295 of the laws of 1937, is amended to read as follows:

§ 200-a. Volunteer [~~firemen~~] **firefighters** serving in more than one fire company or fire department. When any person has served as a volunteer [~~fireman~~] **firefighter** as provided in section two hundred of this [~~chapter~~] **article**, for less than five years, and while in good standing in the company or department of which he **or she** was a member, has resigned therefrom or has been transferred from one company to another, he **or she** shall be entitled to a certificate as provided in section two hundred two of this [~~chapter~~] **article** for the time he **or she** has actually served. And when any person has served five years as a volunteer [~~fireman~~] **firefighter** in one or more companies or departments, as provided in section two hundred of this [~~chapter~~] **article**, he **or she** shall be deemed an exempt volunteer [~~fireman~~] **firefighter** and entitled to all the rights and privileges of an exempt volunteer [~~fireman~~] **firefighter**.

§ 39. The section heading and subdivision 2 of section 200-b of the general municipal law, the section heading as amended by chapter 543 of the laws of 1966, and subdivision 2 as amended by chapter 461 of the laws of 1955, are amended to read as follows:

Leaves of absence for volunteer [~~firemen~~] **firefighters** entering the armed forces of the United States prior to July first, nineteen hundred sixty-six.

2. During the period of any such leave of absence the fire company or department may enroll another person as a member to take the place of the volunteer [~~fireman~~] **firefighter** on such active duty. Any person so enrolled may continue as a member of the company or department until he **or she** shall have served the time necessary to qualify him **or her** as an exempt volunteer [~~fireman~~] **firefighter**, even though the person whose place he **or she** took may have resumed his **or her** duties as a volunteer [~~fireman~~] **firefighter**.

§ 40. The section heading and subdivision 2 of section 200-c of the general municipal law, as added by chapter 543 of the laws of 1966, are amended to read as follows:

Leaves of absence for volunteer [~~firemen~~] **firefighters** entering the armed forces of the United States on or after July first, nineteen hundred sixty-six.

2. During the period of any such leave of absence the fire company may elect to membership another person meeting the membership requirements of the fire company to take the place of the volunteer [~~fireman~~] **firefighter** on such active duty. Any person so elected to membership may continue as a member of the fire company even though the person whose place he **or she** took may have resumed his **or her** duties as a volunteer member of such fire company, unless his **or her** membership shall terminate as provided by law when he **or she** shall no longer meet the residence requirements for members of such fire company.

§ 41. Section 201 of the general municipal law, as amended by chapter 919 of the laws of 1958, is amended to read as follows:

§ 201. Rights and privileges of exempt volunteer [~~firemen~~] **firefighters**. In case any city, town or village in this state shall organize a paid fire department and thereby deprive any volunteer [~~fireman~~] **firefighter** who has faithfully actually performed service in the protection of life and property within the territory protected by his **or her** company of the right to serve a full term of five years such [~~fireman~~] **firefighter** shall be entitled to a full and honorable discharge; and to all the rights and privileges granted by the laws of this state to volunteer

[~~firemen~~] **firefighter**, provided, however, that if such paid department has been organized since the first day of January in the year nineteen hundred and two, he **or she** shall have so served for a consecutive period of at least one year immediately preceding the installation of said paid fire department.

§ 42. Section 202 of the general municipal law, as amended by chapter 919 of the laws of 1958, is amended to read as follows:

§ 202. Certificate to be issued to exempt volunteer [~~firemen~~] **fire-fighter**. Any person described in sections two hundred or two hundred one of this [~~chapter~~] **article** shall be entitled to a certificate from the company in which he **or she** served or of which he **or she** was a member at the time of its disbandment which shall show the date of the entrance of such [~~fireman~~] **firefighter** upon his **or her** service, the period of his **or her** service; if he **or she** was honorably discharged from such company the certificate shall so state; that he **or she** was in good standing in his **or her** company at the time of applying for such certificate or at the time he **or she** was discharged therefrom; or that he **or she** was in good standing in his **or her** company at the time of the disbandment thereof. Such certificate shall be signed by the president, captain, foreman or secretary of the company and shall be acknowledged by such officers before an officer commissioned to take acknowledgments, and shall also have attached thereto a certificate attested by the affidavit of the secretary, clerk or other person having the custody of the company's record of membership, that the statements of fact contained in said certificate are true, and the affidavit and acknowledgment shall be substantially in the following form:

State of New York)
) ss.
County of .....)

On this ..... day of ..... , in the year ..... , before me personally came ..... , to me known and by me known to be the same persons described in and who executed the foregoing certificate and they severally duly acknowledged to me that they executed the same and the said ..... being by me duly sworn, deposes and says, that [~~he~~] **he/she** is ..... of the company aforesaid and is the custodian of the records of its membership and that the facts above stated relating to the service of the person described in such certificate are true.

.....
Notary Public

Such certificate so attested shall in all courts of the state and in the offices of all persons clothed with power of appointment or removal in the service of this state and in the several cities, counties, towns and villages thereof, be presumptive evidence of the facts therein stated.

§ 43. Section 202-a of the general municipal law, as added by chapter 313 of the laws of 1951, is amended to read as follows:

§ 202-a. Recording certificates of exempt volunteer [~~firemen~~] **fire-fighter**. A certificate of honorable discharge of an exempt volunteer [~~fireman~~] **firefighter**, or a certificate issued to an exempt volunteer [~~fireman~~] **firefighter** under the provisions of section two hundred two of this [~~chapter~~] **article**, may be recorded in any county, in the office of

the county clerk, and when so recorded shall constitute notice to all public officials of the facts set forth therein. It shall be the duty of the county clerk to record any such certificate, upon presentation thereof without the payment of any fee. This section also applies to the counties within the city of New York. For any purpose for which such original honorable discharge or such exempt volunteer [~~fireman's~~] **fire-fighter's** certificate may be required in the state of New York, a certified copy of such record shall be deemed sufficient and shall be accepted in lieu thereof. It shall be the duty of the county clerks of the counties within the city of New York upon the payment of one dollar, to furnish a certified copy of any such record of such an exempt volunteer [~~fireman's~~] **firefighter's** certificate to any person applying for the same.

§ 44. The section heading of section 203 of the general municipal law is amended to read as follows:

List of exempt volunteer [~~firemen~~] **firefighters** to be filed.

§ 45. Section 204 of the general municipal law is amended to read as follows:

§ 204. Qualifications necessary to entitle to certain exemptions. No person who became a member of a volunteer fire organization within the state since the first day of January nineteen hundred and two, or who shall have thereafter become such member who shall not possess the qualifications prescribed by this article shall be entitled to any of the exemptions and privileges secured to volunteer [~~firemen~~] **firefighters** by the civil service law of this state.

§ 46. Section 204-a of the general municipal law, as added by chapter 965 of the laws of 1961 and paragraph (b) of subdivision 1 as amended by chapter 680 of the laws of 1967, is amended to read as follows:

§ 204-a. Raising of funds for fire company purposes. 1. Definitions. As used in this section:

a. "Fire company" means:

(1) A volunteer fire company of a county, city, town, village or fire district fire department, whether or not any such company has been incorporated under any general or special law,

(2) A fire corporation the members of which are volunteer [~~firemen~~] **firefighters** and [~~which~~] was incorporated [~~under or is subject to the provisions of article ten of the membership corporations law~~], **and** which is not included within subparagraph (1) [~~above~~] **of this paragraph**, if such corporation is by law under the general control of, or recognized as a fire corporation by, the governing board of a city, town, village or fire district, or

(3) A fire corporation the members of which are volunteer [~~firemen~~] **firefighters** and which was incorporated under, or established pursuant to the provisions of, any general or special law, which is not included within [~~subparagraphs (2) and (3) above~~] **this subparagraph and subparagraph (2) of this paragraph**, if such corporation is by law under the general control of, or recognized as a fire corporation by, the governing board of a city, town, village, fire district or a district corporation other than a fire district.

b. "Fund raising activity" means a method of raising funds to effectuate the lawful purposes of a fire company, but shall not include any method prohibited by the state constitution or the penal statutes of this state, public fireworks displays unless conducted in compliance with section 405.00 of the penal law, or the conduct of a business or other commercial enterprise except on temporary basis for a period or periods not to exceed a total of ninety days in any calendar year. Such

term "fund raising activity" shall not include drills, parades, inspections, reviews, competitive tournaments, contests or public exhibitions, described in paragraphs e and i of subdivision one of section five of the volunteer [~~firemen's~~] firefighters' benefit law, even though prizes are awarded at such events.

c. "Governing board of the political subdivision" means the governing board of the county, city, town, village, fire district or other district corporation, as the case may be, where the fire company is under the general control of, or recognized as a fire corporation, by such governing board.

2. Subject to the provisions of this section, a fire company may engage in a fund raising activity. Two or more fire companies may join in any such activity, and for the purposes of this section such group shall be deemed a "fire company."

3. A fund raising activity shall not be conducted contrary to the by-laws, rules or regulations of the fire company or of the fire department of which it is a part.

4. A fund raising activity must be conducted within the state of New York. It shall be under the exclusive auspices of a fire company and shall not be conducted in partnership with any other person, organization, firm or corporation. This subdivision shall not be deemed to prohibit the letting of concessions, or the entering into of contracts for rides or other attractions, at such activities, or the acceptance of aid and assistance of persons who are not active members of the fire company, or of other organizations, firms or corporations, in connection with such activities. The acceptance of such aid and assistance shall not subject the political subdivision to any liability as an employer under the volunteer [~~firemen's~~] firefighters' benefit law, section two hundred seven-a of [~~the general municipal law~~] this article, the [~~workmen's~~] workers' compensation law, or any other comparable law.

5. The firehouse, firehouse grounds, fire vehicles and apparatus, or other property, real and personal, generally used by the fire company for its purposes may be used by it in the conduct of any such activity.

6. The governing board of a political subdivision may, by resolution,

(a) prohibit the fire company from engaging in fund raising activities or in any general or specific type of fund raising activity,

(b) require the fire company, at its expense, to provide any insurance protection which such governing board deems necessary to protect the political subdivision against claims and actions for damages by third parties arising out of or in connection with a fund raising activity.

7. Participation by volunteer [~~firemen~~] firefighters in fund raising activities shall not be deemed to constitute "duty as volunteer [~~firemen~~] firefighters" within the meaning of section two hundred five-b of this [~~chapter~~] article.

8. Notwithstanding the foregoing provisions of this section, the provisions of this subdivision shall be applicable only in relation to fund raising activities for which benefits would be paid and provided pursuant to paragraph m of subdivision one of section five of the volunteer [~~firemen's~~] firefighters' benefit law:

(a) Before engaging in a fund raising activity the fire company shall cause the governing board of the political subdivision to be notified in writing that it proposes to conduct such activity. Any such notice shall contain a general description of the method which will be used to raise funds and shall specify the time or times when, the place or places where, and the period or periods during which the activity will be conducted and shall set forth the names of the [~~firemen~~] firefighters

who will serve on each of the committees or subcommittees in connection with the activity. Any such notice shall be filed with the clerk, secretary or other comparable officer of such governing board. In the event that no action is taken by such governing board prohibiting such activity within thirty days after the filing of such notice, then it shall be deemed that the governing board has no objection to such activity and the fire company may proceed to conduct the same.

(b) Sales of tickets for admission to or in [~~conection~~] **connection** with a fund raising activity shall be by persons appointed as a committee for such purpose and shall be for or in relation to a fund raising activity to be held within sixty days after the sale of the tickets commences.

(c) Members of the fire company conducting the fund raising activity who attend or participate in the activity for their own pleasure or convenience, and not as a worker in connection therewith, shall not be deemed to be engaged in the conduct of such activity.

§ 47. Subdivision 6 of section 204-b of the general municipal law, as added by chapter 386 of the laws of 1978, is amended to read as follows:

6. Participants in such programs shall not be eligible for any benefit provided by the volunteer [~~firemen's~~] **firefighters'** benefit law.

§ 48. Section 205 of the general municipal law, as amended by chapter 852 of the laws of 1953, the subdivision third as amended by chapter 115 of the laws of 1954, the opening paragraph of the subdivision third as amended by chapter 438 of the laws of 1956, and the subdivision sixth as added by chapter 699 of the laws of 1956, is amended to read as follows:

§ 205. Payments to injured or representatives of deceased volunteer [~~firemen~~] **firefighters**. [~~First~~] **1**. If an active member of a volunteer fire company in any city, incorporated village or in any fire district of a town outside of an incorporated village or in any part of a town protected by a volunteer fire company incorporated under the provisions of the membership corporations law, or if an active member of any duly organized volunteer fire company, dies from injuries incurred while in the performance of his **or her** duties as such [~~fireman~~] **firefighter** or as a member of a fire department emergency relief squad, a fire police squad or a fire patrol within one year thereafter, the city, village, fire district or town which is responsible as provided in subdivision [~~fourth~~] **four** of this section shall pay as follows:

a. If such volunteer [~~fireman~~] **firefighter** is a member of a volunteer fire company located in any city in which a pension fund is maintained, the relatives of such volunteer [~~fireman~~] **firefighter** shall be entitled to a pension in the same manner and at the same rates as if he **or she** were a member of the paid fire department of such city.

b. If in any other place the sum of three thousand dollars shall be paid to the widow **or widower** of such deceased volunteer [~~fireman~~] **firefighter** or to the executor or administrator of his **or her** estate if he **or she** is not survived by a widow **or widower**. In addition there shall be paid to the widow **or widower** of such volunteer [~~fireman~~] **firefighter** for the benefit of such child or children the sum of twenty-five dollars a month for each surviving child, including a posthumous child, of such deceased [~~fireman~~] **firefighter** under the age of eighteen years, but not more than a total of fifty dollars a month for all such children, or if the decedent be not survived by a widow **or widower**, or if **he or** she dies before the payments cease, then such payments for a child or children shall be made to their guardian or to relatives with whom they are living for their benefit.

[~~Second~~] 2. Any such volunteer [~~fireman~~] firefighter who shall become permanently incapacitated for performing the full duties of a volunteer [~~fireman~~] firefighter by reason of disease or disability caused or induced by actual performance of the duties of his or her position, without fault or misconduct on his or her part, shall

a. If a member of a volunteer fire company located in any city in which a pension fund is maintained, be paid a pension in the same manner and at the same rate as if he or she were a member of the paid fire department of such city.

b. If a member of a volunteer fire company in any other place, be paid one-half the amount which would have been payable in case of death to his or her executor or administrator under the provisions of subdivision [~~first~~] one of this section;

Provided, however, that if such volunteer [~~fireman~~] firefighter shall at the expiration of the disability payments provided for in subdivision [~~third~~] three of this section be totally incapacitated to engage in any occupation for remuneration or profit by reason of disease or disability caused by actual performance of the duties of his or her position, without fault or misconduct on his or her part, he or she shall be paid the sum of fifteen dollars per week during the period thereafter that such total incapacity shall continue and, in addition thereto, during such period there shall be paid to him or her for the benefit of his or her child or children the sum of twelve dollars fifty cents a month for each child under the age of eighteen years, but not more than a total of twenty-five dollars a month for all such children, but no payment on account of a child shall continue after such child shall have attained the age of eighteen years. In the event payments to a volunteer [~~fireman~~] firefighter and his or her children on account of total incapacity, as heretofore in this subdivision provided, shall not have amounted to the sum to which he or she would otherwise have been entitled on account of permanent incapacity for performing the full duties of a volunteer [~~fireman~~] firefighter and he or she shall be found to have recovered to such extent that he or she is no longer totally incapacitated but is still permanently incapacitated for performing the full duties of a volunteer [~~fireman~~] firefighter, there shall be paid to him or her the difference between the payments already made to him or her for his or her own account and for the account of his or her children and the amount to which he or she would be entitled under this subdivision on account of permanent incapacity for performing the full duties of a volunteer [~~fireman~~] firefighter. The authorities having jurisdiction to audit the claim of any volunteer [~~fireman~~] firefighter claiming total disability benefits under this subdivision shall have the right to cause such injured volunteer [~~fireman~~] firefighter to be examined from time to time at reasonable intervals by the municipal health authorities or any physician appointed by them for that purpose to determine whether total disability continues and, in case a volunteer [~~fireman~~] firefighter receiving total disability benefits hereunder shall refuse to permit any such examination to be made, such authorities shall be authorized to discontinue the payment of benefits to him or her until such examination is allowed.

[~~Third~~] 3. Any such volunteer [~~fireman~~] firefighter who shall receive injuries while performing his or her duties as such, while in the fire house, while going to or returning from a fire by any means of travel, transportation, or conveyance whatever, or while working at the fire or answering a call or fire alarm or while officially engaged in testing or inspecting the apparatus, or equipment, or while engaged as a member of

a fire department, or fire company, emergency relief squad or fire police squad, or fire patrol or while attending a fire school, or while instructing or being instructed in fire duties or while attending any drill or parade or inspection in which his **or her** company or department is engaged, or while engaged in emergency work not related to fire extinguishment or prevention or going to or returning therefrom when duly authorized to participate therein, so as to necessitate medical or other lawful remedial treatment or prevent him **or her** from following his **or her** usual vocation on account thereof, shall be reimbursed for such sums as are actually and necessarily paid for medical or other lawful remedial treatment, not exceeding five hundred dollars. He **or she** shall also be compensated for the time he **or she** was actually and necessarily prevented from following his **or her** vocation or for the time of his **or her** disability on account of such injuries, at the rate of thirty-six dollars per week not to exceed one thousand eight hundred dollars.

Notice of an injury or death for which benefits are payable under this section shall be given to the municipal corporation or fire district responsible for the payment thereof within thirty days after receiving such injury, and also in case of the death of the volunteer [~~fireman~~] **firefighter** resulting from such injury within thirty days after such death. Such notice may be given by any person claiming to be entitled to such benefits or by someone in his **or her** behalf. The notice shall be in writing, shall contain the name and address of the volunteer [~~fireman~~] **firefighter**, and state in ordinary language the time, place, nature and cause of the injury and shall be signed by him **or her** or by a person on his **or her** behalf or, in case of death, by any one or more of his **or her** dependents, or by a person on their behalf. The notice shall be given to the comptroller or chief financial officer of the city, the clerk of the village, the secretary of the fire district, or the town clerk of the town, as the case may be, by delivering it to such officer or by registered letter properly addressed to such officer. The failure to give notice of injury or notice of death shall be a bar to any claim under this section. Failure to give notice of such injury or death within such thirty day period may be excused by the county judge who would have jurisdiction of a controversy under this section, upon petition and notice in the manner provided in subdivision [~~fifth~~] **five** of this section, either upon the ground that for some sufficient reason the notice had not been given, or that any member of a body in charge of, or any officer of the fire department or fire company had knowledge within such thirty day period, of the injuries or death, or that the municipal corporation or fire district has not been prejudiced by a delay in giving such notice.

Any such volunteer [~~fireman~~] **firefighter** who shall receive injuries as aforesaid shall, when certified by the chief or other executive officer of the fire department or by the appropriate administrative officers under whom he **or she** serves, be received by any public, private, or semi-private hospital for care and treatment at the usual ward or semi-private patient rates, including charges at the prevailing ward or semi-private patient rates for necessary nursing, laboratory tests, x-ray examinations and physical therapy, or, in case any such hospital has a contract with the municipality served by such volunteer [~~fireman~~] **firefighter**, then at the rates specified in such contract.

Within two years after receiving the injury, or if death results therefrom within two years after such death, a claim for the benefits under this section shall be filed with the same officer to whom a notice of an injury must be given, as aforesaid. The claim shall be in substantially

the same form and shall give substantially the same information as is required to be given in a claim under the provisions of section twenty-eight of the [~~workmen's~~] workers' compensation law. Notwithstanding the provisions of any other law, any such claim need not be sworn to, verified or acknowledged.

Payments of weekly benefits under this section shall commence within fifteen days after the filing of such claim, and payments of lump sum, and monthly, death benefits under this section shall be made or commenced within thirty days after such filing. In the event of a failure to make such payments within any such period or to continue the same for the time required therefor, a controversy shall be presumed to have arisen and a proceeding may thereupon be instituted pursuant to subdivision [~~fifth~~] five of this section to compel such payment.

[~~Fourth~~] 4. In cities any benefit under this section shall be a city charge and any claim therefor shall be audited and paid in the same manner as other city charges, except that no part of the moneys payable under this section shall be paid from the pension funds of the said departments therein. In villages any such benefit shall be a village charge and any claim therefor shall be audited and paid in the same manner as other village charges, and shall be assessed upon the property liable to taxation in said village, and levied and collected in the same manner as village taxes. In fire districts any such benefit shall be a fire district charge and any claim therefor shall be audited and paid in the same manner as other fire district charges, and shall be assessed upon the property in such fire districts liable to taxation, and levied and collected in the same manner as fire district taxes. If such [~~fireman~~] firefighter was a member of a town fire company or fire department or a member of a fire company incorporated under the membership corporations law, located outside of a city, village or fire district, any such benefit shall be a town charge and any claim therefor shall be audited and paid in the same manner as town charges and shall be assessed upon the property liable to taxation in the territory protected by such fire company and levied and collected in the same manner as town charges therein. If such [~~fireman~~] firefighter was a member of a fire company or fire department operating in, or maintained jointly by two or more villages, or two or more towns, or two or more fire districts, any such benefit shall be a charge against the village, town or fire district, in which the fire occurred. If such injury occur while assistance is being rendered to a neighboring city, town, village, fire district, fire protection district (including a fire protection district served by the company or department of which such [~~fireman~~] firefighter is a member), fire alarm district, or territory outside any such district upon the call of such city, town, village, fire district, fire protection district, fire alarm district, or territory outside any such district, or while going to or returning from the place from whence such call came, or death shall result from any such injury, any such benefit shall be a charge against such neighboring city, town, village, fire district, fire protection district, fire alarm district, or territory outside any such district, so issuing the call for assistance and after audit shall be paid and assessed upon the property liable to taxation in such neighboring city, town, village, fire district, fire protection district, fire alarm district, or territory outside any such district, and levied and collected in the same manner as other charges against the same are levied and collected.

Any city, village, fire district or town may finance the payment of any benefits payable under the provisions of this section by the issu-

ance of serial bonds or capital notes pursuant to the local finance law unless it is required by some other law to pay such benefits from current funds.

Any such city, village, fire district or the town board acting for and on behalf of any fire protection district, fire alarm district or territory outside any such district, may contract for insurance indemnifying against the liability imposed by this section, provided further that such contract of insurance shall also indemnify against the liability imposed by the [~~workmen's~~] **workers'** compensation law in relation to injuries or death of volunteer [~~firemen~~] **firefighter**, and the cost of such insurance shall be paid and provided in the same manner as benefits are required to be paid and provided in this section.

If any claim under this section is one for which an insurance company might be liable, or if it is a claim for which a mutual self-insurance plan under subdivision three-a of section fifty of the [~~workmen's~~] **workers'** compensation law might be liable, the officer to whom a notice of injury is required to be delivered or mailed and with whom a claim is required to be filed under the provisions of this section shall send a copy of any such notice or claim and a copy of any notice of a proceeding relating to an injury or claim to such insurance company or plan, as the case may be, promptly after receiving the same.

Any money paid to an executor or administrator under any of the provisions of this section shall be distributed in the manner provided by law for the distribution of personal property, and all money paid under this section shall be exempt from any process for the collection of debts either against the volunteer [~~fireman~~] **firefighter** or any beneficiary to whom the same is paid under the provisions of this section.

No release from the liability imposed by this section shall be valid if it shall appear that the person executing such release has not received the full amount to which he **or she** is entitled under the provisions of this section.

The words "injury" and "injuries", as used in this section, include any disablement of a volunteer [~~fireman~~] **firefighter** as the direct result of the performance of his **or her** duties.

If for the purpose of obtaining any benefit or payment under the provisions of this section, or for the purpose of influencing any determination regarding any benefit or payment under the provisions of this section, either for himself **or herself** or for any other person, any person [~~wilfully~~] **willfully** makes a false statement or representation, he **or she** shall be guilty of a misdemeanor.

The provisions of this section relating to giving notice of injury and filing claim, and to the contents of any such notice or claim, shall be construed liberally in order to effectuate the objects and purposes of this section.

[~~Fifth~~] **5**. Any controversy arising at any time under the provisions of this section shall be determined by the county judge of any county in which the city, village, fire district, or town, which would be responsible for payments under this section, is located. For that purpose, any party may present a petition to such county judge, setting forth the facts and rights which are claimed. A copy of such petition and notice of the time and place when the same will be presented shall be served on all persons interested therein, at least eight days prior to such presentation.

[~~Sixth~~] **6**. The provisions of this section shall not apply to volunteer [~~firemen~~] **firefighters** killed or injured on or after the first day

of March, nineteen hundred fifty-seven, or who die from the effects of injuries received on or after such date.

§ 49. Section 205-c of the general municipal law, as added by chapter 127 of the laws of 1955, is amended to read as follows:

§ 205-c. Payments pending controversies where volunteer [~~firemen~~] **firefighters** are killed or injured. In order to provide for the prompt payment of benefits under sections two hundred five and two hundred nine-a of this [~~chapter~~] **article**, and under the [~~workmen's~~] **workers'** compensation law, where such benefits are conceded to be due to any person because of the death of or injuries to a volunteer [~~fireman~~] **firefighter** but controversy exists as to which city, village, town or fire district is liable for the payment thereof, the municipalities and districts involved in such controversy and their insurance carriers, if any, may agree that any one or more of such municipalities or districts or its insurance carrier shall pay the benefits to, or in relation to, the person conceded to be entitled to such benefits without waiting for a final determination of the controversy, and may carry out the provisions of such an agreement. Notwithstanding any such payment, any party to the agreement may seek a final determination of the controversy in the same manner as if such payment had not been made. After a final determination the parties to the agreement shall make any necessary and proper reimbursement to conform to the determination. The term "insurance carrier" as used herein shall mean an insurance company, or a county mutual self-insurance plan in accordance with subdivision three-a of section fifty of the [~~workmen's~~] **workers'** compensation law, or any plan which shall be provided for by law in amendment of or substitution for such a plan.

§ 50. Section 206 of the general municipal law, as amended by chapter 892 of the laws of 1972, is amended to read as follows:

§ 206. Certificate to [~~policemen and firemen~~] **police officers and firefighters**; free transportation; use of telegraph lines and telephones. The mayor of each city of this state and the mayor of each incorporated village may issue, under the seal of his **or her** office, to each [~~policeman and fireman~~] **police officer and firefighter** appointed by the duly-constituted authorities of such city or village, a certificate of the appointment and qualification of such [~~policeman or fireman~~] **police officer and firefighter** as such, and specifying the duration of his **or her** term of office; and it shall thereupon be the duty of every street surface and elevated railroad company carrying on business within such city or village, to transport every such [~~policeman or fireman~~] **police officer and firefighter** free of charge while he **or she** is traveling in the course of the performance of the duties of his **or her** office. Every telegraph or telephone company engaged in business within such city or village, shall afford to such [~~policeman or fireman~~] **police officer and firefighter** the use of its telegraph lines or telephones for the purpose of making and receiving reports and communications in the course of the performance of his **or her** official duties.

§ 51. Section 206-a of the general municipal law, as renumbered by chapter 15 of the laws of 1941, is amended to read as follows:

§ 206-a. Penalty for improper use of certificates. Every [~~policeman or fireman~~] **police officer and firefighter** who shall permit any other person to use the certificate issued to him **or her** as provided by the last section, or shall present or make use of the same, except while acting in the course of the performance of his **or her** official duties, or who shall use such certificate after the expiration of his **or her**

term of office or his resignation or removal therefrom, shall be deemed guilty of a misdemeanor.

§ 52. Section 206-b of the general municipal law, as amended by chapter 805 of the laws of 1984, is amended to read as follows:

§ 206-b. Exemption of benefits payable under blanket accident insurance covering volunteer [~~firemen~~] **firefighters**. Not only shall the benefits payable or allowable under any blanket accident insurance policy or contract purchased (1) by a fire department pursuant to section four thousand two hundred thirty-seven of the insurance law, or (2) by a municipal corporation or fire district pursuant to any general, special or local law, to insure active volunteer [~~firemen~~] **firefighters** against injury or death resulting from bodily injuries sustained by such [~~firemen~~] **firefighters** in the performance of their duties be exempt from execution as provided in subsection (c) of section three thousand two hundred twelve of the insurance law, but also any benefits payable or allowable under any such policy or contract in the event of the death of an insured volunteer [~~fireman~~] **firefighter** shall be exempt from execution for the purpose of satisfying any debt or liability of the beneficiary designated in the policy or contract, or in the event that the insured volunteer [~~fireman~~] **firefighter** is a minor shall be exempt from execution for the purpose of satisfying any debt or liability of the person to whom such benefits are payable pursuant to subsection (b) of section four thousand two hundred thirty-seven of the insurance law.

§ 53. Section 207-a of the general municipal law, as amended by chapter 965 of the laws of 1977, subdivision 1 as amended by chapter 806 of the laws of 1986, subdivisions 2, 3 and 4 as amended by and subdivision 4-a as added by chapter 661 of the laws of 1984, and subdivision 6 as amended by chapter 481 of the laws of 1998, is amended to read as follows:

§ 207-a. Payment of salary, medical and hospital expenses of [~~firemen~~] **firefighters** with injuries or illness incurred in performance of duties. 1. Any paid [~~fireman~~] **firefighter** which term as used in this section shall mean any paid officer or member of an organized fire company or fire department of a city of less than one million population, or town, village or fire district, who is injured in the performance of his **or her** duties or who is taken sick as a result of the performance of his **or her** duties so as to necessitate medical or other lawful remedial treatment, shall be paid by the municipality or fire district by which he **or she** is employed the full amount of his **or her** regular salary or wages until his **or her** disability arising therefrom has ceased, and, in addition, such municipality or fire district shall be liable for all medical treatment and hospital care furnished during such disability. Provided, however, and notwithstanding the foregoing provisions of this section, the municipal health authorities or any physician appointed for the purpose by the municipality or fire district, may attend any such injured or sick [~~fireman~~] **firefighter**, from time to time, for the purpose of providing medical, surgical or other treatment, or for making inspections and the municipality or fire district shall not be liable for salary or wages payable to such a [~~fireman~~] **firefighter**, or for the cost of medical or hospital care or treatment furnished, after such date as the health authorities or such physician shall certify that such injured or sick [~~fireman~~] **firefighter** has recovered and is physically able to perform his **or her** regular duties in the company or department. Any injured or sick [~~fireman~~] **firefighter** who shall refuse to accept such medical treatment or hospital care or shall refuse to permit medical inspections as herein authorized, including examinations result-

ing from the application of subdivision two hereof, shall be deemed to have waived his **or her** rights under this section in respect to expenses incurred for medical treatment or hospital care or salary or wages payable after such refusal.

Notwithstanding any provision of law to the contrary, a provider of medical treatment or hospital care furnished pursuant to the provisions of this section shall not collect or attempt to collect reimbursement for such treatment or care from any such member of the fire department of any such city.

2. Payment of the full amount of regular salary or wages, as provided by subdivision one of this section, shall be discontinued with respect to any [~~fireman~~] **firefighter** who is permanently disabled as a result of an injury or sickness incurred or resulting from the performance of his **or her** duties if such [~~fireman~~] **firefighter** is granted an accidental disability retirement allowance pursuant to section three hundred sixty-three of the retirement and social security law, a retirement for disability incurred in performance of duty allowance pursuant to section three hundred sixty-three-c of the retirement and social security law or similar accidental disability pension provided by the pension fund of which he **or she** is a member; provided, however, that in any such case such [~~fireman~~] **firefighter** shall continue to receive from the municipality or fire district by which he **or she** is employed, until such time as he **or she** shall have attained the mandatory service retirement age applicable to him **or her** or shall have attained the age or performed the period of service specified by applicable law for the termination of his **or her** service, the difference between the amounts received under such allowance or pension and the amount of his **or her** regular salary or wages. Any payment made by a municipal corporation or fire district pursuant to the provisions of this subdivision shall be deemed to have been made for a valid and lawful public purpose. If application for such retirement allowance or pension is not made by such [~~fireman~~] **firefighter**, application therefor may be made by the head of the fire company or fire department or as otherwise provided by the fire district or by the chief executive officer or local legislative body of the municipality by which such [~~fireman~~] **firefighter** is employed. If such application for accidental disability retirement allowance or retirement for disability incurred in performance of duty allowance is denied, the fire district or municipal corporation by which such [~~fireman~~] **firefighter** is employed may appeal such determination.

3. If such a [~~fireman~~] **firefighter** is not eligible for or is not granted such accidental disability retirement allowance or retirement for disability incurred in performance of duty allowance or similar accidental disability pension and is nevertheless, in the opinion of such health authorities or physician, unable to perform his **or her** regular duties as a result of such injury or sickness but is able, in their opinion, to perform specified types of light duty, payment of the full amount of regular salary or wages, as provided by subdivision one of this section, shall be discontinued with respect to such [~~fireman~~] **firefighter** if he **or she** shall refuse to perform such light duty if the same is available and offered to him **or her**, provided, however, that such light duty shall be consistent with his **or her** status as a [~~fireman~~] **firefighter** and shall enable him **or her** to continue to be entitled to his **or her** regular salary or wages, including increases thereof and fringe benefits, to which he **or she** would have been entitled if he **or she** were able to perform his **or her** regular duties.

4. If such a [~~fireman~~] **firefighter** is not eligible for or is not granted an accidental disability retirement allowance or retirement for disability incurred in performance of duty allowance or similar accidental disability pension, he **or she** shall not be entitled to further payment of the full amount of regular salary or wages, as provided by subdivision one of this section, after he **or she** shall have attained the mandatory service retirement age applicable to him **or her** or shall have attained the age or performed the period of service specified by applicable law for the termination of his **or her** service. Where such a [~~fireman~~] **firefighter** retires or is retired under any procedure applicable to him **or her**, including but not limited to circumstances described in subdivision two of this section or in this subdivision, he **or she** shall thereafter, in addition to any portion of regular wages or salary and/or any retirement allowance or pension to which he **or she** is then entitled, continue to be entitled to medical treatment and hospital care necessitated by reason of such injury or illness.

4-a. Any benefit payable pursuant to subdivision two of this section to a person who is granted retirement for disability incurred in performance of duty pursuant to section three hundred sixty-three-c of the retirement and social security law shall be reduced by the amount of the benefits that are finally determined payable under the workers' compensation law by reason of accidental disability.

5. The appropriate municipal or fire district officials may transfer such a [~~fireman~~] **firefighter** to a position in the same or another agency or department where they are able to do so pursuant to applicable civil service requirements and provided the [~~fireman~~] **firefighter** shall consent thereto.

6. Any [~~fireman~~] **firefighter** receiving payments or benefits pursuant to this section, who engages in any employment other than as provided in subdivision three or five of this section shall on the commencement of such employment, forfeit his **or her** entitlement to any payments and benefits hereunder, and any such payment or benefit unlawfully received by such [~~fireman~~] **firefighter** shall be refunded to and may be recovered by the municipal corporation or fire district employing such [~~fireman~~] **firefighter** in a civil action. For the purposes of this section, employment shall not include income derived from passive involvement with: gains derived from dealings in property, interest income, rents from real property, royalties, dividends, alimony and separate maintenance payments, annuities, income from life insurance and endowment contracts, other pensions, income from the discharge of indebtedness, income in the respect of a decedent, and income from an interest in an estate or trust.

7. Notwithstanding any provision of law contrary thereto contained herein or elsewhere, a cause of action shall accrue to the municipality or fire district aforesaid for reimbursement in such sum or sums actually paid as a salary or wages and/or for medical or hospital treatment, as against any third party against whom the [~~fireman~~] **firefighter** shall have a cause of action for the injuries sustained.

§ 54. Section 207-b of the general municipal law, as added by chapter 291 of the laws of 1960, subdivision 2 as amended by chapter 278 of the laws of 1961, and subdivision 3 as amended by chapter 721 of the laws of 1973, is amended to read as follows:

§ 207-b. Additional retirement benefits for certain [~~firemen~~] **firefighters** in cities. 1. As used in this section:

a. "Final compensation" means the average annual salary or wages for services as a [~~fireman~~] **firefighter** earned from the date of his **or her** minimum period to the date of his **or her** retirement.

b. "[~~Fireman~~] **Firefighter**" means a paid officer or member of the uniformed force of the fire department of a city.

c. "Minimum period" means a fixed number of years of service as a [~~fireman~~] **firefighter** specified in a plan or option elected by him **or her** as a necessary prerequisite for a pension or retirement allowance upon retirement from such service.

2. Notwithstanding the provisions of any general, special or local law, charter or administrative code and in lieu of any lesser amount thereby prescribed, in the event a [~~fireman~~] **firefighter** has served as such for his **or her** minimum period and thereafter continues in such service, upon his **or her** subsequent retirement for any cause whatsoever, there shall be added to the amount of the annual pension or retirement allowance to which he **or she** was entitled upon such retirement, an additional amount computed at the rate of one-sixtieth of his **or her** final compensation for each year of such additional service.

3. The provisions of this section shall not apply to members of the New York state [~~policemen's~~] **and local police** and [~~firemen's~~] **fire** retirement system.

§ 55. Section 207-c of the general municipal law, as added by chapter 920 of the laws of 1961, subdivision 1 as amended by section 1 of chapter 522 of the laws of 2015, and subdivisions 2, 3 and 5 as amended by chapter 661 of the laws of 1984, is amended to read as follows:

§ 207-c. Payment of salary, wages, medical and hospital expenses of [~~policemen~~] **police officers** with injuries or illness incurred in the performance of duties. 1. Any sheriff, undersheriff, deputy sheriff or corrections officer of the sheriff's department of any county (hereinafter referred to as a [~~"policeman"~~] **"police officer"**) or any member of a police force of any county, city of less than one million population, town or village, or of any district, agency, board, body or commission thereof, or a detective-investigator or any other investigator who is a police officer pursuant to the provisions of the criminal procedure law employed in the office of a district attorney of any county, or any corrections officer of the county of Erie department of corrections, or an advanced ambulance medical technician employed by the county of Nassau, or any detention officer employed by the city of Yonkers, or any supervising fire inspector, fire inspector, fire marshal or assistant fire marshal employed full-time in the county of Nassau fire marshal's office, or at the option of the county of Nassau, any probation officer of the county of Nassau who is injured in the performance of his **or her** duties or who is taken sick as a result of the performance of his **or her** duties so as to necessitate medical or other lawful remedial treatment shall be paid by the municipality by which he **or she** is employed the full amount of his **or her** regular salary or wages until his **or her** disability arising therefrom has ceased, and, in addition such municipality shall be liable for all medical treatment and hospital care necessitated by reason of such injury or illness. Provided, however, and notwithstanding the foregoing provisions of this section, the municipal health authorities or any physician appointed for the purpose by the municipality, after a determination has first been made that such injury or sickness was incurred during, or resulted from, such performance of duty, may attend any such injured or sick [~~policeman~~] **police officer**, from time to time, for the purpose of providing medical, surgical or other treatment, or for making inspections and the municipality shall

not be liable for salary or wages payable to such [~~policeman~~] police officer, or for the cost of medical treatment or hospital care furnished after such date as such health authorities or physician shall certify that such injured or sick [~~policeman~~] police officer has recovered and is physically able to perform his or her regular duties. Any injured or sick [~~policeman~~] police officer who shall refuse to accept medical treatment or hospital care or shall refuse to permit medical inspections as herein authorized, including examinations pursuant to subdivision two of this section, shall be deemed to have waived his or her rights under this section in respect to expenses for medical treatment or hospital care rendered and for salary or wages payable after such refusal.

Notwithstanding any provision of law to the contrary, a provider of medical treatment or hospital care furnished pursuant to the provisions of this section shall not collect or attempt to collect reimbursement for such treatment or care from any such [~~policeman~~] police officer, a member of a police force of any county, city, any such advanced ambulance medical technician, any such detention officer or any such detective-investigator or any other such investigator who is a police officer pursuant to the provisions of the criminal procedure law.

2. Payment of the full amount of regular salary or wages, as provided by subdivision one of this section, shall be discontinued with respect to any [~~policeman~~] police officer who is permanently disabled as a result of an injury or sickness incurred or resulting from the performance of his or her duties if such [~~policeman~~] police officer is granted an accidental disability retirement allowance pursuant to section three hundred sixty-three of the retirement and social security law, a retirement for disability incurred in performance of duty allowance pursuant to section three hundred sixty-three-c of the retirement and social security law or similar accidental disability pension provided by the pension fund of which he or she is a member. If application for such retirement allowance or pension is not made by such [~~policeman~~] police officer, application therefor may be made by the head of the police force or as otherwise provided by the chief executive officer or local legislative body of the municipality by which such [~~policeman~~] police officer is employed.

3. If such a [~~policeman~~] police officer is not eligible for or is not granted such accidental disability retirement allowance or retirement for disability incurred in performance of duty allowance or similar accidental disability pension and is nevertheless, in the opinion of such health authorities or physician, unable to perform his or her regular duties as a result of such injury or sickness but is able, in their opinion, to perform specified types of light police duty, payment of the full amount of regular salary or wages, as provided by subdivision one of this section, shall be discontinued with respect to such [~~policeman~~] police officer if he or she shall refuse to perform such light police duty if the same is available and offered to him or her, provided, however, that such light duty shall be consistent with his or her status as a [~~policeman~~] police officer and shall enable him or her to continue to be entitled to his or her regular salary or wages, including increases thereof and fringe benefits, to which he or she would have been entitled if he or she were able to perform his or her regular duties.

4. The appropriate municipal officials may transfer such a [~~policeman~~] police officer to a position in another agency or department where they are able to do so pursuant to applicable civil service requirements and provided the [~~policeman~~] police officer shall consent thereto.

5. If such a [~~policeman~~] police officer is not eligible for or is not granted an accidental disability retirement allowance or retirement for disability incurred in performance of duty allowance or similar accidental disability pension, he or she shall not be entitled to further payment of the full amount of regular salary or wages, as provided by subdivision one of this section, after he or she shall have attained the mandatory service retirement age applicable to him or her or shall have attained the age or performed the period of service specified by applicable law for the termination of his or her service. Where such a [~~policeman~~] police officer is transferred to another position pursuant to subdivision four of this section or retires or is retired under any procedure applicable to him or her, including but not limited to circumstances described in subdivision two of this section or in this subdivision, he or she shall thereafter, in addition to any retirement allowance or pension to which he or she is then entitled, continue to be entitled to medical treatment and hospital care necessitated by reason of such injury or illness.

6. Notwithstanding any provision of law contrary thereto contained herein or elsewhere, a cause of action shall accrue to the municipality for reimbursement in such sum or sums actually paid as salary or wages and or for medical treatment and hospital care as against any third party against whom the [~~policeman~~] police officer shall have a cause of action for the injury sustained or sickness caused by such third party.

§ 56. Subdivisions 1, 4 and 6 of section 207-c of the general municipal law, subdivision 1 as amended by section 2 of chapter 522 of the laws of 2015, and subdivisions 4 and 6 as amended by chapter 628 of the laws of 1991, are amended to read as follows:

1. Any sheriff, undersheriff, deputy sheriff or corrections officer of the sheriff's department of any county or any member of a police force of any county, city of less than one million population, town or village, or of any district, agency, board, body or commission thereof, or any LIRR police officer as defined in paragraph two of subdivision a of section three hundred eighty-nine of the retirement and social security law whose benefits are provided in and pursuant to such section three hundred eighty-nine, or a detective-investigator or any other investigator who is a police officer pursuant to the provisions of the criminal procedure law employed in the office of a district attorney of any county, or any corrections officer of the county of Erie department of corrections, or an advanced ambulance medical technician employed by the county of Nassau, or any detention officer employed by the city of Yonkers, or any supervising fire inspector, fire inspector, fire marshal, or assistant fire marshal employed full-time in the county of Nassau fire marshal's office, or at the option of the county of Nassau, any probation officer of the county of Nassau who is injured in the performance of his or her duties or who is taken sick as a result of the performance of his or her duties so as to necessitate medical or other lawful remedial treatment shall be paid by the municipality or The Long Island Rail Road Company by which he or she is employed the full amount of his or her regular salary or wages from such employer until his or her disability arising therefrom has ceased, and, in addition such municipality or The Long Island Rail Road Company shall be liable for all medical treatment and hospital care necessitated by reason of such injury or illness. Provided, however, and notwithstanding the foregoing provisions of this section, the municipal or The Long Island Rail Road Company health authorities or any physician appointed for the purpose by the municipality or The Long Island Rail Road Company, as relevant,

after a determination has first been made that such injury or sickness was incurred during, or resulted from, such performance of duty, may attend any such injured or sick [~~policeman~~] police officer, from time to time, for the purpose of providing medical, surgical or other treatment, or for making inspections, and the municipality or The Long Island Rail Road Company, as the case may be, shall not be liable for salary or wages payable to such [~~policeman~~] police officer, or for the cost of medical treatment or hospital care furnished after such date as such health authorities or physician shall certify that such injured or sick [~~policeman~~] police officer has recovered and is physically able to perform his or her regular duties. Any injured or sick [~~policeman~~] police officer who shall refuse to accept medical treatment or hospital care or shall refuse to permit medical inspections as herein authorized, including examinations pursuant to subdivision two of this section, shall be deemed to have waived his or her rights under this section in respect to expenses for medical treatment or hospital care rendered and for salary or wages payable after such refusal.

Notwithstanding any provision of law to the contrary, a provider of medical treatment or hospital care furnished pursuant to the provisions of this section shall not collect or attempt to collect reimbursement for such treatment or care from any such [~~policeman~~] police officer, any such advanced ambulance medical technician or any such detention officer.

4. The appropriate municipal or The Long Island Rail Road Company officials may transfer a [~~policeman~~] police officer to a position in another agency or department where they are able to do so pursuant to applicable civil service or The Long Island Rail Road Company requirements and provided the [~~policeman~~] police officer shall consent thereto.

6. Notwithstanding any provision of law contrary thereto contained herein or elsewhere, a cause of action shall accrue to the municipality or The Long Island Rail Road Company for reimbursement in such sum or sums actually paid as salary or wages and or for medical treatment and hospital care as against any third party against whom the [~~policeman~~] police officer shall have a cause of action for the injury sustained or sickness caused by such third party.

§ 57. Section 207-d of the general municipal law, as added by chapter 923 of the laws of 1961, the section heading and paragraph b of subdivision 1 as amended by chapter 72 of the laws of 1967, subdivision 2 as amended by chapter 896 of the laws of 1962, and subdivision 3 as amended by chapter 721 of the laws of 1973, is amended to read as follows:

§ 207-d. Additional retirement benefits for certain [~~policemen~~] police officers in cities and certain villages. 1. As used in this section:

a. "Final compensation" means the average annual salary or wages for services as a [~~policeman~~] police officer earned from the date of his or her minimum period to the date of his or her retirement.

b. [~~"Policeman"~~] "Police officer" means a paid officer or member of the uniformed force of the police department of a city or of any village which has elected to make the benefits provided under this section available to the paid officers or members of its police department or force.

c. "Minimum period" means a fixed number of years of service as a [~~policeman~~] police officer specified in a plan or option elected by him or her as a necessary prerequisite for a pension or retirement allowance upon retirement from such service.

2. Notwithstanding the provisions of any general, special or local law, charter or administrative code and in lieu of any lesser amount

thereby prescribed, in the event a [~~policeman~~] police officer has served as such for his or her minimum period and thereafter continues in such service, upon his or her subsequent retirement for any cause whatsoever, there shall be added to the amount of the annual pension or retirement allowance to which he or she was entitled upon, such retirement an additional amount computed at the rate of one-sixtieth of his or her final compensation for each year of such additional service.

3. The provisions of this section shall not apply to members of the New York state [~~policemen's~~] and local police and [~~firemen's~~] fire retirement system.

§ 58. The section heading and subdivision 5 of section 207-e of the general municipal law, the section heading as added by chapter 258 of the laws of 1963, and subdivision 5 as amended by chapter 721 of the laws of 1973, are amended to read as follows:

Minimum retirement benefits for [~~policemen~~] police officers in cities and who are members of police pension or retirement systems maintained by such cities.

5. The provisions of this section shall not apply to members of the New York state [~~policemen's~~] and local police and [~~firemen's~~] fire retirement system.

§ 59. The section heading and subdivision 5 of section 207-e of the general municipal law, the section heading as added by chapter 260 of the laws of 1963, and subdivision 5 as amended by chapter 721 of the laws of 1973, are amended to read as follows:

Minimum retirement benefits for [~~firemen~~] firefighters in cities and who are members of fire department pension or retirement systems maintained by such cities.

5. The provisions of this section shall not apply to members of the New York state [~~policemen's~~] and local police and [~~firemen's~~] fire retirement system.

§ 60. Subdivision 4 of section 207-f of the general municipal law, as amended by chapter 721 of the laws of 1973, is amended to read as follows:

4. The provisions of this section shall not apply to members of the New York state [~~policemen's~~] and local police and [~~firemen's~~] fire retirement system.

§ 61. Subdivision 4 of section 207-g of the general municipal law, as amended by chapter 721 of the laws of 1973, is amended to read as follows:

4. The provisions of this section shall not apply to members of the New York state [~~policemen's~~] and local police and [~~firemen's~~] fire retirement system.

§ 62. Subdivision 3 of section 207-h of the general municipal law, as amended by section 8 of chapter 721 of the laws of 1973, is amended to read as follows:

3. The provisions of this section shall not apply to members of the New York state [~~policemen's~~] and local police and [~~firemen's~~] fire retirement system.

§ 63. Subdivision 4 of section 207-h of the general municipal law, as amended by section 9 of chapter 721 of the laws of 1973, is amended to read as follows:

4. The provisions of this section shall not apply to members of the New York state [~~policemen's~~] and local police and [~~firemen's~~] fire retirement system.

§ 64. The section heading and subdivision f of section 207-i of the general municipal law, the section heading as added by chapter 561 of

the laws of 1967, and subdivision f as amended by chapter 721 of the laws of 1973, are amended to read as follows:

Temporary supplemental retirement allowances for certain [~~policemen~~] police officers.

f. Nothing herein contained shall be deemed to apply to members of the New York state [~~policemen's~~] and local police and [~~firemen's~~] fire retirement system.

§ 65. The section heading of section 207-i of the general municipal law, as amended by chapter 954 of the laws of 1970, is amended to read as follows:

Supplemental retirement allowances of retired [~~firemen~~] firefighters of cities.

§ 66. The section heading of section 207-ii of the general municipal law, as added by chapter 422 of the laws of 1981, is amended to read as follows:

Payment of supplemental retirement allowances of retired [~~policemen and firemen~~] police officers and firefighters of certain cities.

§ 67. The section heading of section 207-l of the general municipal law, as added by chapter 480 of the laws of 1971, is amended to read as follows:

Temporary supplemental retirement allowances for certain [~~policemen~~] police officers in towns and villages.

§ 68. The section heading of section 208-b of the general municipal law, as amended by chapter 742 of the laws of 1964, is amended to read as follows:

Death benefits for beneficiaries of certain [~~policemen and firemen~~] police officers and firefighters.

§ 69. The section heading of section 208-c of the general municipal law, as added by chapter 463 of the laws of 1967, is amended to read as follows:

Death benefits for dependent fathers or dependent mothers of certain [~~policemen and firemen~~] police officers and firefighters.

§ 70. Subdivision 2 of section 208-d of the general municipal law, as added by chapter 770 of the laws of 1961, is amended to read as follows:

2. Notwithstanding any provision of law to the contrary thereto contained herein or elsewhere, a cause of action shall accrue to the village or town aforesaid for reimbursement in such sum or sums actually paid as a salary or wages and/or for medical or hospital treatment, as against any third party against whom the [~~policemen~~] police officers shall have a cause of action for the injuries sustained.

§ 71. Subdivision 1 of section 209 of the general municipal law, as amended by chapter 191 of the laws of 2006, is amended to read as follows:

1. The fire department of any city, village or fire district, the fire companies serving territory outside of villages and fire districts in any town and the fire departments of any town which has a town fire department, an ambulance district and a county or public authority which operates an airport crash-fire-rescue unit, may answer calls for assistance outside the area regularly served and protected by such fire department or fire companies, ambulance district or crash-fire-rescue unit and may engage and participate in fire training programs in territory outside the area regularly served and protected by such fire department, fire companies, ambulance districts or crash-fire-rescue unit. While in the performance of their duties under this subdivision, the members of such departments, companies, districts or crash-fire-rescue units shall have the same immunities and privileges as if such

duties were performed within the area regularly served and protected by such departments, companies, districts or crash-fire-rescue units. While responding to a call for assistance under this subdivision a city, village, fire district, ambulance district, town or county or public authority operating an airport crash-fire-rescue unit shall be liable for the negligence of [~~firemen~~] **firefighters** of the city fire department, village fire department, fire district fire department, town fire department, ambulance district or crash-fire-rescue unit, respectively, occurring in the performance of their duties in the same manner and to the same extent as if such negligence occurred in the performance of their duties within the area regularly served and protected by such departments, districts or units. The legislative body of any county, city or village, the board of fire commissioners or other governing board of any fire district, ambulance district or public authority or the town board of any town in relation to the fire companies serving territory outside of villages and fire districts or in relation to a town fire department, or ambulance district, as the case may be, by resolution may restrict such outside service and training to such extent as it shall deem advisable. Any such resolution shall continue in effect until amended or repealed by the adoption of a subsequent resolution. The officer in charge of any fire department or fire company or ambulance district shall be notified promptly of the adoption of any such resolution and of any amendment or repeal thereof. In a county, city, or in a village or town, such action may be taken by local law or by ordinance instead of by resolution. As used in this section, the terms "fire department", "fire companies", "ambulance service" and "crash-fire-rescue unit" shall include all companies, squads, patrols or other units of such departments, companies or units, or volunteer ambulance services organized pursuant to section one hundred twenty-two-b of this chapter, and the term "assistance" includes the services of firefighting forces, fire police squads, ambulance services, emergency rescue and first aid squads rendered in case of a fire or other emergency, including stand-by service, to aid (1) a fire department or fire company, and (2) owners or occupants of property, and other persons, whether or not such owners, occupants or persons are receiving fire or other emergency service from another fire department or fire company or ambulance service. Except as otherwise provided by law in the case of natural disaster emergencies, a call to furnish assistance may be made by any person aware of the peril involved and the need for assistance or pursuant to any legally authorized or recognized plan for the furnishing of mutual aid in cases of fire or other emergency. The call need not originate in the municipal corporation, district or area liable for the payment of financial benefits in the event of the death or injury of a [~~fireman~~] **firefighter** or ambulance or rescue squad member engaged in rendering such assistance. The call may be relayed through one or more persons or mediums of communication. The provisions of this subdivision shall supersede the provisions of any general, special or local law to the extent that there is a conflict between the provisions of this subdivision and such law, except that if (1) any city had, prior to April fifteenth, nineteen hundred fifty, restricted in any manner the fire department of the city from engaging in service outside the city or (2) any city, village, fire district or town has heretofore restricted in any manner a fire department or fire company or ambulance service from engaging in service or training pursuant to the provisions of this subdivision, such restrictions shall continue in effect until changed pursuant to the provisions of this subdivision.

§ 72. Section 209-a of the general municipal law, as amended by chapter 712 of the laws of 1950, subdivision 1 as amended by chapter 819 of the laws of 1951, and subdivision 3 as added by chapter 699 of the laws of 1956, is amended to read as follows:

§ 209-a. Relations with other states and the dominion of Canada. 1. Whenever a volunteer fire company or department of this state shall answer a call for assistance from any political subdivision or territory of another state of the United States, or of the Dominion of Canada, or property ceded to the federal government, the provisions of section two hundred five of this chapter and the provisions of the [~~workmen's~~] **workers'** compensation law shall apply with respect to the volunteer [~~firemen~~] **firefighters** of such fire company or department, while such assistance is being rendered or while going to or returning from the place from whence such call came, to the same extent and in the same manner as if such service had been rendered in the area regularly served by such volunteer [~~firemen~~] **firefighters**; provided, however, that there shall be deducted from any amounts payable under such section or such law, any amounts recoverable by or payable to such volunteer [~~firemen~~] **firefighters** under the laws applicable in the political subdivision or territory from whence the call for assistance came.

2. The provisions of sections two hundred five and two hundred nine of this chapter shall apply with respect to volunteer [~~firemen~~] **firefighters**, fire departments and companies of other states of the United States and of the Dominion of Canada that render service in this state in answer to a call for assistance, provided that the laws of the state served by such volunteer [~~firemen~~] **firefighters**, fire departments or companies, or of the Dominion of Canada, as the case may be, contain provisions under which substantially similar benefits are granted to volunteer [~~firemen~~] **firefighters**, fire departments and companies of this state when rendering service in such other states, or the Dominion of Canada, as the case may be, in answer to a call for assistance, and provided further that there shall be deducted from any amounts payable under the provisions of section two hundred five of this [~~chapter~~] **article** to volunteer [~~firemen~~] **firefighters** of such other states or of the Dominion of Canada, any amounts recoverable by or payable to such volunteer [~~firemen~~] **firefighters** under the laws of the state served by such volunteer [~~firemen~~] **firefighters** or of the Dominion of Canada, as the case may be.

3. The provisions of this section shall not apply where a volunteer [~~fireman~~] **firefighter** of this state, or of another state, or of the Dominion of Canada, as the case may be, is killed or injured, on or after the first day of March, nineteen hundred fifty-seven, or dies from the effects of injuries received on or after such date.

§ 73. Paragraph a of subdivision 1 and subdivision 4 of section 209-b of the general municipal law, paragraph a of subdivision 1 as amended by chapter 843 of the laws of 1980, and subdivision 4 as amended by chapter 718 of the laws of 1958, are amended to read as follows:

a. The authorities having control of fire departments and fire companies may organize within such departments or companies emergency rescue and first aid squads composed of [~~firemen~~] **firefighters** who are members of such departments or companies. Such squads, so organized, may render services in case of accidents, calamities or other emergencies in connection with which their services may be required, as well as in case of alarms of fire. Whether or not such squads have been organized, any [~~fireman~~] **firefighter** may render service in case of accidents, calamities or other emergencies in connection with which the services of

[~~firemen~~] **firefighters** may be required, as well as in case of alarms of fire, unless he **or she** shall have been duly ordered not to render such service by the authorities having control of the fire department or company of which he **or she** is a member. If a request for emergency service is made by, or originates from a doctor or peace officer, acting pursuant to his **or her** special duties, or police officer, and there is any doubt as to whether an emergency exists, the judgment of the doctor or officer that there is, in fact, an emergency may be accepted as conclusive by such squad, or the [~~fireman~~] **firefighter** responding, or who has responded to such call. The person designated to receive calls for such emergency services, for the purpose of dispatching such squads or [~~firemen~~] **firefighters**, shall determine in the first instance from the information furnished to him **or her** whether an emergency exists and his **or her** decision, if in good faith, as to whether or not there is an emergency shall be final in relation to dispatching such squads or [~~firemen~~] **firefighters**. Any such preliminary determination shall not be deemed to authorize the rendition of services if, upon arriving at the place to which dispatched, it is found that there is no emergency.

4. Fees and charges prohibited. Emergency and general ambulance service authorized pursuant to this section shall be furnished without cost to the person served. The acceptance by any [~~fireman~~] **firefighter** of any personal remuneration or gratuity, directly or indirectly, from a person served shall be a ground for his **or her** expulsion or suspension as a member of the fire department or fire company.

§ 74. Section 209-c of the general municipal law, as amended by chapter 843 of the laws of 1980, is amended to read as follows:

§ 209-c. Fire police squads of fire departments and fire companies. The authorities having control of fire departments and fire companies may organize within such departments or companies fire police squads composed of volunteer [~~firemen~~] **firefighters** who are members of such departments or companies. Members of fire police squads, so organized, at such times as the fire department, fire company or an emergency rescue and first aid squad of the fire department or fire company are on duty, or when, on orders of the chief of the fire department or fire company of which they are members, they are separately engaged in response to a call for assistance pursuant to the provisions of section two hundred nine of [~~the general municipal law~~] **this article**, shall have the powers of and render service as peace officers. A member of a fire police squad shall take an oath of office as a fire [~~policeman~~] **police officer** in the following form: "I do solemnly swear (or affirm) that I will support the constitution of the United States, and the constitution of the State of New York, and that I will faithfully discharge the duties of the office of fire [~~policeman~~] **police officer** of the ..... fire company (or fire department), according to the best of my ability." Such oath shall be filed in the office of the city clerk in the case of a [~~fireman~~] **firefighter** of a fire company or fire department in a city, in the office of the village clerk in the case of a [~~fireman~~] **firefighter** of a fire company or fire department in a village, and in the office of the town clerk in all other cases. Notwithstanding any other provision of law to the contrary, a member of a fire police squad shall have satisfied any requirement for training as provided by any general or local law if the person has satisfactorily completed a training course offered by the state office of fire prevention and control, or an equivalent course as approved by the state office of fire prevention and control.

§ 75. Section 209-d of the general municipal law, as amended by chapter 190 of the laws of 1958, is amended to read as follows:

§ 209-d. Contracts for outside service by volunteer fire departments and companies. Notwithstanding any other provision of law, no contract shall be made by a municipality or fire district whereby the services of a volunteer fire department or company are to be supplied outside of such municipality or fire district to provide (1) fire protection, (2) emergency service in case of accidents, calamities or other emergencies, or (3) general ambulance service pursuant to the provisions of section two hundred nine-b of this [~~chapter~~] **article**, unless such volunteer fire department or company consents thereto. Any such contract may provide for the payment of a portion of the consideration expressed therein to such volunteer fire department or company to be expended for fire department or company purposes only. If the municipality or fire district owns all of the fire apparatus to be used in carrying out the contract, the portion of the consideration which may be paid to such volunteer fire department or company shall not exceed thirty-five per centum, unless a greater portion was being so paid on March fifteenth, nineteen hundred forty-one, under a contract entered into on or before that date, in which event a not greater portion than was being paid on said date may be paid to such volunteer fire department or company in respect to any contract entered into on or after such date. No payments shall be made to individual volunteer [~~firemen~~] **firefighters** as compensation for rendering such outside service.

§ 76. The section heading and subdivisions 1, 2 and 3 of section 209-i of the general municipal law, as amended by chapter 967 of the laws of 1965, are amended to read as follows:

Emergency service by volunteer [~~firemen~~] **firefighters**. 1. Whenever a volunteer [~~fireman~~] **firefighter** is within this state, but outside the area regularly served by the fire company or fire department of which he **or she** is a member and has knowledge of a fire or other emergency at or near the place where he **or she** is for the time being, such volunteer [~~fireman~~] **firefighter** may report to the officer in command of the paid or volunteer fire company or paid or volunteer fire department, or in command of one of the paid or volunteer fire companies or one of the paid or volunteer fire departments, engaged in the handling of any such fire or other emergency and, on an individual basis, offer his **or her** services to assist such fire company or fire department. After his **or her** services are so accepted, the volunteer [~~fireman~~] **firefighter** shall then be entitled to all powers, rights, privileges and immunities granted by law to volunteer [~~firemen~~] **firefighters** during the time such services are rendered, in the same manner and to the same extent as if he **or she** were a volunteer member of the fire company or fire department which he **or she** is assisting, including benefits under the volunteer [~~firemen's~~] **firefighters'** benefit law. Any such commanding officer shall have power, in his **or her** discretion, to so accept the services of a volunteer [~~fireman~~] **firefighter** unless the legislative body of the city or the village, the board of fire commissioners or other governing board of the fire district, or the town board of the town in relation to (a) the fire companies serving territory outside villages and fire districts or (b) a town fire department, as the case may be, by resolution heretofore or hereafter adopted, has forbidden the acceptance of any such services pursuant to this section. Any such resolution shall continue in effect until amended or repealed by the adoption of a subsequent resolution. The officer in charge of any fire company or fire

department shall be notified promptly of the adoption of any such resolution and of any amendment or repeal thereof.

2. The municipal corporation or fire district which would be liable for the negligence of any volunteer members of the fire company or fire department which has accepted the services of the volunteer [~~fireman~~] firefighter pursuant to this section shall be liable for the negligence of such volunteer [~~fireman~~] firefighter while acting, after such acceptance and during the time such services were rendered, in the discharge of his or her duties as a volunteer [~~fireman~~] firefighter in the same manner and to the same extent as if he or she were a volunteer member of the fire company or fire department which he or she assisted. If the fire company or fire department which has so accepted the services of a volunteer [~~fireman~~] firefighter pursuant to this section is a paid fire company or paid fire department, such paid fire company or paid fire department shall, for the purposes of this subdivision and section two hundred five-b of this [~~chapter~~] article, be deemed to be a "duly organized volunteer fire company" within the meaning of such section two hundred five-b.

3. As used in this section, the term "volunteer [~~fireman~~] firefighter" means a "volunteer [~~fireman~~] firefighter" as such term is defined in section three of the volunteer [~~firemen's~~] firefighters' benefit law; the term "area regularly served" means the home area of the volunteer [~~fireman~~] firefighter as described in subdivisions one, two, three, four or five of section thirty of the volunteer [~~firemen's~~] firefighters' benefit law and, in addition, any other area served pursuant to a contract for fire protection and the terms "fire company" and "fire department" shall include emergency rescue and first aid squads or other squads or units of a fire company or fire department.

§ 77. Section 209-j of the general municipal law, as amended by chapter 449 of the laws of 1956, is amended to read as follows:

§ 209-j. Mutual aid programs in counties. The board of supervisors in any county may appropriate and expend such sums as it may deem necessary and proper for the establishment and maintenance of a county mutual aid plan in cases of fire and other emergencies in which the services of [~~firemen~~] firefighters would be used and may prescribe the method of auditing or approving expenditures under any such appropriation. Expenses incurred by any city, town, village or fire district participating in such mutual aid plan shall be a lawful municipal or fire district charge to be paid in the same manner as other like charges.

§ 78. Section 209-p of the general municipal law, as amended by chapter 97 of the laws of 1958, is amended to read as follows:

§ 209-p. Relay of fire and emergency calls. The fire department of any city may accept any calls for aid in cases of fire or other emergencies made to its fire headquarters from territory outside the city and may relay such calls for aid in fires or other emergencies by such means as may be expedient to the fire department, fire company or fire district serving said territory. This section shall apply only to cities participating in any legally authorized or recognized plan for furnishing mutual aid in cases of fire and other emergencies in which the services of [~~firemen~~] firefighters would be used. Any city, village or fire district, any town which has a town fire department, or any town board on behalf of a fire protection district, fire alarm district or territory outside any such municipal corporation or district, for which aid is to be furnished, may contract with a city to accept and relay such calls, as aforesaid, and the amounts payable under any such contract shall be a lawful charge against and paid as contracted for by

the city, village, fire district, town which has a town fire department, fire protection district, fire alarm district or territory outside any such municipal corporation or district. Any city accepting and transmitting fire calls from territory outside the city, pursuant to any such contract, shall not be liable for any injury or death to persons or damage to property as the result thereof, when it, in good faith, complies with or attempts to comply with the provisions of this section.

§ 79. The section heading of section 209-x of the general municipal law, as added by chapter 667 of the laws of 1984, is amended to read as follows:

Training of certain paid city [~~firemen~~] **firefighters** promoted to a first-line supervisory position.

§ 80. Subdivisions 1, 2 and 3 of the section 709 of general municipal law, as added by chapter 844 of the laws of 1963, are amended to read as follows:

1. If an annexation of territory by a city includes the entire area of a fire district, the city, as of the date of such annexation, shall become the owner of all of the property and property rights of the fire district and shall assume all of the indebtedness and contract or other liabilities of the fire district, and shall furnish fire protection, and other emergency service which would require the services of [~~firemen~~] **firefighters**, in the area so annexed in the same manner as in other similar areas of the city.

2. If an annexation of territory by a city includes only a part of the area of a fire district, the indebtedness and any contract or other liabilities, and interest thereon, shall be a charge upon and shall be paid by the city, as the same shall become due and payable, to the fire district in the same proportion to the whole of any such indebtedness or any such liability as the full valuation of the taxable real property of the territory which is annexed bears to the full valuation of the taxable real property of the fire district prior to the annexation. Such full valuation shall be determined in the manner provided in subdivision twenty-one-a of section 2.00 of the local finance law. If the fire district owns any real property or rights in real property in the territory which is annexed, the city may purchase any such property, including any personal property used in connection therewith, from the fire district for a fair and reasonable price to be agreed upon by the governing boards of the city and the fire district and the board of commissioners of the fire district shall have power to execute any necessary instruments in relation thereto. Any such sale shall not be subject to approval at a fire district election. If such real property is a firehouse owned by the fire district, the city shall be required to purchase such real property and any rights in real property appurtenant thereto from the fire district. If the governing boards of the city and the fire district cannot agree on a fair and reasonable price therefor, the city shall proceed to acquire such real property and any such rights by condemnation in the same manner as if the property was owned by an individual. The city shall furnish fire protection, and other emergency service which would require the services of [~~firemen~~] **firefighters**, in the area so annexed in the same manner as in other similar areas of the city.

3. If an annexation of territory of a city includes the entire area of a fire protection district or of a fire alarm district, the city shall furnish fire protection, and other emergency service which would require the services of [~~firemen~~] **firefighters**, in the area so annexed in the same manner as in other similar areas of the city.

§ 81. Subdivision 5 of section 800 of the general municipal law, as amended by chapter 88 of the laws of 1980, is amended to read as follows:

5. "Municipal officer or employee" means an officer or employee of a municipality, whether paid or unpaid, including members of any administrative board, commission or other agency thereof and in the case of a county, shall be deemed to also include any officer or employee paid from county funds. No person shall be deemed to be a municipal officer or employee solely by reason of being a volunteer [~~fireman~~] **firefighter** or civil defense volunteer, except a fire chief or assistant fire chief.

§ 82. Section 57 of the second class cities law, as amended by chapter 1068 of the laws of 1974, is amended to read as follows:

§ 57. Additional powers and duties. The mayor shall have such other powers and perform such other duties as may be prescribed in this chapter or by other laws of the state or by ordinance of the common council, not inconsistent with law. In case of riot, conflagration or other public emergency requiring it, the mayor shall have power to call out the police and [~~firemen~~] **firefighters**; he **or she** shall also have power to appoint such number of special [~~policemen~~] **police officers** as he **or she** may deem necessary to preserve the public peace. Such special [~~policemen~~] **police officers** shall be under the sole control of the regularly appointed and constituted officers of the police department. They have shall have power to make arrests only for disorderly conduct or other offenses against peace or good order. In case of riot or insurrection, he **or she** may take command of the whole police force, including the chief executive officer thereof.

§ 83. Subdivision 5 of paragraph a of section 29.00 of the local finance law, as amended by chapter 624 of the laws of 1965, is amended to read as follows:

5. Any municipality or fire district may issue budget notes during any fiscal year to provide for the payment in such fiscal year of the cost of insurance secured to indemnify against liability for benefits payable under the volunteer [~~firemen's~~] **firefighters'** benefit law and for which cost an insufficient or no provision was made in the annual budget of the municipality or fire district for such fiscal year. The aggregate amount of any such notes which may be issued for such purpose in a fiscal year commencing after December thirty-first, nineteen hundred sixty-five, shall not exceed the sum by which the actual cost of such insurance to be paid in the fiscal year in which such notes are issued exceeds the actual cost of such insurance in the fiscal year prior to the fiscal year in which such notes are issued; provided, however, that this limitation shall not apply in a case where the municipality or fire district has not incurred any such cost in the fiscal year prior to that in which such notes are issued.

§ 84. Paragraph f of subdivision 1 of section 11 of the municipal home rule law, as amended by chapter 21 of the laws of 1992, is amended to read as follows:

f. Applies to or affects any provision of paragraph (c) of subdivision one of section 8-100 of the election law, the labor law, sections two, three and four of chapter one thousand eleven of the laws of nineteen hundred sixty-eight, entitled "An act in relation to the maximum hours of labor of certain municipal and fire district [~~firemen~~] **firefighters** and the holidays of [~~firemen~~] **firefighters** and [~~policemen~~] **police officers**, repealing certain sections of the labor law relating thereto, and to amend the municipal home rule law, in relation thereto," as amended, the volunteer [~~firemen's~~] **firefighters'** benefit law, or the [~~workmen's~~]

workers' compensation law or changes any provision of the multiple residence law or the multiple dwelling law, except that in a city of one million persons or more, the provisions of local law for the enforcement of the housing code which is not less restrictive than the multiple dwelling law may be applied in the enforcement of the multiple dwelling law.

§ 85. Section 15 of the general city law, as amended by chapter 88 of the laws of 1980, is amended to read as follows:

§ 15. [~~firemen~~] Firefighters moving from one city to another. The [~~firemen~~] firefighters of the different cities of this state, in case of removal from one city to another, shall be allowed the time which they have served as such [~~firemen~~] firefighters in the city they left, in the city to which they have removed, upon producing a certificate of such service, signed by the chief of the city so left, and being appointed [~~firemen~~] firefighters in the city to which they have removed.

§ 86. Section 16 of the general city law is amended to read as follows:

§ 16. Term of service; how reckoned. When any such [~~fireman~~] firefighter shall have served as such for so long a time thereafter as shall make the whole term of service the same as required by law of [~~fireman~~] firefighters residing in the city removed to, he shall be entitled to all the privileges and exemptions secured by law to the [~~fireman~~] firefighters of the cities of Albany and New York.

§ 87. Subdivisions 5, 6, 7, 9, paragraph 3 of subdivision 13 and paragraph (a) of subdivision 14 of section 16-a of the general city law, subdivisions 5, 6 and 9 as amended by chapter 523 of the laws of 1958, subdivision 7 as amended by chapter 185 of the laws of 1984, paragraph 3 of subdivision 13 as amended by chapter 373 of the laws of 2011, and paragraph (a) of subdivision 14 as amended by chapter 215 of the laws of 1978, are amended to read as follows:

5. Any fire company may authorize the continued membership of any volunteer member where such member notifies the secretary of his or her fire company (a) that he or she plans to change his or her residence to territory which is not in the city and is not protected by the fire department of the city, or any fire company thereof, pursuant to a contract for fire protection, and (b) that by reason of his or her residence in the vicinity and his or her usual occupation he or she will be available to render active service as a volunteer [~~fireman~~] firefighter in the city or in territory outside the city which is afforded fire protection pursuant to a contract for fire protection by the fire department of the city, or a fire company thereof. Such authorization shall be pursuant to the by-laws, if any, of the fire company of which he or she is a member, otherwise by a three-fourths vote of the members of such fire company present and voting at a regular or special meeting thereof. Such authorization shall not become effective unless approved by resolution of the board of fire commissioners or other body or officer hereinabove mentioned. Any membership continued pursuant to the provisions of this subdivision shall terminate when the member cannot meet either the requirements of this subdivision or the residence requirements of subdivision three. In the case of a city which adjoins another state, the term "vicinity", as used in this subdivision, includes territory in this state and territory in the adjoining state.

6. A person who cannot meet the residence requirements of subdivision three of this section may be elected to membership as a volunteer member of any fire company of the fire department if by reason of his or her residence in the vicinity and his or her usual occupation he or she will

be available to render active service as a volunteer [~~fireman~~] **fire-fighter** in the city or in territory which is afforded fire protection pursuant to a contract for fire protection by the fire department of the city or a fire company thereof. Such authorization shall be pursuant to the by-laws, if any, of the fire company; otherwise by a three-fourths vote of the members of the fire company present and voting at a regular or special meeting thereof. Such authorization shall not become effective unless approved by resolution of the board of fire commissioners or other body or officer hereinabove mentioned. The membership of any volunteer member elected pursuant to the provisions of this subdivision shall terminate when the member cannot meet either the requirements of this subdivision or the residence requirements of subdivision three. In the case of a city which adjoins another state, the term "vicinity", as used in this subdivision, includes territory in this state and territory in the adjoining state.

7. The membership of any volunteer [~~fireman~~] **firefighter** shall not be continued pursuant to subdivision five **of this section**, and persons shall not be elected to membership pursuant to subdivision six **of this section**, if, by so doing, the percentage of such non-resident members in the fire company would exceed forty-five per centum of the actual membership of the fire company.

9. Residents of outside territory protected pursuant to a contract for fire protection who have been elected to volunteer membership, and non-residents whose volunteer memberships have been authorized or continued pursuant to subdivision five or six, shall have all the powers, duties, immunities, and privileges of resident volunteer members, except (1) they may not be elected or appointed to any office of the fire department which is required by law to be held by an elector of the city, (2) non-residents of the state may not be appointed or elected to any office in the fire company or fire department, and (3) a non-resident of this state whose membership has been continued pursuant to subdivision five **of this section**, or a non-resident of this state who was elected to membership pursuant to subdivision six of this section, shall not be considered to be performing any firemanic duty, or to be engaged in any firemanic activity, as a member of the fire company while he **or she** is outside of this state unless and until he **or she** has first reported to the officer or [~~fireman~~] **firefighter** in command of his **or her** fire department, or any company, squad or other unit thereof, engaged or to be engaged in rendering service outside this state, or has received orders or authorization from an officer of the fire department or fire company to participate in or attend authorized activities outside of this state in the same manner as resident members of the fire company.

(3) who was, at the time of his **or her** election to membership, a resident of the city or of territory outside the city which was afforded fire protection by the fire department of the city, or any fire company thereof, pursuant to a contract for fire protection, or who was a non-resident who was elected to membership or who was continued as a member, pursuant to the provisions of subdivision five or six of this section, shall for all purposes in law be considered to have been duly elected and approved, or continued, as a member in such fire company as of the date of such approval, if any, and, if none, then as of the date of such election or, in the case of a continuance, as of the date of the approval, if any, by the board of fire commissioners or the governing board, and, if none, as of the date of authorization of continuance by the fire company; notwithstanding that there may have been some legal defect in such election, or the proceedings precedent thereto, or a

failure of the board of fire commissioners or governing board to approve such member, or approve the continuance of membership of such member, as provided by the law in force at the time of such election, or continuance, and the status of such person as a volunteer [~~fireman~~] **firefighter** as of such date is hereby legalized, validated and confirmed. This subdivision shall not apply to a person, if any, whose volunteer membership in a fire company was disapproved by the board of fire commissioners or declared invalid by a court of competent jurisdiction prior to the first day of January, two thousand eleven.

(a) It shall be an unlawful discriminatory practice for any volunteer fire department or fire company, through any member or members thereof, officers, board of fire commissioners or other body or office having power of appointment of volunteer [~~firemen~~] **firefighters** in any fire department or fire company pursuant to this section, because of the race, creed, color, national origin, sex or marital status of any individual, to exclude or to expel from its volunteer membership such individual, or to discriminate against any of its members because of the race, creed, color, national origin, sex or marital status of such volunteer members.

§ 88. Subdivision 12-a of section 20 of the general city law, as amended by chapter 138 of the laws of 1986, is amended to read as follows:

12-a. May appropriate moneys to a fire department to fund an annual [~~fireman's~~] **firefighter's** inspection dinner for volunteer firefighters and the city of Glen Cove may appropriate moneys to a fire department to fund an annual dinner for installation of fire district officers.

§ 89. Paragraph (a) of subdivision 1 of section 20 of the town law, as amended by chapter 252 of the laws of 1990, is amended to read as follows:

(a) Every town of the first class shall have a supervisor, four town [~~councilmen~~] **council members**, unless the number of [~~councilmen~~] **council members** shall have been increased to six or decreased to two as provided by this chapter, a town clerk, two town justices, a town superintendent of highways, one assessor, a receiver of taxes and assessments, as many town [~~policemen~~] **police officers** and such other employees as the town board may determine necessary for the proper conduct of the affairs of the town. The supervisor, town [~~councilmen~~] **counsel members**, town clerk, town justices, town superintendent of highways and receiver of taxes and assessments in every such town shall be elective. All other officers and employees in such a town shall be appointed by the town board, except as otherwise provided by law. In any town in which a town police department has been established pursuant to law, or which town is a part of a county police district, the town board may appoint not more than four civil officers who shall possess all the powers and duties of constables in civil actions and proceedings only, and shall be paid no salary by the town board but shall be entitled to collect the statutory fees allowed by law in such civil actions and proceedings. The clerk of the court of a town shall be employed and discharged from employment only upon the advice and consent of the town justice or justices.

§ 90. Section 25-a of the town law, as amended by section 171 of subpart B of part C of chapter 62 of the laws of 2011, is amended to read as follows:

§ 25-a. Fingerprints of persons before appointment as town [~~policemen~~] **police officers**, or as constables possessing powers in criminal matters. No person shall be appointed or reappointed a member of the police department, or a special [~~policeman~~] **police officer**, or a constable not

limited to powers and duties in civil actions and proceedings only, in any town, who shall not previously, for the purposes of this section, have submitted fingerprints in the form and manner prescribed by the division of criminal justice services to the town board or other board or officer of the town empowered by law to make such appointment or reappointment, and it shall be the duty of such board or officer, before making such appointment or reappointment, to compare or cause to be compared such fingerprints with fingerprints filed with the division of criminal justice services; provided, however, that in any case where the fingerprints of any such person shall once have been submitted pursuant to this section and are on file with the board empowered to make the appointment or reappointment, no new submission thereof shall be required, nor shall such board be required to make or cause to be made such comparison if such comparison shall have been made previously pursuant to this section and certification thereof by such department is on file with such board.

§ 91. Subdivisions 1 and 3 of section 27 of the town law, subdivision 1 as amended by chapter 1097 of the laws of 1971, and subdivision 3 as added by chapter 85 of the laws of 1942, are amended to read as follows:

1. The town board of each town shall fix, from time to time, the salaries of all officers and employees of said town, whether elected or appointed, and determine when the same shall be payable. The town board shall not fix the salaries of the members of the town board, an elected town clerk or an elected town superintendent of highways at an amount in excess of the amounts respectively specified in the notice of hearing on the preliminary budget published pursuant to section one hundred eight of this chapter. However, the annual salary of any such elected officer may be increased, for not more than one fiscal year, in excess of the amount specified in the notice of hearing on the preliminary budget local law adopted pursuant to the municipal home rule law. Salaries shall be in lieu of all fees, charges or compensation for all services rendered to the town or any district or subdivision thereof, pursuant to law, except that the supervisor shall not be required to account for and pay over such fees, salary or other compensation that he **or she** may receive or be entitled to from the county in which he **or she** is elected, for services rendered by him **or her** as a member of the board of supervisors. No town officer or employee shall retain any fees or moneys received by him **or her** in connection with his **or her** office but such fees or money shall be the property of the town and be paid to the supervisor not later than the fifteenth day of each month following the receipt thereof, excepting such fees and moneys the application and payment of which are otherwise provided for by law. Every officer or employee, except a town justice, is hereby required to submit monthly to the supervisor a verified statement of all moneys received by him **or her** and to pay such moneys to the supervisor who shall deliver his **or her** receipt therefor. Unless such verified statement and payment be made, such officer or employee shall not be paid any further portion of his **or her** salary until a report be submitted of any moneys paid as herein provided. The said provisions shall not affect a receiver of taxes and assessments who deposits the money collected directly to the credit of the supervisor and whose monthly report is equivalent to a receipt from the supervisor. Provisions of this subdivision shall not preclude the town from hiring laborers, clerical assistants and stenographers, and compensating them upon the hourly or daily basis. Notwithstanding any provision of the penal law, the civil practice law and rules, the criminal procedure law, the uniform justice court act, or any other general,

special or local law, no [~~policeman~~] **police officer**, special [~~police-man,~~] police officer or constable of any such town shall retain for his **or her** own use fees, per diem or other compensation received by him **or her** from the state, the county, or any other municipality, or a private corporation or a person, in or for the performance of the duties of his **or her** office, whether such duties be of an administrative, legislative, judicial or other nature, but all such fees and moneys so received by him **or her** shall be the property of the town of which he **or she** is an officer and be paid to the supervisor not later than the fifteenth day of each month following the receipt thereof. No town justice of any town shall retain for his **or her** own use fees, per diem or other compensation received by him **or her** from the state, the county, or any other municipality or a private corporation or a person, in or for the performance of the duties of his **or her** office, whether such duties be of an administrative, legislative, judicial, or other nature, but all such fees and moneys so received shall, unless otherwise provided by law, be the property of the town of which he **or she** is an officer and shall be paid by such justice to the state comptroller within the first ten days of the month following collection. Each such payment shall be accompanied by a true and complete report in such form and detail as the comptroller shall prescribe. In the event that a justice shall not receive any such fees and moneys during any month he **or she** shall report this fact to the state comptroller within the first ten days of the succeeding month. Upon receipt of notice from the state comptroller that a justice has not properly reported or properly accounted for any moneys received by such justice, it shall be unlawful for the town to make any further payment of compensation to such justice until receipt of a notice from the comptroller that a proper accounting has been made. In all towns the salaries of all town justices shall be equal except that the town board may determine by a majority vote to pay salaries in different amounts. Fees payable by virtue of the civil practice law and rules and section sixty-eight-a of the public officers law, for taking oaths and acknowledgment, shall not be deemed to be fees within the meaning of this section, but may be retained, or the payment thereof waived, by the officer taking the same.

3. Notwithstanding the provisions of subdivision one of this section, the town board of any town which shall not have established a police department, may adopt a resolution determining that the police officers of such town, including special [~~policemen~~] **police officers** and constables, shall be compensated by annual salary or by the week, day or hour for services actually and necessarily performed by them in all matters other than civil actions and proceedings, and that such police officers shall be entitled to collect and retain for their own use, the fees, mileage, poundage and other compensation allowed by law for services in civil actions and proceedings.

§ 92. Section 39 of the town law is amended to read as follows:

§ 39. Powers and duties of constables and town [~~policemen~~] **police officers**. Constables and town [~~policemen~~] **police officers** shall have all the power and authority conferred upon constables by the general laws of the state and such additional powers, not inconsistent with law, as shall be conferred upon them by the town board. They shall be subject to the general authority and direction of the town board and to such orders and regulations as the town board may prescribe, not inconsistent with law.

§ 93. Section 139 of the town law, as added by chapter 470 of the laws of 1966, is amended to read as follows:

§ 139. Agreements with fire districts. If in the judgment of the town board it is advisable for the safety and welfare of the inhabitants of a fire district in the town that the issuance of a town fire permit to burn grass, leaves, brush, rubbish, refuse, buildings or other materials in a fire district should be issued, and preliminary investigations in relation thereto should be made, by a person or persons most familiar with local grass and brush fire hazard conditions in the fire district and the availability of fire-fighting vehicles and [~~firemen~~] **firefighters**, then the town board, notwithstanding the provisions of section one hundred thirty-eight of this chapter, may provide in any fire prevention code, whether adopted by local law or by ordinance, that an agreement may be entered into with the board of fire commissioners of any fire district located wholly or partly in the town that the issuance of such permits, and preliminary investigations in relation thereto, on behalf of the town will be performed by the fire district within the limits of such district in such town, the fire district to utilize the services of the chief engineer and assistant engineers of the fire district fire department in the performance of such duties agreed to be performed by the fire district. Any such agreement shall be for such period of time and on such terms as may be agreed upon, except that it shall provide (1) that it may be terminated by the town after written notice to the fire district and after a change in such fire prevention code to provide a different procedure for issuing such permits will become effective and (2) that it may be terminated by the fire district upon sixty days written notice to the town. If any fire prevention code contains such a provision authorizing such an agreement, the town board of the town and the board of fire commissioners of any fire district located wholly or partly in the town shall have power to enter into such agreement.

§ 94. Subdivision 1 of section 150 of the town law, as amended by chapter 843 of the laws of 1980, is amended to read as follows:

1. The town board of any town may establish a police department and appoint a chief of police and such officers [~~and patrolmen~~] as may be needed and fix their compensation. The compensation of such [~~policemen~~] **police officers** shall be a town charge; providing however, no assessment on property in any village within any town or partially within any town shall be made for the maintenance or operation of a town police department established after January first, nineteen hundred sixty, pursuant to this section if any such village maintains a police department of four or more [~~policemen~~] **police officers** on an annual full-time basis, established and maintained under the rules of civil service. The town board may, at its option, determine that the town shall pay all or part of the cost of the uniforms and necessary equipment of its [~~policemen~~] **police officers**, and may purchase such equipment for use by the police department as it shall deem necessary, including police patrol vehicles, and emergency service vehicles for police use in connection with accidents, public calamities or other emergencies. No assessment on property in any village within any town in the county of Suffolk or in any village within the town of Fallsburgh shall be made for the maintenance or operation of such town police department, if any such village maintains a police department of two or more [~~policemen~~] **police officers** on an annual basis. In the event that a town has established a police department prior to January first, nineteen hundred sixty, the town board of such town may enter into an agreement with any village within it or partially within it which maintains a police department of four or more [~~policemen~~] **police officers** on an annual full-time basis, established and maintained under the rules of civil service and determine

therein what part of the cost thereof shall be assessed against the property in the village and what part thereof shall be assessed against the property in the town outside of the village. Thereafter such portion of the cost thereof determined to be assessed outside of the village shall be a charge against that part of the town outside of the village and assessed, levied and collected from the taxable property of that part of the town outside of the village. When appointed, such [~~policemen shall be~~] police officers [~~and~~] shall have all the powers and be subject to all the duties and liabilities of a police officer in all criminal actions and proceedings and special proceedings of a criminal nature.

§ 95. Section 157 of the town law is amended to read as follows:

§ 157. Absentee leave. Every member of such police department shall be entitled, in addition to any vacation or absentee leave now prescribed by law, to one day of rest in seven. The chief or acting chief of the police department shall keep a time book showing the name and shield number of each member of the department and the hours worked by each of such [~~policemen~~] police officers in each day. The town board may make a variation from the above prescribed hours of vacation, provided the member shall receive during each year the actual number of days absentee leave to which he or she is entitled. The town board, at its option, may, in addition to the days of rest hereinbefore provided, grant an annual vacation with pay. Whenever the town board shall designate any [~~policeman~~] police officer to attend police school, such attendance shall be deemed in the course of duty and when so attending he or she shall receive his or her usual pay and reimbursement for actual and necessary expenses. Sick leave with full pay may be granted whenever such sickness or disability has been incurred without the delinquency of the [~~policeman~~] police officer.

§ 96. Section 158 of the town law, as amended by chapter 584 of the laws of 1939, subdivision 1 as amended by chapter 308 of the laws of 1966, and subdivision 2 as amended by chapter 601 of the laws of 1941, is amended to read as follows:

§ 158. Special [~~policemen~~] police officers. 1. The town board of any town of the first class and the town board of any town of the second class which shall have a population of five thousand or more as shown by the latest federal census, whether there be a police department in and for such town or not, may employ temporary police officers from time to time as the town board may determine their services necessary. Such police officers shall be known as "special [~~policemen~~] police officers" and shall have all the power and authority conferred upon constables by the general laws of the state and such additional powers, not inconsistent with law, as shall be conferred upon them by the town board. They shall be subject to the general authority and direction of the town board and to such orders and regulations as the town board may prescribe, not inconsistent with law. Such special [~~policemen~~] police officers shall serve at the pleasure of the town board and the town board shall fix their compensation and may purchase uniforms and equipment therefor but no such special [~~policemen~~] police officers shall be appointed nor any expense incurred by reason thereof unless said town board shall have provided therefor in its annual budget, previously adopted, and no expenditure shall be made in excess of the budget appropriation therefor. Such special police shall be appointed in accordance with the civil service law and rules. Provided, however, and notwithstanding the foregoing provisions of this section, the town board of any such town may, when in their judgment necessary for the preservation of

the public peace during any emergency period of sixty days or less, appoint and at pleasure remove within such period additional special [~~policemen~~] police officers not exceeding five in number, without examination, and fix their compensation which shall be a town charge and be paid from moneys available for expenditure for general town purposes.

2. The town board of a town of the second class which shall have a population of less than five thousand as shown by the latest federal census, may adopt a resolution, subject to a permissive referendum, determining to employ one or more temporary police officers, provided that such town has a population of one thousand or more according to the latest federal census or that such town adjoins a city. Towns having a population in excess of one thousand may employ one additional temporary police officer for each one thousand population in excess of the first one thousand but the total number of police officers so employed shall not exceed five. Such police officers shall be known as "special [~~policemen~~] police officers" and shall have all the power and authority conferred upon constables by the general laws of the state and such additional powers, not inconsistent with law, as shall be conferred upon them by the town board. They shall be subject to the general authority and direction of the town board and to such orders and regulations as the town board may prescribe, not inconsistent with law. Such special [~~policemen~~] police officers shall serve at the pleasure of the town board and the town board shall fix their compensation and may purchase uniforms and equipment therefor. The compensation of such officer or officers, and the expense of the uniforms and equipment therefor if purchased by the town board, shall be a town charge and the amount thereof shall be assessed and levied upon the taxable property of the town and collected in the same manner as other town charges are assessed, levied and collected.

Notwithstanding such limitations upon their number, any such town may employ not more than five temporary police officers for a period of not to exceed three days in any calendar week.

§ 97. Subdivisions 4-a and 14, paragraphs 4, 5, 7, and 8 and the eighth undesignated paragraph of subdivision 18, subdivision 18-a, the first undesignated paragraph of subdivision 22, and subdivision 33 of section 176 of the town law, subdivision 4-a as amended by chapter 550 of the laws of 1983, subdivision 14 as amended by chapter 645 of the laws of 1935, paragraphs 4, 5 and 7 of subdivision 18 as amended by chapter 28 of the laws of 1969, paragraph 8 of subdivision 18 as amended by chapter 805 of the laws of 1984, the eighth undesignated paragraph of subdivision 18 as added by chapter 109 of the laws of 1978, subdivision 18-a as amended by chapter 831 of the laws of 1980, the first undesignated paragraph of subdivision 22 as amended by chapter 705 of the laws of 1967, and subdivision 33 as added by chapter 571 of the laws of 1983, are amended to read as follows:

4-a. Shall audit all claims against the fire district and shall, by resolution, order the payment thereof by the fire district treasurer in the amounts allowed. Except as otherwise provided by this subdivision, no such claim shall be audited or ordered paid by the board of fire commissioners unless an itemized voucher therefor, in such form as the board of fire commissioners shall prescribe, shall have been presented to the board of fire commissioners for audit and allowance. The board of fire commissioners may provide by resolution that no such claims may be presented, audited or paid unless they be either verified under oath, or, in lieu of such verification, certified, to be true and correct in a statement signed by or on behalf of the claimant. The provisions of this

subdivision shall not be applicable to claims for the payment of fixed salaries, compensation for services of officers or employees regularly engaged by the fire district at agreed wages by the hour, day, week, month or year unless so required by resolution of the board of fire commissioners adopted at the organization meeting in the month of January, the principal of or interest on obligations issued by the fire district, fixed amounts becoming due on lawful contracts for the purchase of water for fire protection, and amounts which the fire district may be required to pay to the state employees' retirement system on account of contributions for past and current services of [~~firemen~~] firefighters. The board of fire commissioners may, further, by resolution authorize the payment in advance of audit of claims for light, telephone, postage, freight and express charges. All such claims shall be presented at the next regular meeting for audit, and the claimant and the officer incurring or approving the same shall be jointly and severally liable for any amount disallowed by the board of fire commissioners.

14. For the preservation, protection and storing of fire apparatus and equipment and for the social and recreational use of the [~~firemen~~] firefighters and residents of the district and for any of the purposes authorized by law, may acquire by purchase, lease, gift, devise or by condemnation, real property and erect, construct, alter, repair and equip suitable buildings, and may furnish necessary supplies for such purposes, and may lease portions thereof not required for fire district purposes. All real property required by any fire district for any purpose authorized by this article shall be deemed to be required for public use and may be acquired by such fire district.

(4) the compensation of paid fire district officers, fire department officers, [~~firemen~~] firefighters and other paid personnel of the fire department,

(5) contributions to the New York state employees' retirement system and the New York state [~~policemen's~~] and local police and [~~firemen's~~] fire retirement system on account of past and current services of paid fire district officers and employees, including the paid officers, [~~firemen~~] firefighters and other personnel of the fire department,

(7) the cost of insurance secured to indemnify the fire district against liability for benefits or compensation required to be paid or furnished under or pursuant to the volunteer [~~firemen's~~] firefighters' benefit law and [~~workmen's~~] workers' compensation law, or for the payment of the benefits or compensation required to be paid or furnished under or pursuant to such laws by a fire district which is a self-insurer under such laws, to the extent that such benefits and compensation have not been recovered in such fiscal year under section twenty of the volunteer [~~firemen's~~] firefighters' benefit law or section twenty-nine of the [~~workmen's~~] workers' compensation law,

(8) the cost of blanket accident insurance purchased under the provisions of section four thousand two hundred thirty-seven of the insurance law to insure volunteer [~~firemen~~] firefighters against injury or death resulting from bodily injuries sustained by such [~~firemen~~] firefighters in the performance of their duties,

The foregoing limitation on expenditures shall not be applicable to contributions to the state's unemployment insurance fund on account of salaries paid to fire district officers and employees, including the paid officers, [~~firemen~~] firefighters and other personnel of the fire department.

18-a. May employ such persons as may be necessary to effectuate the objects and purposes of the district. Persons may be employed as paid [~~firemen~~] **firefighters**, however, only after a public hearing in relation to such employment. Any such hearing shall be held by the board of fire commissioners and the notice of the hearing shall state the time when and place in the district where the hearing will be held, the number of paid [~~firemen~~] **firefighters** to be employed and the total annual amount to be spent for the salaries or other compensation of such [~~firemen~~] **firefighters**. The notice shall be published in the official newspaper of the district at least once not more than twenty nor less than ten days before the hearing.

May contract for the furnishing of fire protection within the fire district with any city, village, fire district, or incorporated fire company having its headquarters outside such fire district and maintaining adequate and suitable apparatus and appliances for the furnishing of fire protection in such district; provided there is no fire company maintaining its headquarters in said district or provided the fire department of said district is, in the judgment of such fire commissioners, unable to render adequate and prompt fire protection to such district or any area thereof. The contract also may provide for the furnishing of (1) emergency service in case of accidents, calamities or other emergencies in connection with which the services of [~~firemen~~] **firefighters** would be required and (2) general ambulance service subject, however, to the provisions of section two hundred nine-b of the general municipal law. In the event that the fire department or fire company furnishing fire protection within the district pursuant to contract does not maintain and operate an ambulance and provision has not otherwise been made for ambulance service for the area of the district pursuant to section one hundred twenty two-b of the general municipal law then a separate contract may be made for the furnishing within the district of emergency ambulance service or general ambulance service, or both, with any city, village or fire district the fire department of which, or with an incorporated fire company having its headquarters outside the district which, maintains and operates an ambulance subject, however, in the case of general ambulance service, to the provisions of section two hundred nine-b of the general municipal law.

33. May authorize the use of fire equipment and apparatus belonging to the fire district for the purpose of participation in the funeral of a deceased member or former member of a fire department or fire company within the district including the transportation of the body of the deceased [~~fireman~~] **firefighter**.

§ 98. Subdivision 2 of section 176-a of the town law, as amended by chapter 511 of the laws of 1974, is amended to read as follows:

2. If an agreement in relation to the issuance of fire permits is entered into between the town board and the board of fire commissioners pursuant to section one hundred thirty-nine and subdivision twenty-four of section one hundred seventy-six of this chapter, the duties performed for the fire district by the chief, or an assistant chief, of the fire district fire department in relation to the issuance of the fire permit, or any preliminary investigation in connection therewith shall, in the case of any such officer who is a volunteer [~~fireman~~] **firefighter**, be deemed to have been performed by him **or her** in his **or her** capacity as such and to be a duty within the meaning of paragraph c of subdivision one of section five of the volunteer [~~firemen's~~] **firefighters'** benefit law and shall, in the case of any such officer who is a paid [~~fireman~~] **firefighter**, be deemed to have been performed by him **or her** in his **or**

her capacity as such and to be a duty within the meaning of section two hundred seven-a of the general municipal law and other laws applicable in the event of injuries to or death of paid [~~firemen~~] firefighters in line of duty. A chief or an assistant chief who is a volunteer [~~fireman~~] firefighter shall not receive any remuneration for his or her services in relation to the issuance of such permits and any investigation in relation thereto, and any such officer who is a paid [~~fireman~~] fire-fighter shall not receive any additional remuneration above his or her regular salary for any such service. Any such officer shall, however, be entitled to his or her actual and necessary travel expenses or mileage in connection with such services as provided in section one hundred seventy-eight-c of this [~~chapter~~] article.

§ 99. Subdivisions 5, 6, and 9, paragraph 3 of subdivision 13, and paragraph (a) of subdivision 15 of section 176-b of the town law, subdivision 5 as amended by chapter 273 of the laws of 1973, subdivision 6 as amended by chapter 213 of the laws of 1971, subdivision 9 as amended by chapter 351 of the laws of 2000, paragraph 3 of subdivision 13 as added by chapter 12 of the laws of 1955, and paragraph (a) of subdivision 15 as amended by chapter 215 of the laws of 1978, are amended to read as follows:

5. Any fire company may authorize the continued membership of any volunteer member where such member notifies the secretary of his or her fire company (a) that he or she plans to change his or her residence to territory which is not in the fire district and is not protected by the fire department of the district, or any fire company thereof, pursuant to a contract for fire protection, and (b) that by reason of his or her residence in the vicinity or his or her usual occupation he or she will be available to render active service as a volunteer [~~fireman~~] fire-fighter in the fire district or in territory outside the fire district which is afforded fire protection pursuant to a contract for fire protection by the fire department of the fire district, or a fire company thereof. Such authorization shall be pursuant to the by-laws, if any, of the fire company of which he or she is a member, otherwise by a three-fourths vote of the members of such fire company present and voting at a regular or special meeting thereof. Such authorization shall not become effective unless approved by resolution of the board of fire commissioners. Such authorization shall be deemed to have been approved pursuant to this subdivision in the event that no action is taken by the board of fire commissioners, either approving or disapproving, within forty days after service of written notice of such authorization shall have been made by the secretary of the fire company upon the secretary of the board of fire commissioners, either personally or by mail. Any membership continued pursuant to the provisions of this subdivision shall terminate when the member cannot meet either the requirements of this subdivision or the residence requirements of subdivision three of this section. In the case of a fire district which adjoins another state, the term "vicinity", as used in this subdivision, includes territory in this state and territory in the adjoining state.

6. A person who cannot meet the residence requirements of subdivision three of this section may be elected to membership as a volunteer member of any fire company of the fire department if by reason of his or her residence in the vicinity or his or her usual occupation he or her will be available to render active service as a volunteer [~~fireman~~] fire-fighter in the fire district or in territory which is afforded fire protection pursuant to a contract for fire protection by the fire department of the fire district, or a fire company thereof. Such

election shall be pursuant to the by-laws, if any, of the fire company; otherwise by a three-fourths vote of the members of the fire company present and voting at a regular or special meeting thereof. The membership of any person so elected shall not become effective unless approved by resolution of the board of fire commissioners. Membership shall be deemed to have been approved pursuant to this subdivision in the event that no action is taken by the board of fire commissioners, either approving or disapproving within seventy days after service of written notice of election to membership shall have been made by the secretary of the fire company upon the secretary of the board of fire commissioners, either personally or by mail. The membership of any volunteer member elected pursuant to the provisions of this subdivision shall terminate when the member cannot meet either the requirements of this subdivision or the residence requirements of subdivision three **of this section**. In the case of a fire district which adjoins another state, the term "vicinity", as used in this subdivision, includes territory in this state and territory in the adjoining state.

9. Residents of outside territory which is protected pursuant to a contract for fire protection who have been elected to volunteer membership, and non-residents whose volunteer memberships have been continued or authorized pursuant to subdivision five or six of this section may be elected or appointed to any office in the fire company or fire department and, shall have all the powers, duties, immunities, and privileges of resident volunteer members, except a non-resident of this state whose membership has been continued pursuant to subdivision five **of this section**, or a non-resident of this state who was elected to membership pursuant to subdivision six of this section, shall not be considered to be performing any firemanic duty, or to be engaged in any firemanic activity, as a member of the fire company while he **or she** is outside of this state unless and until he **or she** has first reported to the officer or [~~fireman~~] **firefighter** in command of his **or her** fire department, or any company, squad or other unit thereof, engaged or to be engaged in rendering service outside this state, or has received orders or authorization from an officer of the fire department or fire company to participate in or attend authorized activities outside of this state in the same manner as resident members of the fire company.

(3) who was, at the time of his **or her** election to membership, a resident of the fire district or of territory outside the fire district which was afforded fire protection by the fire department of the fire district, or any fire company thereof, pursuant to a contract for fire protection, shall for all purposes in law be considered to have been duly elected and appointed to membership in such fire company as of the date of such appointment, if any, and, if none, then as of the date of such election; notwithstanding that there may have been some legal defect in such election, or the proceedings precedent thereto, or a failure of the board of fire commissioners to appoint such member, as provided by the law in force at the time of such election, and the status of such person as a volunteer [~~fireman~~] **firefighter** as of the date of such appointment or election is hereby legalized, validated, and confirmed. This subdivision shall not apply to a person, if any, whose volunteer membership in a fire company was declared invalid by a court of competent jurisdiction prior to the first day of January, nineteen hundred fifty-five.

(a) It shall be an unlawful discriminatory practice for any volunteer fire department or fire company, through any member or members thereof, officers, board of fire commissioners or other body or office having

power of appointment of volunteer [~~firemen~~] **firefighters** in any fire department or fire company pursuant to this section, because of the race, creed, color, national origin, sex or marital status of any individual, to exclude or to expel from its volunteer membership such individual, or to discriminate against any of its members because of the race, creed, color, national origin, sex or marital status of such volunteer members.

§ 100. Section 176-d of the town law, as added by chapter 838 of the laws of 1975, is amended to read as follows:

§ 176-d. Funding of fire districts. Notwithstanding any other provision of law to the contrary, a fire district may include as part of its budget an appropriation to fund an annual [~~fireman's~~] **firefighters'** inspection-dinner for each fire company within the fire district.

§ 101. The opening paragraph of section 177 of the town law, as amended by chapter 23 of the laws of 2010, is amended to read as follows:

The fire district treasurer shall be the fiscal officer of the fire district and shall receive and have the custody of the funds of the district and shall disburse the same for the purposes herein authorized when so ordered by resolution of the board of fire commissioners, except that no such resolution of the board of fire commissioners shall be required for the payment of fixed salaries, compensation for services of officers or employees regularly engaged by the fire district at agreed wages by the hour, day, week, month or year unless so required by resolution of the board of fire commissioners adopted at the organization meeting in the month of January, the principal of or interest on obligations issued by the fire district, fixed amounts becoming due on lawful contracts for the purchase of water for fire protection, and amounts which the fire district may be required to pay to the state and local employees' retirement system on account of contributions for past and current services of [~~firemen~~] **firefighters**. All such disbursements shall be made by check payable to the order of the person or persons entitled thereto. The fire district treasurer shall also be responsible for filing any paperwork necessary to obtain permits or secure any refunds provided pursuant to section three hundred seventy-eight-a of the public authorities law. The board of fire commissioners shall designate in the manner provided by section ten of the general municipal law the depositaries in which the fire district treasurer shall, within ten days, deposit and secure all moneys coming into his **or her** hands by virtue of his **or her** office.

§ 102. Paragraph (c) of subdivision 1 of section 179 of the town law, as amended by chapter 565 of the laws of 1949, is amended to read as follows:

(c) To lease, purchase, construct, reconstruct, alter, repair or equip suitable buildings for the preservation, protection and storing of vehicles, apparatus and equipment of the fire district and for the social and recreational use of the [~~firemen~~] **firefighters** and residents of the district, and purchase the necessary lands therefor.

§ 103. The closing paragraph of section 189 of the town law, as amended by chapter 694 of the laws of 1959, is amended to read as follows:

The failure of any such officer or member to discover and properly report any such fire hazards or his **or her** neglect or omission to perform such duties shall not subject him **or her**, his **or her** fire department, fire company, or the city, village, fire district or town in which or of which he **or she** is a [~~fireman~~] **firefighter** to any civil or

other liability. Any such fire officer or member shall not be liable civilly for any act or acts done by him or her as a [~~fireman~~] firefighter in the performance of such duties, except for wilful negligence or malfeasance, but the provisions of this section shall not relieve any such city, village, fire district, town, or fire company from liability, if any, for the negligent or wrongful acts of the officer or member in the actual performance of such duty.

§ 104. Subdivision 9 of section 224 of the county law, as amended by chapter 297 of the laws of 1952, is amended to read as follows:

(9) Fire training schools for training [~~firemen~~] firefighters, including the power to pay to a city within or without the county for services in the training of [~~firemen~~] firefighters of such county.

§ 105. Paragraph (g) of subdivision 1 of section 225 of the county law, as amended by chapter 297 of the laws of 1952, is amended to read as follows:

(g) Establishment and maintenance of fire training schools for training [~~firemen~~] firefighters.

§ 106. Subdivisions 1, 2 and 3 of section 225-a of the county law, subdivisions 1 and 2 as amended by section 42 of part B of chapter 56 of the laws of 2010, and subdivision 3 as amended by chapter 53 of the laws of 1957, are amended to read as follows:

1. In order to develop and maintain programs for fire training, fire service-related activities and mutual aid in cases of fire and other emergencies in which the services of [~~firemen~~] firefighters would be used and to cooperate with the office of fire prevention and control in furthering such programs, the board of supervisors of any county may create a county fire advisory board and may establish the office of county fire coordinator.

2. A county fire advisory board shall consist of not less than five nor more than twenty-one members, each of whom shall be appointed by the board of supervisors for a term of not to exceed one year, two years or three years. Such terms of office need not be the same for all members. It shall be the duty of such board to cooperate with the office of fire prevention and control in relation to such programs for fire training, fire service-related activities and mutual aid; to act as an advisory body to the board of supervisors and to the county fire coordinator, if any, in connection with the county participation in such programs for fire training, fire service-related activities and mutual aid and in connection with the county establishment and maintenance of a county fire training school and mutual aid programs in cases of fire and other emergencies in which the services of [~~firemen~~] firefighters would be used; to perform such other duties as the board of supervisors may prescribe in relation to fire training, fire service-related activities and mutual aid in cases of fire and other emergencies in which the services of [~~firemen~~] firefighters would be used. The members of such board shall be county officers, and shall serve without compensation.

3. If the office of county fire coordinator is created in any county, the board of supervisors thereof shall appoint a county fire coordinator. It shall be his or her duty to administer the county programs for fire training and mutual aid in cases of fire and other emergencies in which the services of [~~firemen~~] firefighters would be used; to act as a liaison officer between the board of supervisors and the county fire advisory board and the fire fighting forces in the county and the officers and governing boards or bodies thereof; and to perform such other duties as the board of supervisors shall prescribe. The county fire

coordinator shall be a county officer and the amount of his **or her** compensation, if any, shall be fixed by the board of supervisors.

§ 107. The second undesignated paragraph of subdivision 4 of section 243 of the military law, as separately amended by chapters 684 and 1197 of the laws of 1971, is amended to read as follows:

Time during which a member is absent on military duty shall not constitute an interruption of continuous employment, but such time shall not be counted or included in determining the length of total service unless such member contributes to the retirement system the amount he **or she** would have been required to contribute if he **or she** had been continuously employed during such period. Such contribution, or any part thereof, may be paid at any time and from time to time, while in military duty, or within five years after the date of his **or her** restoration to his **or her** position or before December thirty-first, nineteen hundred sixty-two, whichever date is later, or in the event of the death of the member while in military duty such contribution, or any part thereof, may be paid by the named beneficiary or the legal representative of the member's estate within one year following proof of such death. A member of the New York state employees' retirement system or of the New York state [~~**policemen's**~~] **and local police** and [~~**firemen's**~~] **fire** retirement system, other than a member of the state police in a collective negotiating unit established pursuant to article fourteen of the civil service law, who is in the employ of the state on March thirty-first, nineteen hundred seventy, who failed to make such contributions during the prescribed period of time may nonetheless obtain credit for time during which he **or she** was on military duty by depositing with such retirement system an amount equal to the contribution he **or she** would have made had he **or she** made a timely election, with regular interest, on or before March thirty-first, nineteen hundred seventy-two, provided, however, such member may elect to deposit such amount over a period of time no greater than the period for which credit is being claimed, in which case such payments must commence no later than March thirty-first, nineteen hundred seventy-two. If the full amount of such payments is not paid to the retirement system, the amount of service credited shall be proportional to the total amount of the payments made. A member of the New York state [~~**policemen's**~~] **and local police** and [~~**firemen's**~~] **fire** retirement system who is a member of the state police in a collective negotiating unit established pursuant to article fourteen of the civil service law, who is in the employ of the state on March thirty-first, nineteen hundred seventy-one, who failed to make such contributions during the prescribed period of time may nonetheless obtain credit for time during which he **or she** was on military duty by depositing with such retirement system an amount equal to the contribution he **or she** would have made had he **or she** made a timely election, with regular interest, on or before March thirty-first, nineteen hundred seventy-two, provided, however, such member may elect to deposit such amount over a period of time no greater than the period for which credit is being claimed, in which case such payments must commence no later than March thirty-first, nineteen hundred seventy-two. If the full amount of such payments is not paid to the retirement system, the amount of service credited shall be proportional to the total amount of the payments made.

§ 108. Subparagraph a of paragraph 9 of subdivision 3 of section 4-412 of the village law, as added by chapter 976 of the laws of 1973, is amended to read as follows:

a. May contract for the furnishing of fire protection within the village with the fire department in the village or with any city,

village, fire district, or incorporated fire company having its headquarters outside such village and maintaining adequate and suitable apparatus and appliances for the furnishing of fire protection in such village. The contract also may provide for the furnishing of emergency service in case of accidents, calamities or other emergencies in connection with which the services of [~~firemen~~] **firefighters** would be required, as well as in case of alarms of fire. The contract also may provide for the furnishing of general ambulance service subject, however, to the provisions of section two hundred nine-b of the general municipal law. In the event that the fire department or fire company furnishing fire protection within the village pursuant to contract does not maintain and operate an ambulance then a separate contract may be made for the furnishing within the village of emergency ambulance service or general ambulance service, or both, with any city, village or fire district the fire department of which, or with an incorporated fire company having its headquarters outside the village which, maintains and operates an ambulance subject, however, in the case of general ambulance service, to the provisions of section two hundred nine-b of the general municipal law.

§ 109. Section 8-802 of the village law is amended to read as follows:

§ 8-802 Powers and duties of [~~policemen~~] **police officers**. The [~~policemen~~] **police officers** so appointed shall have all the powers and be subject to the duties and liabilities of constables of towns in serving process in any civil action or proceeding. In addition to other powers conferred by law, said [~~policemen~~] **police officers** shall have power to execute any warrant or process issued by a court of the county or counties in which such village is situated.

§ 110. Subdivisions 8 and 11 of section 10-1000 of the village law, subdivision 11 as added by chapter 838 of the laws of 1975, are amended to read as follows:

8. May employ duty or "[~~call men~~] **persons on call**," to serve on a part-time basis when necessary, and fix their duties and compensation. Such part-time paid [~~firemen~~] **firefighters** in the event of injury shall be entitled to the applicable benefits provided for such part-time paid [~~firemen~~] **firefighters** under section two hundred seven-a of the general municipal law and in the event of injury or death shall be entitled to the applicable benefits, if any, provided for such part-time paid [~~firemen~~] **firefighters** under the retirement and social security law and the [~~workmen's~~] **workers'** compensation law. Persons who are volunteer members of the village fire department may be employed as such part-time paid [~~firemen~~] **firefighters**, but in the event of injury, death, disease, or infection, resulting from services performed in line of duty as such part-time paid [~~firemen~~] **firefighters** they shall not be entitled to any of the benefits provided for volunteer [~~firemen~~] **firefighters** under the volunteer [~~firemen's~~] **firefighters'** benefit law, or under any policy of blanket accident insurance purchased by the village or purchased by the fire department to cover only volunteer members of such department.

11. Notwithstanding any other provisions of law to the contrary, a village may include as part of its budget an appropriation to fund an annual [~~firemen's~~] **firefighters'** inspection-dinner for each fire company within the village.

§ 111. Subdivisions 5, 6, 7, and 9, paragraph 3 of subdivision 15, paragraph 3 of subdivision 16, and paragraph (a) of subdivision 17 of section 10-1006 of the village law, subdivision 7 as separately amended by chapters 117 and 215 of the laws of 2014, paragraph 3 of subdivision 16 as amended by chapter 373 of the laws of 2011, and paragraph (a) of

subdivision 17 as amended by chapter 215 of the laws of 1978, are amended to read as follows:

5. Any fire company may authorize the continued membership of any volunteer member where such member notifies the secretary of his **or her** fire company (a) that he **or she** plans to change his **or her** residence to territory which is not in the village and is not protected by the fire department of the village, or any fire company thereof, pursuant to a contract for fire protection, and (b) that by reason of his **or her** residence in the vicinity or his **or her** usual occupation he **or she** will be available to render active service as a volunteer [~~fireman~~] **firefighter** in the village or in territory outside the village which is afforded fire protection pursuant to a contract for fire protection by the fire department of the village, or a fire company thereof. Such authorization shall be pursuant to the by-laws, if any, of the fire company of which he **or she** is a member, otherwise by a three-fourths vote of the members of such fire company present and voting at a regular or special meeting thereof. Such authorization shall not become effective unless approved by resolution of the board of fire commissioners. Such authorization shall be deemed to have been approved pursuant to this subdivision in the event that no action is taken by the board of fire commissioners, either approving or disapproving, within forty days after service of written notice of such authorization shall have been made by the secretary of the fire company upon the village clerk, either personally or by mail. Any membership continued pursuant to the provisions of this subdivision shall terminate when the member cannot meet either the requirements of this subdivision or the residence requirements of subdivision three **of this section**. In the case of a village which adjoins another state, the term "vicinity", as used in this subdivision, includes territory in this state and territory in the adjoining state.

6. A person who cannot meet the residence requirements of subdivision three **of this section** may be elected to membership as a volunteer member of any fire company of the fire department if by reason of his **or her** residence in the vicinity or his **or her** usual occupation he **or she** will be available to render active service as a volunteer [~~fireman~~] **firefighter** in the village or in territory which is afforded fire protection pursuant to a contract for fire protection by the fire department of the village or a fire company thereof. Such election shall be pursuant to the by-laws, if any, of the fire company; otherwise by a three-fourths vote of the members of the fire company present and voting at a regular or special meeting thereof. The membership of any person so elected shall not become effective unless approved by resolution of the board of fire commissioners. Membership shall be deemed to have been approved pursuant to this subdivision in the event that no action is taken by the board of fire commissioners, either approving or disapproving, within seventy days after service of written notice of election to membership shall have been made by the secretary of the fire company upon the village clerk, either personally or by mail. The membership of any volunteer member elected pursuant to the provisions of this subdivision shall terminate when the member cannot meet either the requirements of this subdivision or the residence requirements of subdivision three **of this section**. In the case of a village which adjoins another state, the term "vicinity", as used in this subdivision, includes territory in this state and territory in the adjoining state.

7. The membership of any volunteer [~~fireman~~] **firefighter** shall not be continued pursuant to subdivision five **of this section**, and persons shall not be elected to membership pursuant to subdivision six **of this**

section, if, by so doing, the percentage of such non-resident members in the fire company would exceed forty-five per centum of the actual membership of the fire company, provided however, that the provisions of this subdivision shall not apply to the membership of the village of Blasdell volunteer fire department, provided however, that the provisions of this subdivision shall not apply to the membership of the village of Delanson volunteer fire company in the village of Delanson, county of Schenectady.

9. Residents of outside territory protected pursuant to a contract for fire protection who have been elected to volunteer membership, and non-residents whose volunteer memberships have been continued or authorized pursuant to subdivision five or six of this section, shall have all the powers, duties, immunities, and privileges of resident volunteer members, except (1) non-residents of the state may not be appointed or elected to any office in the fire company or fire department, and (2) a non-resident of this state whose membership has been continued pursuant to subdivision five of this section, or a non-resident of this state who was elected to membership pursuant to subdivision six of this section, shall not be considered to be performing any firemanic duty, or to be engaged in any firemanic activity, as a member of the fire company while he or she is outside of this state unless and until he or she has first reported to the officer or [~~fireman~~] firefighter in command of his or her fire department, or any company, squad or other unit thereof, engaged or to be engaged in rendering service outside this state, or has received orders or authorization from an officer of the fire department or fire company to participate in or attend authorized activities outside of this state in the same manner as resident members of the fire company.

(3) who was, at the time of his or her nomination for membership, a resident of the village or of territory outside of the village which was afforded fire protection by the fire department of the village, or any fire company thereof, pursuant to a contract for fire protection, shall for all purposes in law be considered to have been duly nominated and appointed to membership in such fire company as of the date of such appointment, if any, and, if none, then as of the date of such nomination; notwithstanding that there may have been some legal defect in such nomination, or the proceedings precedent thereto, or a failure of the board of fire commissioners or board of trustees to appoint such member, as provided by law in force at the time of such nomination, and the status of such person as a volunteer [~~fireman~~] firefighter as of the date of such appointment or nomination is hereby legalized, validated and confirmed. An election to membership in a fire company shall be deemed equivalent to a nomination for membership for the purposes of this subdivision in the event that a formal nomination for membership was never presented to a board of fire commissioners or board of trustees as provided by the law in force prior to the first day of July, nineteen hundred fifty-four, and, for the purposes of this subdivision, such election, and the proceedings precedent thereto, shall be considered to have been held and conducted in the manner required by law. This subdivision shall not apply to a person, if any, whose volunteer membership in a fire company was declared invalid by a court of competent jurisdiction prior to the first day of January, nineteen hundred fifty-five.

(3) who was, at the time of his or her election to membership, a resident of the village or of territory outside the village which was afforded fire protection by the fire department of the village, or any

fire company thereof, pursuant to a contract for fire protection, or who was a non-resident who was elected to membership or who was continued as a member, pursuant to the provisions of subdivisions five or six of this section, shall for all purposes in law be considered to have been duly elected and approved, or continued, as a member in such fire company as of the date of such approval, if any, and, if none, then as of the date of such election or, in the case of a continuance, as of the date of the approval, if any, by the board of fire commissioners or the board of trustees, and, if none, as of the date of authorization of continuance by the fire company; notwithstanding that there may have been some legal defect in such election, or the proceedings precedent thereto, or a failure of the board of fire commissioners or board of trustees to approve such member, or approve the continuance of membership of such member, as provided by the law in force at the time of such election, or continuance, and the status of such person as a volunteer [~~fireman~~] **firefighter** as of the date is hereby legalized, validated and confirmed. This subdivision shall not apply to a person, if any, whose volunteer membership in a fire company was disapproved by the board of trustees or board of fire commissioners or declared invalid by a court of competent jurisdiction prior to the first day of January, two thousand eleven.

(a) It shall be an unlawful discriminatory practice for any volunteer fire department or fire company, through any member or members thereof, officers, board of fire commissioners or other body or office having power of appointment of volunteer [~~firemen~~] **firefighters** in any fire department or fire company pursuant to this section, because of the race, creed, color, national origin, sex or marital status of any individual, to exclude or to expel from its volunteer membership such individual, or to discriminate against any of its members because of the race, creed, color, national origin, sex or marital status of such volunteer members.

§ 112. Section 10-1020 of the village law is amended to read as follows:

§ 10-1020 Abolition of fire department; employment of paid [~~firemen~~] **firefighters**. The board of trustees of any village may, by resolution, abolish, in whole or in part, the fire department in such village, which action of the board of trustees shall be subject to a permissive referendum as defined in this chapter; if such fire department is abolished, all the money and property of such department shall be turned over by the officers of such department or by the fire commissioners to the board of trustees within ten days after service of notice on such officers or commissioners of the action of the board of trustees. Or, the board of trustees may, by resolution, determine that one or more [~~firemen~~] **firefighters** shall be employed to act with such voluntary department and may fix the salary of such [~~firemen~~] **firefighters**; the board of trustees may also determine that such paid [~~firemen~~] **firefighters** shall have charge of all apparatus and other equipment and that the voluntary department shall act under the orders of such paid [~~fireman or firemen~~] **firefighter or firefighters**.

§ 113. The third undesignated paragraph of section 10-1022 of the village law is amended to read as follows:

The failure of any such officer or member to discover and properly report any such fire hazards or his **or her** neglect or omission to perform such duties shall not subject him **or her**, his **or her** fire department, fire company, or the city, village, fire district or town in which or of which he **or she** is a [~~fireman~~] **firefighter** to any civil or other liability. Any such fire officer or member shall not be liable

civilly for any act or acts done by him **or her** as a [~~fireman~~] **firefighter** in the performance of such duties, except for wilful negligence or malfeasance, but the provisions of this section shall not relieve any such city, village, fire district, town, or fire company from liability, if any, for the negligent or wrongful acts of the officer or member in the actual performance of such duty.

§ 114. Subdivision 4 of section 604 of the education law, as amended by chapter 335 of the laws of 1987, is amended to read as follows:

4. Regents awards for children of deceased police officers, [~~firemen~~] **firefighters**, volunteer firefighters and correction officers are available for eligible students in an approved program pursuant to section six hundred sixty-four of this chapter.

§ 115. Paragraph b of subdivision 1 of section 664 of the education law, as amended by chapter 335 of the laws of 1987, is amended to read as follows:

b. A person may receive concurrently a tuition assistance program award, a regents award for children of deceased and disabled veterans and a regents award for children of deceased police officers, [~~firemen~~] **firefighters** and volunteer firefighters, and correction officers of the state or any political subdivision thereof, and may also receive benefits under one or all of these awards concurrently with an academic performance award or federal or other awards. However, in the case of the regents awards for children of deceased state correction officers and state civilian employees of a correctional facility received pursuant to the provisions of section six hundred sixty-nine of this article, no person shall receive benefits under this award concurrently with any other general or academic performance award under this chapter, or with any scholarship, grant, or educational assistance under federal law that, in the judgment of the commissioner would duplicate the purposes of such award.

§ 116. Subdivision 2 of section 1004 of the education law, as amended by chapter 746 of the laws of 1967, is amended to read as follows:

2. To provide vocational rehabilitation services directly or through public or private instrumentalities for handicapped persons (excepting blind persons and, with respect to physical restoration services, those persons who are entitled to such services pursuant to the [~~workmen's~~] **workers'** compensation law and the volunteer [~~firemen's~~] **firefighters'** benefit law) whose vocational rehabilitation the department determines after full investigation may be satisfactorily achieved. In the course of its investigation of an individual applicant's vocational rehabilitation potential the department may conduct an extended evaluation program including utilization of such vocational rehabilitation services as it deems necessary.

§ 117. Section 2103-a of the education law, as added by chapter 949 of the laws of 1974, is amended to read as follows:

§ 2103-a. [~~Policemen and firemen~~] **Police officers and firefighters** on boards of education. Notwithstanding any general, special or local law, ordinance or charter provision to the contrary, or any rule or regulation, [~~policemen and firemen~~] **police officers and firefighters** employed by any municipal subdivision of the state or police district provided they are otherwise eligible, may be candidates for election and serve as members of boards of education in school districts located: (1) other than in the municipality where they perform their duties as [~~policemen or firemen~~] **police officers and firefighters** on a regular basis, or (2) unless prohibited by the legislative body for whom they are employed, in school districts located in the locality where they

perform their duties as [~~policemen or firemen~~] police officers and firefighters.

§ 118. Subdivision 7 of section 2502 of the education law, as amended by chapter 438 of the laws of 1980, is amended to read as follows:

7. No person shall be eligible to the office of member of the board of education who is not a qualified voter of the city school district and who has not been a resident of such district for a period of at least one year immediately preceding the date of his or her election; provided, however, that no person shall hold at the same time the office of member of the board of education and any city office other than as a [~~policeman or fireman~~] police officer and firefighter; provided, further, that where territory is added to a city school district by order of the commissioner [~~of education~~] pursuant to article thirty-one of this chapter, residence in the territory so added to the city school district shall be and shall be deemed to be residence in the city school district for the purposes of this subdivision, and a person qualified to vote in school district elections by virtue of his or her residence in the territory so added to the city school district immediately prior to the addition of such territory to the city school district shall be and shall be deemed to be a qualified voter of the city school district immediately upon the addition of such territory.

§ 119. Subdivision (a) of section 7.25 of the mental hygiene law, as amended by chapter 22 of the laws of 1984, is amended to read as follows:

(a) The commissioner and the directors of in-patient facilities in the office of mental health may designate safety officers to act as special [~~policemen~~] police officers whose duty it shall be, under orders of the appropriate officer, to preserve peace and good order in facilities of such office and to fully protect the grounds, buildings, and patients. Such safety officers acting as special [~~policemen~~] police officers shall possess all the powers of peace officers, as set forth in section 2.20 of the criminal procedure law, while performing duties in or arising out of the course of their employment. Such peace officers when acting pursuant to their special duties may issue and serve a simplified traffic information and appearance ticket, in the form prescribed by the commissioner of motor vehicles pursuant to section two hundred seven of the vehicle and traffic law, upon a person when he or she has reasonable cause to believe that such person has committed a traffic infraction in his or her presence, and shall have the power to issue and serve an appearance ticket as defined in section 150.10 of the criminal procedure law for an offense other than a felony in lieu of an arrest.

§ 120. Subdivision (a) of section 13.25 of the mental hygiene law, as amended by chapter 969 of the laws of 1983, is amended to read as follows:

(a) The commissioner and the directors of facilities under his or her jurisdiction may designate safety officers to act as special [~~policemen~~] police officers whose duty it shall be, under orders of the appropriate officer, to preserve peace and good order in such facilities and to fully protect the grounds, buildings, and patients. Such safety officers acting as special [~~policemen~~] police officers shall possess all the powers of peace officers, as set forth in section 2.20 of the criminal procedure law, while performing duties in or arising out of the course of their employment. Such peace officers when acting pursuant to their special duties may issue and serve a simplified traffic information and appearance ticket, in the form prescribed by the commissioner of motor vehicles pursuant to section two hundred seven of the vehicle and traf-

fic law, upon a person when he **or she** has reasonable cause to believe that such person has committed a traffic infraction in his **or her** presence, and shall have the power to issue and serve an appearance ticket as defined in section 150.10 of the criminal procedure law for an offense other than a felony in lieu of an arrest.

§ 121. Subdivision 5 of section 73 of the Indian law, as added by chapter 1022 of the laws of 1969, is amended to read as follows:

5. Notwithstanding any other provision of law to establish, manage and control a fire corporation for the fire protection of the common land of the nation and to enter into contracts necessary for providing such fire protection and to provide insurance for volunteer [~~firemen~~] **firefighters**.

§ 122. Section 77 of the Indian law is amended to read as follows:

§ 77. [~~Policemen~~] **Police officers** at annual fair. The board of commissioners of the Niagara frontier police district may, upon the written request of at least five of the councilors of the Seneca nation, detail two or more [~~policemen~~] **police officers** of such district to attend and preserve peace and good order at the annual fair of the Iroquois agricultural society on the Cattaraugus reservation; the reasonable expenses of such [~~policemen~~] **police officers** to be defrayed by such nation.

§ 123. Paragraph 3 of subdivision a of section 30 of the retirement and social security law, as added by chapter 776 of the laws of 1957, is amended to read as follows:

3. The power to exclude employees from eligibility for membership in the retirement system pursuant to paragraph one or paragraph two of this subdivision a shall terminate on the day after the modification extending the old-age and survivors insurance system to any position covered by such system and held by an employee of a political subdivision of the state (exclusive of one in a [~~policeman's or firemen's~~] **police officer's or firefighter's** position) is executed.

§ 124. Paragraph 3 of subdivision e of section 31 of the retirement and social security law, as added by chapter 776 of the laws of 1957, is amended to read as follows:

3. The power to exclude employees from eligibility for membership in the retirement system pursuant to paragraph one or paragraph two of this subdivision e shall terminate on the day after the modification extending the old-age and survivors insurance system to any position covered by such system and held by an employee of a political subdivision of the state (exclusive of one in a [~~policeman's or firemen's~~] **police officer's or firefighter's** position) is executed.

§ 125. Paragraph 3 of subdivision b of section 40 of the retirement and social security law is amended to read as follows:

3. Every [~~policeman and fireman~~] **police officer and firefighter**, appointed to and employed by a city, county, town, village or police or fire district, in a position in the classified civil service, other than in a position in the exempt class, and who is not eligible to become a member of a local pension system. Notwithstanding any other provision of this article, so far as such [~~policemen and firemen~~] **police officers and firefighters** are concerned, their employers shall be treated in all respects as if they were participating employers. Such employers shall pay into the pension accumulation fund the amount required to pay the accrued liability on account of such [~~policemen~~] **police officers** and [~~firemen~~] **firefighters**, as computed by the actuary. Such payment shall be made in such installments as the comptroller shall require.

§ 126. Subdivision (d) of section 89-a of the retirement and social security law, as amended by chapter 493 of the laws of 1969, is amended to read as follows:

(d) Credit for service as a member or officer of the state police or as a paid [~~fireman, policeman~~] firefighter, police officer or officer of any organized fire department or police force or department of any county, city, village, town, fire district or police district, or as a criminal investigator in the office of a district attorney, provided that service as such investigator shall have been rendered prior to January first, nineteen hundred sixty and that credit therefor shall not exceed five years, shall also be deemed to be creditable service and shall be included in computing years of total service for retirement pursuant to this section, provided such service was performed by the member while contributing to the retirement system pursuant to the provisions of this article or article eight of this chapter.

§ 127. Subdivision (i) of section 89-b of the retirement and social security law, as added by chapter 622 of the laws of 1970, is amended to read as follows:

(i) Credit for service as a member or officer of the state police, or as a paid [~~fireman, policeman~~] firefighter, police officer or officer of any organized fire department or police force or department of any county, city, village, town, fire district or police district or as a criminal investigator in the office of a district attorney, provided that service as such investigator shall have been rendered prior to January first, nineteen hundred sixty and that credit therefor shall not exceed five years, shall also be deemed to be creditable service and shall be included in computing years of total service for retirement pursuant to this section, provided such service was performed by the member while contributing to the retirement system pursuant to this article or article eight of this chapter.

§ 128. Subdivision (i) of section 89-d of the retirement and social security law, as added by chapter 678 of the laws of 1983, is amended to read as follows:

(i) Credit for service as a member or officer of the state police, or as a paid [~~fireman, policeman~~] firefighter, police officer or officer of any organized fire department or police force or department of any county, city, village, town, fire district or police district or as a sheriff, undersheriff or regular deputy sheriff or as a criminal investigator in the office of a district attorney, shall also be deemed to be creditable service and shall be included in computing years of total service for retirement pursuant to this section, provided such service was performed by the member while contributing to the retirement system pursuant to this article or article eight of this chapter.

§ 129. Subdivision e of section 89-e of the retirement and social security law, as added by chapter 520 of the laws of 1988, is amended to read as follows:

e. Credit for service as a member or officer of the state police or as a paid firefighter, [~~policeman~~] police officer or officer of any organized fire department or police force or department of any county, city, village, town, fire district or police district, or as a criminal investigator in the office of a district attorney, provided that service as such investigator shall have been rendered prior to January first, nineteen hundred sixty and that credit therefor shall not exceed five years, shall also be deemed to be creditable service and shall be included in computing years of total service for retirement pursuant to this section, provided such service was performed by the member while

contributing to the retirement system pursuant to the provisions of this article or article eight of this chapter.

§ 130. Subdivision f of section 89-f of the retirement and social security law, as added by chapter 591 of the laws of 1988, and as relettered by chapter 543 of the laws of 1992, is amended to read as follows:

f. Credit for service as a member or officer of the state police or as a paid [~~fireman, policeman~~] **firefighter, police officer** or officer of any organized fire department or police force or department of any county, city, village, town, fire district or police district, or as a criminal investigator in the office of a district attorney, provided that service as such investigator shall have been rendered prior to January first, nineteen hundred sixty and that credit therefor shall not exceed five years, shall also be deemed to be creditable service and shall be included in computing years of total service for retirement pursuant to this section, provided such service was performed by the member while contributing to the retirement system pursuant to the provisions of this article or article eight of this chapter.

§ 131. Subdivision e of section 89-g of the retirement and social security law, as added by chapter 653 of the laws of 1988 and such section as renumbered by chapter 771 of the laws of 1988, is amended to read as follows:

e. Credit for service as a member or officer of the state police or as a paid [~~fireman, policeman~~] **firefighter, police officer** or officer of any organized fire department or police force or department of any county, city, village, town, fire district or police district, or as a criminal investigator in the office of a district attorney, provided that service as such investigator shall have been rendered prior to January first, nineteen hundred sixty and that credit therefor shall not exceed five years, shall also be deemed to be creditable service and shall be included in computing years of total service for retirement pursuant to this section, provided such service was performed by the member while contributing to the retirement system pursuant to the provisions of this article or article eight of this chapter.

§ 132. Subdivision e of section 89-h of the retirement and social security law, as amended by chapter 320 of the laws of 2003, is amended to read as follows:

e. Credit for service as a member or officer of the state police or as a paid [~~fireman, policeman~~] **firefighter, police officer** or officer of any organized fire department or police force or department of any county, city, village, town, fire district or police district, or as a criminal investigator in the office of a district attorney, provided that service as such investigator shall have been rendered prior to January first, nineteen hundred sixty and that credit therefor shall not exceed five years, shall also be deemed to be creditable service and shall be included in computing years of total service for retirement pursuant to this section, provided such service was performed by the member while contributing to the retirement system pursuant to the provisions of this article or article eight of this chapter.

§ 133. Subdivision e of section 89-i of the retirement and social security law, as added by chapter 283 of the laws of 1989, is amended to read as follows:

e. Credit for service as a member or officer of the state police or as a paid [~~fireman, policeman~~] **firefighter, police officer** or officer of any organized fire department or police force or department of any county, city, village, town, fire district or police district, or as a criminal investigator in the office of a district attorney, provided that

service as such investigator shall have been rendered prior to January first, nineteen hundred sixty and that credit therefor shall not exceed five years, shall also be deemed to be creditable service and shall be included in computing years of total service for retirement pursuant to this section, provided such service was performed by the member while contributing to the retirement system pursuant to the provisions of this article or article eight of this chapter.

§ 134. Subdivision e of section 89-j of the retirement and social security law, as added by chapter 648 of the laws of 1989, is amended to read as follows:

e. Credit for service as a member or officer of the state police or as a paid [~~fireman, policeman~~] **firefighter, police officer** or officer of any organized fire department or police force or department of any county, city, village, town, fire district or police district, or as a criminal investigator in the office of a district attorney, provided that service as such investigator shall have been rendered prior to January first, nineteen hundred sixty and that credit therefor shall not exceed five years, shall also be deemed to be creditable service and shall be included in computing years of total service for retirement pursuant to this section, provided such service was performed by the member while contributing to the retirement system pursuant to the provisions of this article or article eight of this chapter.

§ 135. Subdivision e of section 89-k of the retirement and social security law, as added by chapter 433 of the laws of 1990, is amended to read as follows:

e. Credit for service as a member or officer of the state police or as a paid [~~fireman, policeman~~] **firefighter, police officer** or officer of any organized fire department or police force or department of any county, city, village, town, fire district or police district, or as a criminal investigator in the office of a district attorney, provided that service as such investigator shall have been rendered prior to January first, nineteen hundred sixty and that credit therefor shall not exceed five years, shall also be deemed to be creditable service and shall be included in computing years of total service for retirement pursuant to this section, provided such service was performed by the member while contributing to the retirement system pursuant to the provisions of this article or article eight of this chapter.

§ 136. Subdivision e of section 89-l of the retirement and social security law, as added by chapter 389 of the laws of 1989, is amended to read as follows:

e. Credit for service as a member or officer of the state police or as a paid [~~fireman, policeman~~] **firefighter, police officer** or officer of any organized fire department or police force or department of any county, city, village, town, fire district or police district, or as a criminal investigator in the office of a district attorney, provided that service as such investigator shall have been rendered prior to January first, nineteen hundred sixty and that credit therefor shall not exceed five years, shall also be deemed to be creditable service and shall be included in computing years of total service for retirement pursuant to this section, provided such service was performed by the member while contributing to the retirement system pursuant to the provisions of this article or article eight of this chapter.

§ 137. Subdivision e of section 89-m of the retirement and social security law, as added by chapter 646 of the laws of 1990, is amended to read as follows:

e. Credit for service as a member or officer of the state police or as a paid [~~firemen, policeman~~] **firefighter, police officer** or officer of any organized fire department or police force or department of any county, city, village, town, fire district or police district, or as a criminal investigator in the office of a district attorney, provided that service as such investigator shall have been rendered prior to January first, nineteen hundred sixty and that credit therefor shall not exceed five years, shall also be deemed to be creditable service and shall be included in computing years of total service for retirement pursuant to this section, provided such service was performed by the member while contributing to the retirement system pursuant to the provisions of this article or article eight of this chapter.

§ 138. Subdivision e of section 89-n of the retirement and social security law, as added by chapter 597 of the laws of 1991, is amended to read as follows:

e. Credit for service as a member or officer of the state police or as a paid [~~fireman, policeman~~] **firefighter, police officer** or officer of any organized fire department or police force or department of any county, city, village, town, fire district or police district, or as a criminal investigator in the office of a district attorney, provided that service as such investigator shall have been rendered prior to January first, nineteen hundred sixty and that credit therefor shall not exceed five years, shall also be deemed to be creditable service and shall be included in computing years of total service for retirement pursuant to this section, provided such service was performed by the member while contributing to the retirement system pursuant to the provisions of this article or article eight of this chapter.

§ 139. Subdivision e of section 89-o of the retirement and social security law, as added by chapter 647 of the laws of 1993, is amended to read as follows:

e. Credit for service as a member or officer of the state police or as a paid [~~fireman, policeman~~] **firefighter, police officer** or officer of any organized fire department or police force or department of any county, city, village, town, fire district or police district, or as a criminal investigator in the office of a district attorney, provided that service as such investigator shall have been rendered prior to January first, nineteen hundred sixty and that credit therefor shall not exceed five years, shall also be deemed to be creditable service and shall be included in computing years of total service for retirement pursuant to this section, provided such service was performed by the member while contributing to the retirement system pursuant to the provisions of this article or article eight of this chapter.

§ 140. Subdivision e of section 89-p of the retirement and social security law, as added by chapter 725 of the laws of 1994, is amended to read as follows:

e. Credit for service as a member or officer of the state police or as a paid [~~fireman, policeman~~] **firefighter, police officer** or officer of any organized fire department or police force or department of any county, city, village, town, fire district or police district, or as a criminal investigator in the office of a district attorney, provided that service as such investigator shall have been rendered prior to January first, nineteen hundred sixty and that credit therefor shall not exceed five years, shall also be deemed to be creditable service and shall be included in computing years of total service for retirement pursuant to this section, provided such service was performed by the member while

contributing to the retirement system pursuant to the provisions of this article or article eight of this chapter.

§ 141. Subdivision e of section 89-q of the retirement and social security law, as added by chapter 158 of the laws of 1995, is amended to read as follows:

e. Credit for service as a member or officer of the state police or as a paid [~~fireman, policeman~~] **firefighter, police officer** or officer of any organized fire department or police force or department of any county, city, village, town, fire district or police district, shall also be deemed to be creditable service and shall be included in computing years of total service for retirement pursuant to this section, provided such service was performed by the member while contributing to the retirement system pursuant to the provisions of this article or article eight of this chapter.

§ 142. Subdivision e of section 89-r of the retirement and social security law, as added by chapter 605 of the laws of 1996, is amended to read as follows:

e. Credit for service as a member or officer of the state police or as a paid [~~fireman, policeman~~] **firefighter, police officer** or officer of any organized fire department or police force or department of any county, city, village, town, fire district or police district, or as a criminal investigator in the office of a district attorney, provided that service as such investigator shall have been rendered prior to January first, nineteen hundred sixty and that credit therefor shall not exceed five years, shall also be deemed to be creditable service and shall be included in computing years of total service for retirement pursuant to this section, provided such service was performed by the member while contributing to the retirement system pursuant to the provisions of this article or article eight of this chapter.

§ 143. Subdivision e of section 89-s of the retirement and social security law, as added by chapter 588 of the laws of 1997, is amended to read as follows:

e. Credit for service as a member or officer of the state police or as a paid [~~fireman, policeman~~] **firefighter, police officer** or officer of any organized fire department or police force or department of any county, city, village, town, fire district or police district, or as a criminal investigator in the office of a district attorney, shall also be deemed to be creditable service and shall be included in computing years of total service for retirement pursuant to this section.

§ 144. Subdivision e of section 89-s of the retirement and social security law, as amended by chapter 578 of the laws of 1998, is amended to read as follows:

e. Credit for service as a member or officer of the state police or as a paid [~~fireman, policeman~~] **firefighter, police officer** or officer of any organized fire department or police force or department of any county, city, village, town, fire district or police district, or as a criminal investigator in the office of a district attorney, shall also be deemed to be creditable service and shall be included in computing years of total service for retirement pursuant to this section.

§ 145. Subdivision e of section 89-s of the retirement and social security law, as added by chapter 595 of the laws of 1997, is amended to read as follows:

e. Credit for service as a member or officer of the state police or as a paid [~~fireman, policeman~~] **firefighter, police officer** or officer of any organized fire department or police force or department of any county, city, village, town, fire district or police district, or as a crim-

inal investigator in the office of a district attorney, shall also be deemed to be creditable service and shall be included in computing years of total service for retirement pursuant to this section.

§ 146. Subdivision e of section 89-t of the retirement and social security law, as added by chapter 603 of the laws of 1998, is amended to read as follows:

e. Credit for service as a member or officer of the state police or as a paid [~~fireman, policeman~~] **firefighter, police officer** or officer of any organized fire department or police force or department of any county, city, village, town, fire district or police district, or as a criminal investigator in the office of a district attorney, or as a probation assistant in a county probation department, shall also be deemed to be creditable service and shall be included in computing years of total service for retirement pursuant to this section.

§ 147. Paragraph 1 of subdivision a of section 89-t of the retirement and social security law, as added by chapter 657 of the laws of 1998, is amended to read as follows:

1. "Qualifying member" shall mean any member who is in service as a safety officer under the jurisdiction of the office of mental health or the office [~~of mental retardation and~~] **for people with** developmental disabilities, an institutional safety officer, or a special [~~policeman~~] **police officer** designated by the director of a state hospital.

§ 148. Subdivision e of section 89-v of the retirement and social security law, as added by chapter 472 of the laws of 2001, is amended to read as follows:

e. Credit for service as a member or officer of the state police or as a paid [~~fireman, policeman~~] **firefighter, police officer** or officer of any organized fire department or police force or department of any county, city, village, town, fire district or police district, shall also be deemed to be creditable service and shall be included in computing years of total service for retirement pursuant to this section provided such services are performed by the member while contributing to the New York state and local police and fire retirement system pursuant to the provisions of this article or article eight of this chapter.

§ 149. Subdivision e of section 89-v of the retirement and social security law, as added by chapter 556 of the laws of 2001, is amended to read as follows:

e. Credit for service as a member or officer of the state police or as a paid [~~fireman, policeman~~] **firefighter, police officer** or officer of any organized fire department or police force or department of any county, city, village, town, fire district or police district, or as a criminal investigator in the office of a district attorney, provided that service as such investigator shall have been rendered prior to January first, nineteen hundred sixty and that credit therefor shall not exceed five years, shall also be deemed to be creditable service and shall be included in computing years of total service for retirement pursuant to this section, provided such service was performed by the member while contributing to the retirement system pursuant to the provisions of this article or article eight of this chapter.

§ 150. Subdivision e of section 89-w of the retirement and social security law, as added by chapter 295 of the laws of 2007, is amended to read as follows:

e. Credit for service as a member or officer of the state police or as a paid [~~fireman, policeman~~] **firefighter, police officer** or officer of any organized fire department or police force or department of any county, city, village, town, fire district or police district, or as a crim-

inal investigator in the office of a district attorney shall also be deemed to be creditable service and shall be included in computing years of total service for retirement pursuant to this section.

§ 151. Paragraphs a, b, and d of subdivision 1, subdivision 2, and paragraph a of subdivision 10 of section 138-a of the retirement and social security law, paragraph a of subdivision 1 as amended by chapter 1049 of the laws of 1957, paragraph b of subdivision 1 and subdivision 2 as added by chapter 776 of the laws of 1957, paragraph d of subdivision 1 as amended by chapter 1184 of the laws of 1971, paragraph c of subdivision 2 as amended by chapter 73 of the laws of 1958, and paragraph a of subdivision 10 as amended by chapter 397 of the laws of 1958, are amended to read as follows:

a. One referendum among all eligible employees of the state (exclusive of those in [~~policemen's or firemen's~~] police officer or firefighter positions) who are members of the New York state employees' retirement system, a second referendum among all eligible employees of political subdivisions of the state (exclusive of those in [~~policemen's or firemen's~~] police officer or firefighter positions) who are members of such retirement system, which subdivisions elected to provide seven calendar quarters of retroactive coverage for such employees pursuant to subdivision seven of this section, a third referendum among all eligible employees of political subdivisions of the state (exclusive of those in [~~policemen's or firemen's~~] police officer or firefighter positions) who are members of such retirement system, which subdivisions elected to provide six calendar quarters of retroactive coverage for such employees pursuant to subdivision seven of this section, a fourth referendum among all eligible employees of political subdivisions of the state (exclusive of those in [~~policemen's or firemen's~~] police officer or firefighter positions) who are members of such retirement system, which subdivisions elected to provide four calendar quarters of retroactive coverage for such employees pursuant to subdivision seven of this section, and a fifth referendum among all eligible employees of the remaining political subdivisions of the state (exclusive of those in [~~policemen's or firemen's~~] police officer or firefighter positions) who are members of such retirement system, on the question of whether service in positions (exclusive of [~~policemen's or firemen's~~] police officer or firefighter positions) in the employ of the state or of such political subdivisions, as the case may be, and covered by such system also shall be covered by old-age and survivors insurance.

b. Separate referenda among eligible employees of the state (exclusive of those in [~~policemen's or firemen's~~] police officer or firefighter positions) whose positions are covered by a separate retirement system or plan maintained by the state, other than the New York state and local employees' retirement system or the New York state teachers' retirement system, and who are members of such system or plan, on the question of whether service in positions (exclusive of [~~policemen's or firemen's~~] police officer or firefighter positions) covered by such system or plan also shall be covered by old-age and survivors insurance.

d. Separate referenda among eligible employees of each political subdivision (exclusive of those in [~~policemen's or firemen's~~] police officer or firefighter positions) who are members of a retirement system or plan maintained by such political subdivision other than a retirement system relating to retirement benefits under the Canada pension plan, on the question of whether service in positions in the employ of such political subdivision and covered by such system or plan also shall be covered by old-age and survivors insurance. The modification providing

old-age and survivors insurance coverage pursuant to such referenda shall provide such retroactive coverage, if any, and shall exclude from old-age and survivors insurance coverage such classes of employment as authorized by paragraph b of subdivision two of section one hundred thirty-six of this article, if any, as the governing body of such political subdivision shall determine, consistent with the federal social security act. Such determination shall be made within a reasonable period of time fixed by the director and indicated in a certificate filed with the director.

2. In the event the federal social security act is amended to authorize the extension of old-age and survivors insurance coverage to service performed in this state in [~~policemen's or firemen's~~] police officer or firefighter positions, the governor or the state agency or officer designated by him or her shall, as soon as practicable after the enactment of such amendment and in accordance with the applicable provisions of such federal act and subdivision thirteen of this section, to the extent then applicable, shall take such action as may be necessary to extend old-age and survivors insurance coverage to such positions, including, to the extent applicable, referenda as follows:

a. One referendum among all eligible employees of the state serving in [~~policemen's or firemen's~~] police officer or firefighter positions who are members of the New York state and local employees' retirement system.

b. A separate referendum among all eligible employees of the state serving in [~~policemen's or firemen's~~] police officer or firefighter positions whose positions are covered by a retirement system or plan maintained by the state other than the New York state and local employees' retirement system, and who are members of such system or plan.

c. One referendum among all eligible employees of political subdivisions of the state serving in [~~policemen's or firemen's~~] police officer or firefighter positions who are members of the New York state and local employees' retirement system, which political subdivisions elected to provide retroactive coverage to or about March sixteenth, nineteen hundred fifty-six, to such employees pursuant to subdivision seven of this section, a second referendum among all eligible employees of political subdivisions of the state serving in [~~policemen's or firemen's~~] police officer or firefighter positions who are members of such retirement system, which subdivisions elected to provide retroactive coverage to or about June sixteenth, nineteen hundred fifty-six, to such employees pursuant to subdivision seven of this section, a third referendum among all eligible employees of political subdivisions of the state serving in [~~policemen's or firemen's~~] police officer or firefighter positions who are members of such retirement system, which political subdivisions elected to provide retroactive coverage to or about December sixteenth, nineteen hundred fifty-six, to such employees pursuant to subdivision seven of this section, and a fourth referendum among all eligible employees of the remaining political subdivisions of the state serving in [~~policemen's or firemen's~~] police officer or firefighter positions who are members of such system, which eligible employees shall have retroactive coverage to or about December sixteenth, nineteen hundred fifty-seven.

d. Separate referenda among eligible employees of each political subdivision serving in [~~policemen's or firemen's~~] police officer or firefighter positions whose positions are covered by a separate retirement system or plan maintained by such political subdivision and who are members of such system or plan. Each such referendum shall be on the

question of whether service in the [~~policemen's or firemen's~~] police officer or firefighter positions affected thereby also shall be covered by old-age and survivors insurance.

a. In the event that the referenda among eligible employees of political subdivisions of the state (exclusive of those in [~~policemen's or firemen's~~] police officer or firefighter positions) who are members of the New York state and local employees' retirement system favor the extension of old-age and survivors insurance coverage to their positions, all positions in the employ of each political subdivision of the state, except those covered by a retirement system or plan of the state or the political subdivision and subject to separate referenda hereunder, and except those excluded from coverage pursuant to paragraph b of subdivision two of section one hundred thirty-six of this article, also shall be covered by old-age and survivors insurance at or about the same time that the director modifies the agreement with the federal secretary to effectuate the result of such referenda as to the political subdivisions affected thereby. Each political subdivision to which old-age and survivors insurance is extended pursuant to this subdivision shall have the option, within a reasonable period of time fixed by the director, to file a certificate with the director fixing the effective date of its coverage (which may include retroactive coverage for such period as its governing body shall determine subject to the federal social security act and which effective date shall be not later than its last payroll date in December nineteen hundred fifty-seven) and excluding from coverage classes of employment as authorized by paragraph b of subdivision two of section one hundred thirty-six of this article.

§ 152. Subdivisions 4 and 6 of section 152 of the retirement and social security law, as added by chapter 796 of the laws of 1986, are amended to read as follows:

4. "Head of the retirement system" shall mean the state comptroller, with respect to the New York state and local employees' retirement system and the New York state [~~policemen's and firemen's~~] and local police and fire retirement system, and the retirement board of the other public retirement systems of the state.

6. "Public retirement system of the state" shall mean the New York state and local employees' retirement system, New York state [~~policemen's and firemen's~~] and local police and fire retirement system, New York state teachers' retirement system, New York city employees' retirement system, New York city teachers' retirement system, New York city police pension fund, New York city fire department pension fund and the New York city board of education retirement system.

§ 153. Subdivision 3 of section 162 of the retirement and social security law, as amended by chapter 832 of the laws of 1964, is amended to read as follows:

3. The monthly supplemental pensions paid to local retired employees shall not exceed the monthly supplemental pensions paid to state retired employees pursuant to this article. The monthly supplemental pensions paid to local retired teachers shall not exceed the monthly supplemental pensions paid to state retired teachers pursuant to this article. The total of all the annual retirement allowances or pension payments to the widow or widower, dependent children and dependent parents of a deceased member or deceased retired member of the uniformed force of a police department or a fire department shall not be increased by more than an amount which, when added to all annual retirement allowances and pension payments being made to all of such beneficiaries, and the annual retirement allowances or pension payments which could have been made to them

in lieu of any lump sum settlement that was made instead, on account of the death of any such [~~policeman or fireman~~] police officer or fire-fighter, by such county, city, town or village, or by a retirement or pension system or plan on behalf of the county, city, town or village, shall not exceed a total of twelve hundred dollars per annum.

§ 154. Subdivision 1 of section 176 of the retirement and social security law, as amended by chapter 473 of the laws of 1967, is amended to read as follows:

1. The term "fund", as used in this article four-a, shall mean any public retirement system or pension fund which grants retirement or pension benefits to employees of the city of New York, employees of the state of New York, employees of any department or agency of the city of New York or the state of New York, and employees of any municipality or other participating employer participating in the New York state and local employees' retirement system or the New York state [~~policemen's and firemen's~~] and local police and fire retirement system.

§ 155. Subdivision a of section 185 of the retirement and social security law, as added by chapter 581 of the laws of 1970, is amended to read as follows:

a. The term "fund" shall mean any public retirement system or pension fund which grants retirement or pension benefits to employees of the city of New York, employees of the state of New York, employees of any department or agency of the city of New York or of the state of New York, employees of any municipality or other participating employer participating in the New York state and local employees' retirement system or the New York state [~~policemen's and firemen's~~] and local police and fire retirement system, and employees of school districts participating in the New York state teachers' retirement system.

§ 156. The article heading of article 8 of the retirement and social security law, as added by chapter 1000 of the laws of 1966, is amended to read as follows:

NEW YORK STATE [~~POLICEMEN'S AND FIREMEN'S~~] AND LOCAL POLICE AND FIRE RETIREMENT SYSTEM

§ 157. Section 290 of the retirement and social security law, as added by chapter 1000 of the laws of 1966, is amended to read as follows:

§ 290. Short title of article. This article shall be known and may be cited as the "[~~Policemen's and Firemen's~~] Police and Fire Retirement System Act."

§ 158. Section 292 of the retirement and social security law, as added by chapter 1000 of the laws of 1966, is amended to read as follows:

§ 292. Legislative intent. It is the intent of the legislature, by the enactment of this article, to establish a separate retirement system for [~~policemen and firemen~~] police officers and firefighters and to transfer thereto all [~~policemen and firemen~~] police officers and firefighters who, on the effective date of such article, are members of the New York state and local employees' retirement system, and all other persons who are members of such system and contributing pursuant to the provisions of sections eighty-one [~~to~~] through eighty-seven, inclusive, of this chapter, immediately prior to the effective date of this article, together with such rights, benefits, privileges, obligations and duties enjoyed by or applicable to such [~~policemen, firemen~~] police officers, firefighters and other persons as members of the employees' retirement system.

§ 159. Subdivision b of section 293 of the retirement and social security law, as added by chapter 1000 of the laws of 1966 and as further

amended by section 104 of part A of chapter 62 of the laws of 2011, is amended to read as follows:

b. After the annual valuation of the assets and liabilities of the funds of the employees' retirement system required by subdivision d of section eleven of this chapter and on the basis of the actuarial information available to him **or her** on March thirty-first, nineteen hundred sixty-seven, the comptroller shall determine the total amount of the assets and liabilities of the employees' retirement system and the percentage of such assets and the amount of such liabilities attributable to [~~policemen and firemen~~] **police officers and firefighters** and all other persons transferred. After such determination, and subject to the approval of the superintendent of financial services, the comptroller shall transfer such percentage of the total assets and the amount of such liabilities of the employees' retirement system to the retirement system established by this article. Each category of such assets, including but not limited to such categories as government bonds, corporate bonds, common stocks, mortgages insured under the National Housing Act, conventional mortgages, etc. so transferred, shall constitute as nearly as possible the percentage of the total assets of the employees' retirement system which are attributable to [~~policemen and firemen~~] **police officers and firefighters** and other persons transferred determined from the actuarial valuation as of March thirty-first, nineteen hundred sixty-seven. The assets so transferred shall include a proportionate share of contributions from participating employers to be received by the employees' retirement system after April first, nineteen hundred sixty-seven, based on valuations prior to that date. The comptroller is hereby authorized and directed to invoice for and to collect such contributions for the employees' retirement system in the same manner and to the same extent as if the members transferred to the system established by this article had continued as members of the employees' retirement system.

§ 160. The section heading and subdivision a of section 294 of the retirement and social security law, as added by chapter 1000 of the laws of 1966, are amended to read as follows:

Transfer of retirement membership, contributions, reserves and other credits of [~~policemen and firemen~~] **police officers and firefighters**, and certain other persons. a. The membership in the employees' retirement system of [~~policemen and firemen~~] **police officers and firefighters** on the effective date of this article, and of all persons who are members of such system on such date and contributing pursuant to the provisions of sections eighty-one [~~to~~] **through** eighty-eight, inclusive, of this chapter as in force and effect immediately prior to the effective date of this article, shall be transferred to the retirement system established by this article on the effective date thereof. All such persons transferred to the retirement system established pursuant to the provisions of this article shall be entitled to all prior service credits and member service credits and to all the rights, privileges, immunities, benefits, refunds, increases, advances, insurance, pensions, annuities, retirement allowances, death benefits and options and shall be subject to all obligations, dues, duties and requirements to which they were entitled or were subject, as the case may be, pursuant to the provisions of article two of this chapter. Persons becoming members of the retirement system established by this article subsequent to March thirty-first, nineteen hundred sixty-seven, and who are entitled to credit for service rendered as a member of the employees' retirement

system shall be entitled to the same credit for such service pursuant to this article.

§ 161. Subdivision a of section 295 of the retirement and social security law, as added by chapter 1000 of the laws of 1966, is amended to read as follows:

a. On the effective date of this article, all retired [~~policemen and firemen~~] police officers and firefighters, and other persons who have retired pursuant to the provisions of sections eighty-one [~~to~~] through eighty-eight, inclusive, of this chapter, as in force and effect immediately prior to the effective date of this article, and their beneficiaries shall be transferred and become a charge upon the retirement system established by this article and shall thereafter receive their retirement allowances from such system.

§ 162. Section 296 of the retirement and social security law, as added by chapter 1000 of the laws of 1966, is amended to read as follows:

§ 296. Continuation of certain tables and rates. All tables, schedules, rates (including but not limited to regular and special deficiency rates), regular and special deficiency periods, and other actuarial tables, rates and procedures in effect and used by the employees' retirement system for or in connection with any of its activities or operations with respect to the membership of [~~policemen and firemen~~] police officers and firefighters and persons who are members of such system pursuant to sections eighty-one [~~to~~] through eighty-eight, inclusive, shall continue to be used in the same manner by the retirement system established by this article, and shall remain in effect unless and until duly modified or rescinded by the provisions of this article.

§ 163. Section 297 of the retirement and social security law, as added by chapter 1000 of the laws of 1966, is amended to read as follows:

§ 297. Transfer of records and documents. Records and documents of the employees' retirement system relating to [~~policemen and firemen~~] police officers and firefighters and other persons who are members of such system pursuant to sections eighty-one to eighty-eight, inclusive, shall be transferred to the retirement system established by this article.

§ 164. Subdivisions 7 and 8, subparagraph 3 of paragraph c of subdivision 9, paragraph g of subdivision 11, subdivision 20, paragraph b of subdivision 26, subdivision 28, paragraph c of subdivision 29, paragraph b of subdivision 29-a, subparagraph c of paragraph 1 of subdivision 31, and subdivision 34 of section 302 of the retirement and social security law, subdivisions 7, 8, 20, 28, 34, paragraph c of subdivision 29, and paragraph b of subdivision 29-a as added by chapter 1000 of the laws of 1966, subparagraph 3 of paragraph c of subdivision 9 as amended by chapter 950 of the laws of 1970, paragraph g of subdivision 11 as added by chapter 228 of the laws of 1996, paragraph b of subdivision 26 as added by chapter 423 of the laws of 1968 and relettered by chapter 178 of the laws of 1986, and subparagraph c of paragraph 1 of subdivision 31 as amended by chapter 616 of the laws of 1995, are amended to read as follows:

7. "Department." Any agency of an employer or any unit of government employing persons who are or may be entitled to become members of the [~~policemen's and firemen's~~] police and fire retirement system.

8. "Employer." The state, a participating employer, and any other unit of government or organization obligated or agreeing, under this article, to make contributions to the retirement system on behalf of its [~~policemen and firemen~~] police officers and firefighters.

(3) Upon the town's subsequently becoming a participating employer, has paid contributions to the [~~policemen's and firemen's~~] police and

fire retirement system with respect to salary received for prior county services, such term shall mean, at the option of such member, his or her average annual compensation, including such fees and salary, earned by him or her during any three consecutive years of service with such municipality selected by the applicant prior to the date of his or her retirement.

g. Service as a fire chief-airport, firefighter-airport, or fire captain-airport, with the county of Monroe. Such persons shall be deemed [~~firemen~~] firefighters and members of an organized fire department for all purposes under this chapter.

20. "Participating employer." Any municipality participating in the [~~policemen's and firemen's~~] police and fire retirement system.

b. However, for purposes of crediting interest to individual accounts in the annuity savings fund, such term shall mean four per centum per annum, compounded annually, in the case of [~~policemen and firemen~~] police officers and firefighters who last became members of the New York state and local employees' retirement system on or before June thirtieth, nineteen hundred forty-three and who have continuously thereafter been members of either such system or the [~~policemen's and firemen's~~] police and fire retirement system and shall mean three per centum per annum, compounded annually, in the case of all other [~~policemen and firemen~~] police officers and firefighters.

28. "Retirement system." The New York state [~~policemen's and firemen's~~] and local police and fire retirement system provided for in section three hundred ten of this article.

c. Was a member of the New York state and local employees' retirement system and an employee of the state or of a participating employer of such system at the time he or she entered such armed forces or was an employee of an employer which was not a participating employer at the time he or she entered such armed forces but which elected to become a participating employer of such system while he or she was absent on military duty, or was an employee of the state or of a participating employer or was a teacher as defined in article eleven of the education law at the time of his or her entrance into the armed forces and became a member of the [~~policemen's and firemen's~~] police and fire retirement system subsequent to separation or discharge from the armed services, and

b. Was a member of the New York state and local employees' retirement system and an employee of the state or of a participating employer of such system at the time he or she entered such armed forces or was an employee of an employer which was not a participating employer at the time he or she entered such armed forces but which elected to become a participating employer while he or she was absent on military duty, or was an employee of the state or of a participating employer or was a teacher as defined in article eleven of the education law at the time of his or her entrance into the armed forces and became a member of the [~~policemen's and firemen's~~] police and fire retirement system subsequent to separation or discharge from the armed services, and

c. Was either a member of the New York state and local employees' retirement system and an employee of the state or of a participating employer of such system at the time he or she entered such armed forces or became such employee and such member while in such armed forces on or before July first, nineteen hundred forty-eight, or became such employee while in such armed forces and subsequently became such member on or before July first, nineteen hundred forty-eight, or was an employee of an employer which was not a participating employer at the time he or she

entered such armed forces but which elected to become a participating employer while he **or she** was absent on military duty, or was an employee of the state or of a participating employer or was a teacher as defined in article eleven of the education law at the time of his **or her** entrance into the armed forces and became a member of the [~~**policemen's and firemen's**~~] **police and fire** retirement system subsequent to separation or discharge from the armed services, and

34. "Total service." All police and fire service while a member of the [~~**policemen's and firemen's**~~] **police and fire** retirement system, all service for which a member has received credit under a retirement system maintained by the state prior to becoming a member of the [~~**policemen's and firemen's**~~] **police and fire** retirement system, all prior service certified on a valid prior service certificate, and all service in war after world war I certified on a valid military service certificate. For the purposes of this article, a valid certificate heretofore issued for service in world war II shall be deemed a certificate for service in war after world war I.

§ 165. Section 311 of the retirement and social security law, as added by chapter 1000 of the laws of 1966, subdivisions b and c as amended by chapter 423 of the laws of 1968, and paragraph 4 of subdivision b as added by chapter 178 of the laws of 1986, is amended to read as follows:

§ 311. Duties of comptroller; the actuary. a. The comptroller shall be the administrative head of the [~~**policemen's and firemen's**~~] **police and fire** retirement system. Subject to the limitations of this article and of law, he **or she** shall adopt and may amend, from time to time, rules and regulations for the administration and transaction of the business of the [~~**policemen's and firemen's**~~] **police and fire** retirement system and for the custody and control of its funds. The comptroller shall:

1. Maintain all necessary accounting records, and

2. Keep in convenient form such data as shall be necessary for the actuarial valuation of the various funds of the [~~**policemen's and firemen's**~~] **police and fire** retirement system, and

3. Establish funds, in addition to those provided for by this article, which in his **or her** judgment are necessary or required for the proper fiscal management of the [~~**policemen's and firemen's**~~] **police and fire** retirement system, and

4. Perform such other functions as are required for the execution of the provisions of this article.

b. The comptroller shall engage the services of an actuary and may employ such other necessary technical and administrative assistance as he **or she** may require. For the purpose of determining upon the proper tables to be prepared and submitted to the comptroller for adoption, the actuary, from time to time, but at least once in each five years, shall make such investigation of the mortality, service and compensation experience of the members as the comptroller may authorize. On the basis of such investigation and upon the recommendations of the actuary, the comptroller shall:

1. Adopt for the [~~**policemen's and firemen's**~~] **police and fire** retirement system such mortality and other tables as shall be deemed necessary, and

2. Certify the rates of deduction, if any, from compensation computed to be necessary to pay the annuities authorized under the provisions of this article.

3. From time to time, but at least once in each five years, promulgate a rate or rates of estimated future investment earnings.

4. From time to time, but at least once in every five years, promulgate a rate or rates of regular interest.

c. On the basis of such aforesaid tables and an estimated rate or rates of future investment earnings as the comptroller shall adopt:

1. The actuary shall make an annual valuation of the assets and liabilities of the funds of the [~~policemen's and firemen's~~] police and fire retirement system, and

2. The comptroller shall certify annually the rates expressed as proportions of payroll of members, which shall be used in computing the contributions required to be made by employers to the pension accumulation fund.

d. The comptroller shall make an annual report showing the valuation of the assets and liabilities of the funds of the [~~policemen's and firemen's~~] police and fire retirement system, as certified by the actuary, a statement of receipts and disbursements and his or her recommendations in regard thereto. Such report shall be published with and as a part of the annual report of the comptroller.

e. Special interest, if any, shall be credited annually in the same manner as regular interest pursuant to subdivision i of section three hundred thirteen of this article to the individual annuity savings accounts of persons who are members as of the close of the fiscal year.

f. The records of the [~~policemen's and firemen's~~] police and fire retirement system shall be open to public inspection.

g. The comptroller shall adopt and amend pursuant to this article only such rules and regulations as he or she determines to be for the best interest of the retirement system and its members.

§ 166. Section 312 of the retirement and social security law, as added by chapter 1000 of the laws of 1966, is amended to read as follows:

§ 312. Statement of services. a. It shall be the duty of the head of each department or agency of the state government employing [~~policemen and/or firemen~~] police officers and/or firefighters, and of the chief fiscal officer of each participating employer, at the request of the comptroller, to submit to him or her a statement showing the name, title, compensation, duties, date of birth and length of service of each [~~policeman and/or fireman~~] police officer and/or firefighter: (exclusive of members of a local system), and such other information as the comptroller may require. If any such [~~policeman or fireman~~] police officer or firefighter be principally engaged upon duties differing from those specified by the appropriate civil service commission for the title held by him or her, such head of department or agency, or chief fiscal officer, shall certify the reasons therefor and the probable duration of the duties being so performed by such [~~policeman or fireman~~] police officer or firefighter.

b. Each [~~policeman and fireman~~] police officer and firefighter shall be subject to all the provisions of this article and to all the rules and regulations adopted by the comptroller.

§ 167. Section 313 of the retirement and social security law, as added by chapter 1000 of the laws of 1966, subdivision d as amended by chapter 460 of the laws of 1971, paragraph 2 of subdivision f as amended by chapter 908 of the laws of 1971, and subdivision i as amended by chapter 1046 of the laws of 1973, is amended to read as follows:

§ 313. Management of funds. a. The funds of the [~~policemen's and firemen's~~] police and fire retirement system shall be managed in accordance with this section.

b. The comptroller shall be trustee of the several funds of the [~~policemen's and firemen's~~] police and fire retirement system. Such

funds shall be invested by the comptroller in securities in which he **or she** is authorized by law to invest the funds of the state, except that he **or she** may invest in obligations consisting of notes, bonds, debentures or equipment trust certificates issued under an indenture, which are the direct obligations of, or in the case of equipment trust certificates are secured by direct obligations of, a railroad or industrial corporation, or a corporation engaged directly and primarily in the production, transportation, distribution, or sale of electricity, or gas, or the operation of telephone or telegraph systems or waterworks, or in some combination of them; provided the obligor corporation is one which is incorporated under the laws of the United States, or any state thereof, or of the District of Columbia, and said obligations shall be rated at the time of purchase within the three highest classifications established by at least two standard rating services. The maximum amount that the comptroller may invest in such obligations shall not exceed thirty per centum of the assets of the New York state [~~policemen's and firemen's~~] **police and fire** retirement system's funds; and provided further that not more than two and one-half per centum of the assets of the New York state [~~policemen's and firemen's~~] **police and fire** retirement system's funds shall be invested in the obligations of any one corporation of the highest classification and subsidiary or subsidiaries thereof, that not more than two per centum of the assets of the New York state [~~policemen's and firemen's~~] **police and fire** retirement system's funds shall be invested in the obligations of any one corporation of the second highest classification and subsidiary or subsidiaries thereof, that not more than one and one-half per centum of the assets of the New York state [~~policemen's and firemen's~~] **police and fire** retirement system's funds shall be invested in the obligations of any one corporation of the third highest classification and subsidiary or subsidiaries thereof. He **or she** shall, however, be subject to all terms, conditions, limitations and restrictions imposed by this article and by law upon the making of such investments. The comptroller shall have full power:

1. To hold, purchase, sell, assign, transfer or dispose of any of the securities or investments, in which any of the funds of the [~~policemen's and firemen's~~] **police and fire** retirement system shall be invested, including the proceeds of such investments and any monies belonging to such funds, and

2. In his **or her** name as trustee, to foreclose mortgages upon default or to take title to real property in such proceedings in lieu thereof and to lease and sell real property so acquired.

c. The comptroller annually shall credit to each of the funds of the [~~policemen's and firemen's~~] **police and fire** retirement system regular interest on the mean amount therein for the preceding year.

d. The custody of all funds of the [~~policemen's and firemen's~~] **police and fire** retirement system shall be in the charge of the head of the division of the treasury of the department of taxation and finance, subject to the supervision and control of the commissioner of taxation and finance.

e. Payment of all pensions, annuities and other benefits shall be made as provided in this article. For the purpose of meeting disbursements for pensions, annuities and other payments ordered by the comptroller, the head of such division may keep on deposit an available fund which shall not exceed ten per centum of the total amount of the several funds of the [~~policemen's and firemen's~~] **police and fire** retirement system. Every such deposit shall be kept only in a bank or trust company organ-

ized under the laws of this state, or in a national bank located in this state, which shall furnish adequate security therefor.

f. The comptroller, however, shall have a fund in his **or her** immediate possession. Such fund shall be used for the immediate payment of:

1. All pensions, annuities and other benefits, and

2. Such expenses as may necessarily be incurred in acquiring, servicing and foreclosing mortgages and in acquiring, managing and protecting investments, and

3. Such special expenditures for which the [~~policemen's and firemen's~~] **police and fire** retirement system will be paid by the state or a participating employer. Such fund shall be reimbursed from time to time by the head of such division on the warrant of the comptroller.

g. Neither the comptroller nor any person employed on the work of the [~~policemen's and firemen's~~] **police and fire** retirement system shall:

1. Except as herein provided, have any interest, direct or indirect, in the gains or profits of any investment of the [~~policemen's and firemen's~~] **police and fire** retirement system, nor, in connection therewith, directly or indirectly, receive any pay or emolument for his **or her** services.

2. Except as provided in section three hundred fifty of this article:

(a) Directly or indirectly, for himself **or herself** or as an agent or partner of others, borrow any of its funds or deposits or in any manner use the same except to make such current and necessary payments as are authorized by the comptroller, or

(b) Become an endorser, surety or an obligor in any manner of monies loaned by or borrowed of such funds.

h. The [~~policemen's and firemen's~~] **police and fire** retirement system may use a part of its funds, not exceeding ten per centum of its assets, (1) for purchasing or leasing of land in the city of Albany and the construction thereon of a suitable office building or buildings for the transaction of the business of the retirement system, (2) for purchasing or leasing of land in the cities of Albany, Syracuse, Buffalo, Binghamton, New York, Rochester and Utica and the construction thereon of a suitable office building or buildings for purposes of lease or sale to the state, (3) for purchasing or leasing of land in the city of Albany on the north and south sides of Washington avenue commonly known as the "Campus Site" acquired by the state for a state building site pursuant to the provisions of chapter five hundred seventy-two of the laws of nineteen hundred forty-seven and the construction thereon of power plants including service connections, electric substations including service connections, garages, warehouses and restaurant facilities deemed necessary for the efficient and economical operation of the office building or buildings constructed on such land and (4) for purchasing or leasing of land in the city of Albany acquired by the state for suitable parking facilities for the use primarily of employees of the state and persons having business with state departments and state agencies and the construction thereon of such structures, appurtenances and facilities deemed necessary for the efficient and economical operation of the parking facilities constructed on such land and (5) for purchasing or leasing of land in locations approved by the state university trustees and the construction, acquisition, reconstruction, rehabilitation or improvement of suitable buildings or facilities thereon for purposes of lease or sale to the state university construction fund, such buildings or facilities to be used by the state university or by state-operated institutions or statutory or contract colleges under the jurisdiction of the state university or by the students, faculty and

staff of the state university or of any such state-operated institution or statutory or contract college, and their families.

The [~~policemen's and firemen's~~] police and fire retirement system from time to time may lease to any public agency any portion of a building constructed for the transaction of its business which may not be required for such purpose, upon such terms and conditions as shall be deemed to be for the best interest of the [~~policemen's and firemen's~~] police and fire retirement system.

Real property of the [~~policemen's and firemen's~~] police and fire retirement system acquired or constructed pursuant to this subdivision shall be exempt from taxation.

i. At the close of each fiscal year, the average rate of investment earnings of the retirement system shall be computed by the actuary and certified to the comptroller. This rate shall be determined from the investment earnings during the calendar year which ended three months prior to the close of the fiscal year. For any year that such average rate of earnings is in excess of three per centum but not in excess of four per centum, the comptroller shall declare a rate of special interest, for members earning regular interest of three per centum, equal to the difference between such average rate of earnings and three per centum, expressed to the lower one-tenth of one per centum, but not in excess of one per centum. For any year, commencing with the fiscal year the first day of which is April first, nineteen hundred seventy, that such average rate of earnings is in excess of four per centum, the special rate of interest for members earning regular interest of three per centum shall be equal to the difference between such average rate of earnings and three per centum, expressed to the lower one-tenth of one per centum, but not in excess of two per centum, and for members earning regular interest of four per centum, it shall be the difference between such average rate of earnings and four per centum, expressed to the lower one-tenth of one per centum, but not in excess of one per centum. Special interest at such rates, shall be credited, by the comptroller at the same time that regular interest is credited, to the individual annuity savings accounts of persons who are members as of the close of the fiscal year. Special interest shall not be considered in determining rates of contribution of members. In the case of persons who last became members on or after July first, nineteen hundred seventy-three, the provisions of this subdivision shall apply only to the fiscal years beginning April first, nineteen hundred seventy-two and ending March thirty-first, nineteen hundred seventy-three.

j. The retirement system may invest, within the limitations authorized for investments in conventional mortgages, a part of its funds in first mortgages on real property located anywhere within the boundaries of the United States and leased to the government of the United States, provided however, that no such investment shall be made unless the terms of the mortgage shall provide for amortization payments in an amount sufficient to completely amortize the loan within the period of the lease.

§ 168. Section 314 of the retirement and social security law, as added by chapter 1000 of the laws of 1966, is amended to read as follows:

§ 314. Legal adviser. The [~~attorney-general~~] attorney general of the state shall be the legal adviser of the [~~policemen's and firemen's~~] police and fire retirement system.

§ 169. Section 315 of the retirement and social security law, as added by chapter 1000 of the laws of 1966 and as further amended by section

104 of part A of chapter 62 of the laws of 2011, is amended to read as follows:

§ 315. State supervision. The [~~policemen's and firemen's~~] **police and fire** retirement system established by this article shall be subject to the supervision of the superintendent of financial services. Such supervision shall be in accordance with the provisions of the insurance law to the extent that such provisions are applicable to the [~~policemen's and firemen's~~] **police and fire** retirement system and are not inconsistent with the provisions of this article.

§ 170. Section 316 of the retirement and social security law, as added by chapter 1000 of the laws of 1966, and subdivision a as amended by chapter 33 of the laws of 1986, is amended to read as follows:

§ 316. Annual appropriation by state. a. Upon the basis of each annual actuarial valuation and appraisal provided for in this article, the comptroller, on or before the fifteenth day of October of each year, shall prepare and file with the director of the budget an itemized estimate of the amounts necessary to be appropriated by the state to the pension accumulation fund and the New York state public employees group life insurance plan, as appropriate. Such itemized estimate may be revised on or before December thirtieth of each such year. Such amounts shall be sufficient to provide for payment in full for (i) the succeeding fiscal year of all estimated obligations of the state to the [~~policemen's and firemen's~~] **police and fire** retirement system; and (ii) any actual obligations of the state to such retirement system, remaining unpaid, plus interest on such amount, for the fiscal year ending on the March thirty-first preceding such date; provided, however, that such estimate of actual obligations shall be made commencing with the filings due on October fifteenth, nineteen hundred eighty-seven and thereafter. If, as a result of the estimate required to be made pursuant to clause (i) of the preceding sentence, the state overpaid its actual obligation to the retirement system in any year, the amount estimated in the filing required by this subdivision next succeeding such overpayment shall reflect the amount of such overpayment, plus interest on such amount, as a reduction in amounts that would otherwise be estimated to be due the retirement system from the state. An item of appropriation which shall be sufficient to provide for such obligations shall be included in the next annual appropriation bill when it is presented to the legislature for passage. The amounts so appropriated or so much thereof as may be required shall be paid from the state treasury on warrant of the comptroller into the pension accumulation fund and the New York state public employees group life insurance plan, as appropriate, on March first of each state fiscal year. For the purposes of this section, interest shall mean the rate or rates of interest used in the actuarial valuations covering the period of time over which such interest is computed.

b. On or before the fifteenth day of October of each year the comptroller shall file with the director of the budget an itemized estimate of the expenses of the [~~policemen's and firemen's~~] **police and fire** retirement system for the ensuing year. The director of the budget may revise and amend such estimate. After such revision and amendment, if any, such director shall approve the same for inclusion in the executive budget. No monies shall be paid out of the pension accumulation fund for such expenses unless expenditures therefor shall have been authorized by law.

c. Whenever the compensation of any member of the [~~policemen's and firemen's~~] **police and fire** retirement system is paid from a special or administrative fund provided for by law, all contributions to the

[~~policemen's and firemen's~~] police and fire retirement system including a proportionate share of the administrative expense thereof, which otherwise would be chargeable to the general fund of the state, shall, with the approval of the director of the budget, be paid from such special or administrative fund.

§ 171. Subdivision a of section 316-a of the retirement and social security law, as added by chapter 33 of the laws of 1986, is amended to read as follows:

a. On or before September first, nineteen hundred eighty-six, on the basis of the annual actuarial valuation and appraisal procedure provided for in this article, the comptroller shall determine the annual amounts that, had this section not been enacted, would have been required to be paid into the pension accumulation fund and the New York state public employees group life insurance plan, as appropriate, from the general fund of the state for all obligations of the state to the [~~policemen's and firemen's~~] police and fire retirement system, not discharged prior to such date, for state fiscal years ending March thirty-first, nineteen hundred eighty-five and March thirty-first, nineteen hundred eighty-six and amounts for the state's contribution for the retirement incentive program that would, had this section not been enacted, be due to be paid into the pension accumulation fund during fiscal years ending March thirty-first, nineteen hundred eighty-seven and March thirty-first, nineteen hundred eighty-eight. Such amounts shall include interest, as defined in section three hundred sixteen of this article through the last day of February, nineteen hundred eighty-seven. The sum of such amounts shall be called the "amount to be amortized".

§ 172. Paragraph 5 of subdivision a of section 318 of the retirement and social security law, as added by chapter 1000 of the laws of 1966, is amended to read as follows:

5. The expenses of the [~~policemen's and firemen's~~] police and fire retirement system, as provided for or granted under the provisions of this article. In the case of employer contributions required to be made for prior service allowed pursuant to paragraph three of subdivision b of section three hundred forty-one of this article, the provisions of such paragraph three shall govern.

§ 173. Section 319 of the retirement and social security law, as added by chapter 177 of the laws of 1986, is amended to read as follows:

§ 319. Filing of documents with the retirement system. Whenever a statute requires that a document be filed with the state comptroller, as administrative head of the New York state [~~policemen's and firemen's~~] and local police and fire retirement system, within a prescribed period of time or by a specified date, and such document has been mailed to the comptroller or the retirement system by United States Postal Service certified mail, return receipt requested, the document shall be deemed filed on the date of mailing. Notwithstanding this provision, no document shall be deemed filed on the date of mailing unless it is actually received by the retirement system as a result of such mailing.

§ 174. Section 320 of the retirement and social security law, as added by chapter 1000 of the laws of 1966, is amended to read as follows:

§ 320. The funds of the [~~policemen's and firemen's~~] police and fire retirement system. The funds hereby created are as follows:

(a) the [~~policemen's and firemen's~~] police and fire annuity savings fund, hereinafter referred to as the annuity savings fund;

(b) the [~~policemen's and firemen's~~] police and fire annuity reserve fund, hereinafter referred to as the annuity reserve fund;

(c) the [~~policemen's and firemen's~~] fire and police pension accumulation fund, hereinafter referred to as the pension accumulation fund;

(d) the [~~policemen's and firemen's~~] police and fire pension reserve fund, hereinafter referred to as the pension reserve fund.

§ 175. Paragraph 1 of subdivision h, paragraph 1 of subdivision i, subdivision j, and paragraph 1 of subdivision k of section 321 of the retirement and social security law, as added by chapter 1000 of the laws of 1966, and paragraph 1 of subdivision l as amended by chapter 601 of the laws of 1978, are amended to read as follows:

1. A member of the [~~policemen's and firemen's~~] police and fire retirement system, whose retirement contributions to the New York state employees' retirement system were determined by fixing the value of his or her maintenance at one-half the cash compensation received by him or her and whose contributions were subsequently reduced by the fixing of a lower value for the same maintenance theretofore furnished, may elect to have his or her contributions computed on the basis of his or her gross compensation as established prior to such reduction in value of maintenance, provided that:

1. Any member of the [~~policemen's and firemen's~~] police and fire retirement system, upon forms prescribed and furnished by the comptroller, may elect to make additional contributions at the rate of fifty per centum of his or her rate of normal contribution for the purpose of purchasing additional annuity.

j. Where a member's rate of contribution is reduced because his or her employer contributes toward pensions-providing-for-increased-take-home-pay pursuant to section three hundred seventy-a of this article, such member may by written notice duly acknowledged and filed with the comptroller within one year after such reduction or within one year after he or she last became a member, whichever is later, elect to waive such reduction. One year or more after the filing thereof, a member may withdraw any such waiver by written notice duly acknowledged and filed with the comptroller. Where a member makes an election to waive such reduction, he or she shall contribute to the [~~policemen's and firemen's~~] police and fire retirement system as otherwise provided in this article.

1. Any member of the [~~policemen's and firemen's~~] police and fire retirement system who is not otherwise required by law to make contributions may elect to make voluntary contributions for the purpose of purchasing additional annuity.

§ 176. Subdivision d of section 322 of the retirement and social security law, as added by chapter 1000 of the laws of 1966, is amended to read as follows:

d. If a member, retired for any reason, returns to active police or fire service and again becomes a member of the [~~policemen's and firemen's~~] police and fire retirement system, his or her annuity reserve shall be transferred from the annuity reserve fund to the annuity savings fund.

§ 177. Paragraph 2 of subdivision a of section 323 of the retirement and social security law, as added by chapter 1000 of the laws of 1966, is amended to read as follows:

2. All income received from the investments of the [~~policemen's and firemen's~~] police and fire retirement system, and

§ 178. Subdivision e of section 324 of the retirement and social security law, as added by chapter 1000 of the laws of 1966, is amended to read as follows:

e. If a member, retired for any reason, returns to active police or fire service and again becomes a member of the [~~policemen's and fire-~~

~~men's~~] police and fire retirement system, his or her pension reserve shall be transferred from the pension reserve fund to the pension accumulation fund.

§ 179. Subdivisions a and b of section 330 of the retirement and social security law, as added by chapter 1000 of the laws of 1966, are amended to read as follows:

a. Every municipality (exclusive of those maintaining a local pension system for all its [~~policemen and firemen~~] police officers and firefighters) employing [~~policemen and firemen~~] police officers and firefighters must participate in the [~~policemen's and firemen's~~] police and fire retirement system, and such participation shall be irrevocable.

b. A municipality maintaining a local pension system for its [~~policemen and firemen~~] police officers and firefighters may elect to participate in the [~~policemen's and firemen's~~] police and fire retirement system upon the petition of sixty per centum of the members of the local pension system for [~~policemen and firemen~~] police officers and firefighters. Such election shall be exercised by the adoption of a resolution approved by its local legislative body and any other body or officer required by law to approve resolution of such local legislative body. Upon the filing of a certified copy of such resolution with the comptroller, such election shall be irrevocable, and the municipality shall become a participating employer. As of the date such participation is approved:

1. The operation of such local pension system shall be discontinued.

2. The existing pensioners and annuitants of such local pension system shall be continued and paid at their existing rates by the [~~policemen's and firemen's~~] police and fire retirement system.

3. Any cash and securities to the credit of such local pension system shall be transferred to the [~~policemen's and firemen's~~] police and fire retirement system.

4. The trustees or other administrative head of such local pension system shall certify the proportion, if any, of the funds of such system that represents the accumulated contributions of the members and the individual shares of the members therein. Such shares shall be credited to the respective annuity savings accounts of such members in this retirement system. The balance of the funds so transferred to the [~~policemen's and firemen's~~] police and fire retirement system shall be offset against the liability on account of existing pensioners, annuitants and active members. The resulting liability so determined shall be the basis for the rate of deficiency contribution of such county, city, town or village as determined pursuant to section twenty-three of this article.

§ 180. Section 331 of the retirement and social security law, as added by chapter 1000 of the laws of 1966, subdivision b as amended by chapter 628 of the laws of 1991, and subdivision d as further amended by section 104 of part A of chapter 62 of the laws of 2011, is amended to read as follows:

§ 331. Participation by public or quasi-public organizations. a. Any public or quasi-public organization which heretofore joined the New York state and local employees' retirement system, on behalf of its [~~policemen and firemen~~] police officers and firefighters, shall on and after April first, nineteen hundred sixty-seven, participate, on behalf of such [~~policemen and firemen~~] police officers and firefighters, in the [~~policemen's and firemen's~~] police and fire retirement system pursuant to the provisions of this article.

b. On and after April first, nineteen hundred sixty-seven, any public or quasi-public organization created wholly or partly or deriving its powers by the legislature of the state and which organization employs [~~policemen and firemen~~] police officers and firefighters engaged in service to the public, by resolution legally adopted by its governing body and approved by the comptroller, may elect to have its [~~policemen and firemen~~] police officers and firefighters become eligible to participate in the New York state and local police and fire retirement system. Acceptance of the officers and employees of such an employer for membership in the New York state and local police and fire retirement system shall be optional with the comptroller. If he or she shall approve their participation, such organization, except as specifically provided in this article to the contrary, shall thereafter be treated as a participating employer. Notwithstanding the foregoing provisions of this subdivision, The Long Island Rail Road Company, upon its election filed with the comptroller, shall participate in the New York state and local police and fire retirement system with respect to LIRR police officers as defined in paragraph two of subdivision a of section three hundred eighty-nine of this article who are referred to in paragraph three of subdivision b or in paragraph one of subdivision c of section three hundred forty of this article, their benefits to be as provided in or pursuant to such section three hundred eighty-nine, provided that such election may only be made subsequent to the latest date of the enactment of federal legislation or receipt of assurance or relief from the relevant federal agency or agencies for all of the following: removal of such LIRR police officers from coverage under the Federal Employers' Liability Act and the federal Railway Labor Act, removal of such LIRR police officers from coverage under the federal Railroad Retirement Act and the federal Railroad Unemployment Insurance Act and exemption for such LIRR police officers and The Long Island Railroad Company from liability either for taxes under the federal Railroad Retirement Tax Act or the federal Railroad Unemployment Repayment Tax, and further provided that the authority for such election shall expire and be null and void if each such enactment or receipt is not effected on or before June fifteenth, nineteen hundred ninety-six.

c. The officers and employees of such organization shall be credited with such periods of prior service as shall be certified by their employer for service rendered to it, or its predecessor, or the state, or in any other capacity approved by such employer and the comptroller. Service for such employer after the date on which it commences to participate in the [~~policemen's and firemen's~~] police and fire retirement system and on account of which such employer pays contributions shall be considered as member service. An officer or employee of such employer who, as of the date he or she is so approved for membership in the [~~policemen's and firemen's~~] police and fire retirement system, is already a member thereof, shall not have his or her total credit reduced by such approval. Any reserve held on account of any such officer or employee in the pension accumulation fund shall be used as an offset against the deficiency contribution payable thereafter by such employer on account of such officer or employee for any prior service credit and any such previous credit. Except as otherwise provided in this article, a [~~policeman or fireman~~] police officer or firefighter of such employer who, by reason of his or her service, is a member of any other governmental retirement system shall not participate in the [~~policemen's and firemen's~~] police and fire retirement system on that part of his or her compensation so covered. The term "governmental retirement system," as

used in this subdivision, shall include any retirement system wholly or partly maintained by this state, by a municipality of this state, by another state or political subdivision thereof, by the United States government, or by any foreign country or political subdivision thereof.

The provision in subdivision b of **this** section [~~three hundred thirty-one the retirement and social security law~~] limiting participation in the New York state [~~policemen's and firemen's~~] **police and fire** retirement system by reason of membership in another governmental retirement system shall not diminish or in any other way affect the prior or continual membership in the New York state [~~policemen's and firemen's~~] **police and fire** retirement system, or any rights or benefits heretofore or hereafter arising therefrom, of any officer or employee of a public or quasi-public organization who (1) is in the service of such employer at the time this act takes effect, or was in such service prior thereto, and (2) by reason of such service is or was a member of any retirement system maintained by the United States government.

d. An agreement, made by such an employer pursuant to this section, to contribute on account of its officers and employees shall be irrevocable. In the event that such employer for any reason becomes financially unable to make the contributions required on account of its officers and employees, it shall be deemed to be in default. A certificate to such effect thereupon shall be sent by the comptroller to the employer and to the state superintendent of financial services. Every member of the [~~policemen's and firemen's~~] **police and fire** retirement system, who was an officer or employee of such employer at the time of default, upon demand made within ninety days thereafter, shall be entitled to discontinue his **or her** membership in the [~~policemen's and firemen's~~] **police and fire** retirement system and to a refund of his **or her** accumulated contributions. As of a date ninety days following the date of such certificate of default, the actuary of the [~~policemen's and firemen's~~] **police and fire** retirement system, by actuarial valuation, shall determine the amount of the reserves held on account of each active member and pensioner of such employer. He **or she** shall credit to each such member and pensioner the amount of reserve so held. In the event such an active member does not discontinue his **or her** membership and thus become entitled to the refund of his **or her** accumulated contributions, the reserve so credited, together with the amount of his **or her** accumulated contributions shall be used to provide him **or her** a paid up deferred annuity beginning at age sixty. The reserve of each pensioner shall be used in providing such part of his **or her** existing pension as the reserve so held will provide, which pension, together with his **or her** annuity, shall thereafter be payable to him **or her**. The rights and privileges of both active members and pensioners of such employer shall thereupon terminate except as to the payment of the deferred annuities so provided for the previous active members and the annuities and the pensions, or parts thereof provided for the pensioners.

e. Notwithstanding anything to the contrary, the [~~policemen's and firemen's~~] **police and fire** retirement system shall not be liable for the payment of any pensions or other benefits on account of the officers, employees or pensioners of any employer under this section for which reserves have not been previously created from funds contributed by such employer or its officers or employees for such benefits. This provision shall not apply to any municipality which elected to participate in the retirement system under former section seventy-five-a of this law prior to July first, nineteen hundred forty-eight.

§ 181. The section heading, the opening paragraph and paragraphs 1 and 2 of subdivision b, the opening paragraph and paragraphs 1, 2 and 3 of subdivision c, paragraph 2 of subdivision d, the opening paragraph and paragraph 1 of subdivision e, and the opening paragraph of subdivision f of section 340 of the retirement and social security law, as added by chapter 1000 of the laws of 1966, and paragraph 2 of subdivision d as amended by chapter 591 of the laws of 1967, are amended to read as follows:

Membership of the [~~policemen's and firemen's~~] police and fire retirement system.

Membership in the [~~policemen's and firemen's~~] police and fire retirement system shall be mandatory for the following:

1. [~~Policemen and firemen~~] Police officers and firefighters now employed or hereafter appointed by an employer.

2. [~~Policemen and firemen~~] Police officers and firefighters now employed or hereafter appointed by a participating employer in a position in the classified civil service, other than in a position in the exempt class, and who is not eligible to become a member of a local pension system. The employers of such [~~policemen and firemen~~] police officers and firefighters shall pay into the pension accumulation fund the amount required to pay the accrued liability on account of such [~~policemen and firemen~~] police officers and firefighters, as computed by the actuary. Such payments shall be made in such installments as the comptroller shall require.

The following may become members of the [~~policemen's and firemen's~~] police and fire retirement system:

1. [~~Policemen and firemen~~] Police officers and firefighters in the service of a public or quasi-public organization if their employer has elected to participate as provided in section three hundred thirty-one of this article.

2. Officers and employees of the federal government who have at least five years of member service credit at the time they become federal officers or employees may continue as contributing members. The provisions of this paragraph [~~two~~] shall not affect the membership of officers and employees of the federal government heretofore commenced or continued hereunder, provided, however, that all memberships hereunder shall be conditioned upon the receipt by the [~~policemen's and firemen's~~] police and fire retirement system of the payments required by section three hundred forty-two of this article.

3. Notwithstanding any inconsistent provision of subdivision e of this section, or of this chapter or of any other law, an officer or employee in the service of the state or of a participating employer who, at the time of entering such service, was or is entitled to benefits by any other pension or retirement system maintained by the state or a political subdivision thereof, provided such benefits, exclusive of any annuity based solely on his or her own contributions and interest thereon, are suspended during his or her active membership in the [~~policemen's and firemen's~~] police and fire retirement system. He or she shall contribute to the retirement system as a new member.

2. Any public authority or public corporation organized pursuant to the laws of this state and which is not a participating employer, may file a written election with the comptroller stating that he or she elects to continue as a member. Such election shall be subject to the approval of the comptroller and such continuance shall be conditioned upon the receipt by the [~~policemen's and firemen's~~] police and fire

retirement system of the payments required by section three hundred forty-two of this article.

Any person who is or may be entitled to benefits by any other law providing for pensions and annuities for civil service employees, wholly or partly at the expense of the state or of a political subdivision thereof, shall not be a member of the [~~policemen's and firemen's~~] police and fire retirement system. This provision, however, shall not:

1. Affect the membership of any person who was a member of the New York state and local employees' retirement system on April first, nineteen hundred sixty-seven and who became a member of the [~~policemen's and firemen's~~] police and fire retirement system after such date.

Membership in the [~~policemen's and firemen's~~] police and fire retirement system shall cease upon the occurrence of any one of the following conditions:

§ 182. Paragraph 1 of subdivision c of section 340 of the retirement and social security law, as amended by chapter 628 of the laws of 1991, is amended to read as follows:

1. [~~Policemen and firemen~~] Police officers and firefighters in the service of a public or quasi-public organization, if their employer has elected to participate as provided in section three hundred thirty-one of this article, including each LIRR police officer as defined in paragraph two of subdivision a of section three hundred eighty-nine of this article who is such on the effective date of such section three hundred eighty-nine and who files an election with the comptroller in accordance with subdivision a of this section within ninety days after the effective date of section three hundred eighty-nine of this article. Such an election by a LIRR police officer shall be effective as of such effective date and shall be a waiver of any and all rights such officer may have had to benefits under any pension plan sponsored by The Long Island Rail Road Company other than the retirement plan provided for in section three hundred eighty-nine of this article.

§ 183. Paragraphs 6 and 7 of subdivision b, subparagraph (b) of paragraph 2 of subdivision c, paragraph 2 of subdivision f, and paragraph 4 of subdivision h of section 341 of the retirement and social security law, as added by chapter 1000 of the laws of 1966, are amended to read as follows:

6. Civil service in any capacity as an officer or employee of the federal government, or military duty in the armed forces of the federal government and not otherwise creditable, rendered or performed by a member prior to the time he or she last became a member. The allowance of credit for such service shall be conditioned upon the receipt by the [~~policemen's and firemen's~~] police and fire retirement system of all the payments required to be made on account thereof by section three hundred forty-two of this article.

7. Civil service rendered as an officer or employee of the federal government as provided in subdivision d of section three hundred forty of this article. The allowance of credit for such service shall be conditioned upon the receipt by the retirement system of all the payments required to be made on account thereof by section three hundred forty-two of this article. Except as so provided, employment by the federal government shall not entitle a person to contribute to the [~~policemen's and firemen's~~] police and fire retirement system during the period of such employment.

(b) Redeposits such withdrawn amount in the annuity savings fund, either in a lump sum or in installments; provided, however, that a member joining the [~~policemen's and firemen's~~] police and fire retire-

ment system pursuant to paragraph three of subdivision c of section three hundred forty of this article shall not be permitted to purchase credit for, or otherwise be allowed credit for the previous service upon which his **or her** retirement or pension from another pension or retirement system is or would be based. If such payment be made in installments, the same shall be paid within a period no greater than the number of months of member service lost by such withdrawal.

2. Upon such return to service, such member shall contribute to the [~~policemen's and firemen's~~] **police and fire** retirement system as a new member.

4. A member's prior service certificate, certificate for service in war after world war I, or any such certificate as modified, shall become void upon the termination of his **or her** membership in the [~~policemen's and firemen's~~] **police and fire** retirement system. Except as provided by subdivision d of section four hundred two of this article, resumption of membership after such termination shall be without credit for prior service or service in war after world war I.

§ 184. The opening paragraph of subdivision a, paragraph 1 of subdivision b, the opening paragraph and paragraph 6 of subdivision g, and subdivision h of section 350 of the retirement and social security law, as added by chapter 1000 of the laws of 1966, and paragraph 1 of subdivision b and the opening paragraph of subdivision g as amended by chapter 454 of the laws of 1991, are amended to read as follows:

The following may borrow from the [~~policemen's and firemen's~~] **police and fire** retirement system:

1. An amount so borrowed, together with interest on any unpaid balances thereof, shall be repaid in equal installments which shall be deducted from the member's compensation. Such additional contributions shall be in such amount as the comptroller shall approve. They shall, however, be at least equal to the member's normal contribution to the [~~policemen's and firemen's~~] **police and fire** retirement system, or ten dollars per month, whichever is lower.

Each loan made pursuant to this section shall be insured against the death of the member. Such insurance shall be provided by the comptroller through the [~~policemen's and firemen's~~] **police and fire** retirement system upon the following basis:

6. Continuity of insurance not obligatory. This subdivision [~~g~~] shall not impose any obligation whatsoever upon the [~~policemen's and firemen's~~] **police and fire** retirement system or any employer to continue to insure loans of members upon the terms and conditions herein provided or upon any other terms and conditions.

h. Loans made to certain [~~policemen and firemen~~] **police officers and firefighters**. Each loan made to [~~policemen and firemen~~] **police officers and firefighters** while such persons were members of the **New York** state **and local** employees' retirement system shall be repaid according to the provisions of subdivision b of this section.

§ 185. Paragraph 2 of subdivision b of section 351 of the retirement and social security law, as added by chapter 1000 of the laws of 1966, is amended to read as follows:

2. Last became a member of the state employees' retirement system before April sixth, nineteen hundred forty-three, and subsequently became a member of the [~~policemen's and firemen's~~] **police and fire** retirement system, or

§ 186. The second undesignated paragraph of subdivision b of section 360 of the retirement and social security law, as amended by chapter 1046 of the laws of 1973, is amended to read as follows:

In the case of a retired member who has returned to service, total service credit for purposes of this section only, shall include service rendered prior to his **or her** retirement, provided that he **or she** shall have rendered at least one year of service since he **or she** last became a member or provided he **or she** shall have rendered since he **or she** returned to public service one year of service during which he **or she** elected pursuant to subdivision a of section four hundred one of this article not to be restored to membership in the [~~policemen's and firemen's~~] **police and fire** retirement system. The member's accumulated contributions shall be refunded in accordance with subdivision d of section three hundred fifty-one of this article.

§ 187. Paragraph 3 of subdivision a of section 361 of the retirement and social security law, as added by chapter 1000 of the laws of 1966, is amended to read as follows:

3. At the time of such accident was actually a member of the [~~policemen's and firemen's~~] **police and fire** retirement system.

Where the claimant is an infant or is mentally or physically incapacitated, and because of the aforesaid disability application for accidental death benefit is not filed within the time specified by this subdivision, or where a person entitled to make a claim dies before the expiration of the time so specified, the comptroller in his **or her** discretion may grant leave to file such application within a reasonable time after the expiration of the time specified in this subdivision.

§ 188. Item (cc) of clause 2 of subparagraph (c) of paragraph 2 of subdivision b of section 362 of the retirement and social security law, as amended by chapter 1046 of the laws of 1973, is amended to read as follows:

(cc) If not reduced by reason of the member's election to decrease his **or her** annuity contributions to the [~~policemen's and firemen's~~] **police and fire** retirement system in order to apply the amount of such reduction in payment of his **or her** contributions for old-age and survivors insurance coverage.

§ 189. Paragraph 1 of subdivision a of section 363 of the retirement and social security law, as amended by chapter 489 of the laws of 2008, is amended to read as follows:

1. Physically or mentally incapacitated for performance of duty as the natural and proximate result of an accident not caused by his **or her** own willful negligence sustained in such service and while actually a member of the [~~policemen's and firemen's~~] **police and fire** retirement system, and

§ 190. Subparagraph (a) of paragraph 2 of subdivision b of section 363-b of the retirement and social security law, as amended by chapter 489 of the laws of 2008, is amended to read as follows:

(a) Physically or mentally incapacitated for performance of duty as the natural and proximate result of a disability not caused by his **or her** own willful negligence sustained in such service and while actually a member of the [~~policemen's and firemen's~~] **police and fire** retirement system, or

§ 191. Paragraph 1 of subdivision b of section 363-c of the retirement and social security law, as amended by chapter 690 of the laws of 1987, is amended to read as follows:

1. Physically or mentally incapacitated for performance of duty as the natural and proximate result of a disability not caused by his **or her** own willful negligence sustained in such service and while actually a member of the [~~policemen's and firemen's~~] **police and fire** retirement system, and

§ 192. Subparagraph (a) of paragraph 2 of subdivision b of section 363-e of the retirement and social security law, as added by chapter 208 of the laws of 1997, is amended to read as follows:

(a) Physically or mentally incapacitated for performance of duty as the natural and proximate result of a disability not caused by his/her own willful negligence sustained in such service and while actually a member of the [~~policemen's and firemen's~~] police and fire retirement system, or

§ 193. Subdivision b of section 364 of the retirement and social security law, as amended by chapter 661 of the laws of 1984, is amended to read as follows:

b. A final determination of the state workers' compensation board that benefits are payable pursuant to the workers' compensation law by reason of the accidental disability or accidental death of a member of the [~~policemen's and firemen's~~] police and fire retirement system shall not in any respect be, or constitute, a determination that an accidental disability retirement allowance, a disability incurred in performance of duty allowance or an accidental death benefit is payable on account thereof pursuant to the provisions of this article.

§ 194. The opening paragraph of subdivision a of section 370-a of the retirement and social security law, as amended by chapter 1046 of the laws of 1973, is amended to read as follows:

Beginning with a payroll period commencing as specified by a participating employer electing to contribute pursuant to the provisions of this section the contribution of each member of the [~~policemen's and firemen's~~] police and fire retirement system in the employ of such a participating employer, exclusive of any increase thereof pursuant to subdivision i of section three hundred twenty-one of this chapter or of any reduction thereof pursuant to subdivision one of section one hundred thirty-eight-b of article three of this chapter, shall be reduced by five per centum of the compensation of such member. Beginning with a payroll period commencing as specified by a participating employer, specifically electing, as provided in subdivision c of this section, to contribute at the higher rate pursuant to the provisions of this section the contribution of each member of the retirement system in the employ of such a participating employer, exclusive of any increase thereof pursuant to subdivision i of section twenty-one of this chapter or of any reduction thereof pursuant to subdivision one of section one hundred thirty-eight-b of this chapter, shall be reduced by an additional three per centum of the compensation of such member. Where a member's rate of contribution as so qualified is less than the per centum by which his contribution is reduced, such rate shall be discontinued. Such a reduction or discontinuance, as the case may be, shall:

§ 195. Section 371 of the retirement and social security law, as added by chapter 1000 of the laws of 1966, is amended to read as follows:

§ 371. Optional retirement at age fifty-five; alternative plan. a. Any member of the [~~policemen's and firemen's~~] police and fire retirement system, who, while a member of the state employees' retirement system, elected to contribute on a basis of retirement at age fifty-five pursuant to section seventy-one of this chapter and who did not withdraw such election as therein provided shall, contribute to the [~~policemen's and firemen's~~] police and fire retirement system at the rate prescribed by such section, and if such member retires under the provisions of such section his retirement allowance shall be computed according to the provisions of such section.

§ 196. The opening paragraph of subdivision a of section 371-a of the retirement and social security law, as added by chapter 1000 of the laws of 1966, is amended to read as follows:

Any member of the [~~policemen's and firemen's~~] police and fire retirement system, who has not by voluntary election on or after April first, nineteen hundred sixty-seven withdrawn the excess contributions authorized by subdivision d of this section, by written notice duly acknowledged and filed with the comptroller on or before December thirty-first, nineteen hundred sixty-seven or within one year after he or she last became a member, whichever is later, may elect to contribute pursuant to this section on the basis of retirement at age fifty-five. After such election the member shall contribute pursuant to this section at the higher rate determined in accordance with this subdivision [~~a~~]. Such higher rate shall be determined by the actuary upon the basis of tables adopted by the comptroller and regular interest. Such higher rate shall consist of the member's rate of normal contribution plus an additional rate. Such higher rate shall be computed as the constant proportion of annual compensation which, when deducted from each payment of such member's prospective earnable compensation from the time when he or she last became a member until he or she shall attain age fifty-five, would provide, at such latter time, an annuity equal to one-one hundred twentieth of his or her final average salary for each year of member service rendered or which he or she will have rendered prior to his or her attainment of age fifty-five and for which he or she shall be entitled to credit. Such higher rate of contribution of a member who is over age fifty-four, at the time of his or her last becoming a member, shall be the same as if his or her age were fifty-four. Where a member elects to contribute pursuant to this section, contributions at such higher rate shall be made from May fifteenth, nineteen hundred sixty-seven or from the date he or she last became a member, whichever is later.

§ 197. Section 372 of the retirement and social security law, as added by chapter 1000 of the laws of 1966, is amended to read as follows:

§ 372. Optional retirement at age fifty-five; closed plan. a. Any member of the [~~policemen's and firemen's~~] police and fire retirement system who, while a member of the state employees' retirement system, elected to contribute on a basis of retirement at age fifty-five pursuant to the provisions of section seventy-two of this chapter and who did not withdraw his or her election as therein provided shall contribute to the [~~policemen's and firemen's~~] police and fire retirement system at the rate prescribed by such section, and if such member retires his or her retirement allowance shall be computed according to the provisions of such section.

§ 198. The opening paragraph of subdivision a and the opening paragraph of subdivision b of section 373 of the retirement and social security law, as added by chapter 1000 of the laws of 1966, are amended to read as follows:

Persons who last became members of the New York state and local employees' retirement system before April eighth, nineteen hundred forty-three and became members of the [~~policemen's and firemen's~~] police and fire retirement system on or after April first, nineteen hundred sixty-seven, and who as members of state system became members of this system:

Persons who last became members of the New York state and local employees' retirement system on or after April eighth, nineteen hundred forty-three and who became members of the [~~policemen's and firemen's~~] police and fire retirement system on or after April first, nineteen

hundred sixty-seven or persons who became members of the latter system on or after April first, nineteen hundred sixty-seven, and who:

§ 199. The opening paragraph of subdivision c and the opening paragraph of subdivision d of section 375 of the retirement and social security law, as amended by chapter 559 of the laws of 1967, are amended to read as follows:

Upon retirement for superannuation on or after attainment of age fifty-five or for any other cause after attainment of age sixty, of a member who is contributing to the [~~policemen's and firemen's~~] **police and fire** retirement system on the basis of retirement at age fifty-five pursuant to section three hundred seventy-one of this article, he **or she** shall receive a retirement allowance which shall consist of:

Upon retirement for superannuation on or after attainment of age fifty-five or for any other cause after attainment of age sixty, of a member who is contributing to the [~~policemen's and firemen's~~] **police and fire** retirement system on the basis of retirement at age fifty-five pursuant to section three hundred seventy-one-a of this article, he **or she** shall receive a retirement allowance which shall consist of:

§ 200. Subdivision f of section 378 of the retirement and social security law, as amended by chapter 343 of the laws of 1978, is amended to read as follows:

f. The supplemental retirement allowance authorized by this section shall also be paid in the same manner set forth above to a [~~policeman or fireman~~] **police officer and firefighter** sixty-two years of age or older who is retired, or any person retired for disability regardless of age, or any spouse qualifying pursuant to subdivision h of this section, and who receives, as a result, a retirement allowance or pension from any state administered and operated retirement or pension plan or system, not including, however, the New York state teachers retirement system.

§ 201. The opening paragraph of subdivision a, and subdivisions c and f of section 381 of the retirement and social security law, as added by chapter 1000 of the laws of 1966, are amended to read as follows:

Any member in the division of state police in the executive department who elected on or before January first, nineteen hundred forty-nine, to contribute to the New York state employees' retirement system pursuant to the provisions of former section eighty-one of this chapter in force prior to April first, nineteen hundred sixty-seven, shall contribute to the [~~policemen's and firemen's~~] **police and fire** retirement system on the basis of retirement upon his **or her**:

c. Subject to the provisions of subdivisions a and b of this section, every employee in the service of such division who is not a member of the [~~policemen's and firemen's~~] **police and fire** retirement system may elect to become a member. He **or she** thereupon shall contribute to the retirement system under the provisions of this section and be entitled to benefits as provided in this section. No such employee, however, shall be given credit for service rendered prior to April sixteenth, nineteen hundred thirty-eight, unless he **or she** became a member of the state employees' retirement system on or before January first, nineteen hundred forty-nine. Any such employee who becomes a member on or before January first, nineteen hundred forty-nine, shall be entitled to credit for past service in the division as if he **or she** had become a member when first eligible. Such employee, however, shall pay the contributions he **or she** would have made prior to such date had he **or she** been a member during such service. The amount of such contributions shall be paid in a lump sum or in such installments as the comptroller shall approve. In lieu of such payment, however, such employee may receive on retirement

the benefit otherwise provided by this section, less such annuity as is the actuarial equivalent of such unpaid contributions.

f. The increased pensions to members of the division, as provided by this section, shall be paid from additional contributions made by the state on account of such members. The actuary of the [~~policemen's and firemen's~~] police and fire retirement system shall compute the additional contribution of each member who elects the special benefits provided under this section. Such additional contributions shall be computed on the basis of contributions during the prospective service of such member which will cover the liability of the [~~policemen's and firemen's~~] police and fire retirement system for such extra pensions. Upon approval by the comptroller, such additional contributions shall be certified by him or her to the superintendent of state police. The amount thereof shall be included in the annual appropriation of the state for state police. Such amount shall be paid on the warrant of the comptroller to the pension accumulation fund of the retirement system.

§ 202. Subdivisions a and c, the closing paragraph of subdivision d and subdivision e of section 381-a of the retirement and social security law, as added by chapter 1000 of the laws of 1966, are amended to read as follows:

a. Every member or officer of the division of state police in the executive department who enters or re-enters service in the division on or after May first, nineteen hundred sixty-one shall contribute to the [~~policemen's and firemen's~~] police and fire retirement system in the manner provided for by this section.

c. A member who elects or is required to contribute in accordance with this section, shall contribute, in lieu of the proportion of compensation as provided in section three hundred twenty-one of this article, a proportion of his or her compensation similarly determined. Such latter proportion shall be computed to provide, at the time when he or she shall first become eligible for retirement under this section, an annuity equal to one-one hundredth of his or her final average salary for each year of service as a member of the state employees' retirement system or the [~~policemen's and firemen's~~] police and fire retirement system rendered after April sixteenth, nineteen hundred thirty-eight, and prior to the attainment of the age when he or she shall first become eligible for retirement. Such member's rate of contribution pursuant to this section shall be appropriately reduced pursuant to section three hundred seventy-a of this article for such period of time as his or her employer contributes pursuant to such section toward pensions-providing-for-increased-take-home-pay. No such member shall continue to make contributions after completing twenty-five years of such service.

For the purpose only of determining the amount of the pension provided in this subdivision, the annuity shall be computed as it would be if it were not reduced by the actuarial equivalent of any outstanding loan, and if it were not increased by the actuarial equivalent of any additional contributions, and if it were not reduced by reason of the member's election to decrease his or her annuity contributions to the [~~policemen's and firemen's~~] police and fire retirement system in order to apply the amount of such reduction in payment of his or her contributions for old-age and survivors insurance coverage.

e. The increased pensions to members of the division, as provided by this section, shall be paid from additional contributions made by the state on account of such members. The actuary of the [~~policemen's and firemen's~~] police and fire retirement system shall compute the additional contribution required for each member who elects to receive the

special benefits provided under this section. Such additional contributions shall be computed on the basis of contributions during the prospective service of such member which will cover the liability of the [~~policemen's and firemen's~~] police and fire retirement system for such extra pensions. Upon approval by the comptroller, such additional contributions shall be certified by him or her to the superintendent of state police. The amount thereof shall be included in the annual appropriation of the state for the division of state police. Such amount shall be paid on the warrant of the comptroller to the pension accumulation fund of the [~~policemen's and firemen's~~] police and fire retirement system.

§ 203. The opening paragraph of subdivision b and subdivision f of section 383 of the retirement and social security law, as added by chapter 1000 of the laws of 1966, are amended to read as follows:

Any member of the [~~policemen's and firemen's~~] police and fire retirement system in regional state park police service may elect to contribute to the [~~policemen's and firemen's~~] police and fire retirement system on the basis of retirement upon his or her

f. The increased pensions to any member in regional state park police service, as provided by this section, shall be paid from additional contributions made by the state on account of such members. The actuary of the [~~policemen's and firemen's~~] police and fire retirement system shall compute the additional contribution for each member who elects the special benefits provided under this section. Such additional contributions shall be computed on the basis of contributions during the prospective service of such member which will cover the liability of the [~~policemen's and firemen's~~] police and fire retirement system for such extra pensions, and upon approval by the comptroller, the additional contributions shall be certified by the comptroller and shall be included in the annual appropriation to the pension accumulation fund of the [~~policemen's and firemen's~~] police and fire retirement system in the manner provided in section three hundred sixteen of this article.

§ 204. Subdivision b and the opening paragraph of subdivision c of section 383-b of the retirement and social security law, as added by chapter 674 of the laws of 1986, are amended to read as follows:

b. Notwithstanding any other provision of law providing for transfers between retirement systems, any sworn police officer of the division of law enforcement in the department of environmental conservation who is a member of the New York state employees' retirement system may transfer to the New York state [~~policemen's and firemen's~~] and local police and fire retirement system and shall receive credit pursuant to and be entitled to the retirement benefits afforded in accordance with this section. Upon any such transfer the member shall be entitled to the amount of service which would have been deemed creditable had such member been subject to such system during the course of his or her membership within such system. Contributions to such system shall be made in accordance with appropriate provisions of law relating thereto. Application for such transfer must be made to the state comptroller on or before December thirty-first, nineteen hundred eighty-six. The provisions of section three hundred forty-three of this article shall apply to any member making application for transfer under this subdivision.

Any member of the division of law enforcement in the department of environmental conservation who elects or is required to contribute under this section shall contribute to the [~~policemen's and firemen's~~] police and fire retirement system on the basis of retirement upon his or her:

§ 205. Subdivision b and the opening paragraph of subdivision c of section 383-b of the retirement and social security law, as added by chapter 677 of the laws of 1986, are amended to read as follows:

b. Notwithstanding any other provision of law providing for transfers between retirement systems, any sworn police officer of the capital police force in the office of general services who is a member of the New York state **and local** employees' retirement system may transfer to the New York state [~~policemen's and firemen's~~] **and local police and fire** retirement system and shall receive credit pursuant to and be entitled to the retirement benefits afforded in accordance with this section. Upon any such transfer the member shall be entitled to the amount of service which would have been deemed creditable had such member been subject to such system during the course of his or her membership within such system. Contributions to such system shall be made in accordance with appropriate provisions of law relating thereto. Application for such transfer must be made to the state comptroller on or before December thirty-first, nineteen hundred eighty-six. The provisions of section three hundred forty-three of this article shall apply to any member making application for transfer under this subdivision.

Any member of the capital police force in the office of general services who elects or is required to contribute under this section shall contribute to the [~~policemen's and firemen's~~] **police and fire** retirement system on the basis of retirement upon his **or her**:

§ 206. The section heading, the opening paragraph of subdivision a, subdivisions b, bb and c, and paragraphs 1 and 5 of subdivision d of section 384 of the retirement and social security law, as added by chapter 1000 of the laws of 1966, subdivision b as amended by chapter 807 of the laws of 1969, and subdivision bb as amended by chapter 172 of the laws of 1971, are amended to read as follows:

Optional retirement of certain [~~policemen and firemen~~] **police officers and firefighters**.

Any member of the [~~policemen's and firemen's~~] **police and fire** retirement system who is an officer or member of any organized fire department or organized police force or police department of any county, city, town, village, fire district, police district or participating employer may elect to contribute to the [~~policemen's and firemen's~~] **police and fire** retirement system on the basis of retirement upon his **or her** completion of twenty-five years of service as an officer or member of any such force or department on an allowance of:

b. Any officer or member of such an organized fire department or organized police force or department may elect to contribute to the [~~policemen's and firemen's~~] **police and fire** retirement system pursuant to this section within one year after he **or she** becomes such an officer or member, or on or before January first, nineteen hundred seventy, or within one year after his **or her** employer assumed, or assumes in whole or in part, the additional cost to the [~~policemen's and firemen's~~] **police and fire** retirement system resulting from an election pursuant to this section.

bb. On and after April first, nineteen hundred sixty-seven only [~~firemen, policemen~~] **firefighters, police officers** or officers of such a fire department or police force may elect to contribute to the [~~policemen's and firemen's~~] **police and fire** retirement system on the basis of retirement pursuant to this section and, as to members so electing, in addition to service in war after world war I, as defined in section three hundred two of this article, only credit for service:

1. As such a [~~fireman, policeman~~] **firefighter, police officer** or officer, or

2. As a member or officer of the state police, or

3. In the regional state park police service, shall be included in computing years of police or fire service for retirement pursuant to this section.

c. Elections made pursuant to this section shall be in writing and shall be duly acknowledged and filed with the comptroller. Any member who files such an election pursuant to this section may withdraw it after it has been filed for at least one year. Such withdrawal shall be by written notice duly acknowledged and filed with the comptroller. After such withdrawal such member shall contribute to the [~~policemen's and firemen's~~] **police and fire** retirement system as otherwise provided in this article. Any member who has contributed the entire additional cost to the [~~policemen's and firemen's~~] **police and fire** retirement system resulting from an election pursuant to this section, may withdraw such entire additional amount in the event that he **or she** so withdraws such election.

1. Except as otherwise provided in this subdivision, a member electing to contribute to the [~~policemen's and firemen's~~] **police and fire** retirement system pursuant to this section shall pay the entire additional cost to the [~~policemen's and firemen's~~] **police and fire** retirement system resulting from such election by means of a rate of contribution. Such rate shall be computed to provide, upon his **or her** completion of twenty-five years of service as an officer or member of any such department or force, the portion of the retirement allowance for which he **or she** is required to provide pursuant to this section. Such rate of contribution shall be determined in a manner similar to that provided in section three hundred twenty-three of this article and subject to the provisions of paragraph four of this subdivision, the contributions based thereon shall be paid while such member is an officer or member of any such department or force.

5. For actuarial purposes relative to rates or amounts of contributions to the funds of the [~~policemen's and firemen's~~] **police and fire** retirement system, service of a member making an election pursuant to this section shall, as to his **or her** service and status subsequent thereto, be deemed continuous and constant. If the continuity of such service be interrupted or such status be changed, however, appropriate changes as may be necessary for actuarial purposes shall be made in such rates and amounts.

§ 207. The section heading and subdivision a of section 384-a of the retirement and social security law, as added by chapter 1000 of the laws of 1966, are amended to read as follows:

Additional pension benefits for certain [~~policemen~~] **police officers** after twenty-five years of service. a. In the event a member of the police force of the village of Hempstead, in the county of Nassau, who is contributing to the retirement system under section three hundred eighty-four of this chapter, shall continue in service after twenty-five years of total creditable police service under such section in such force, he **or she** shall receive, upon retirement, in addition to the amount of any retirement allowance he **or she** would otherwise be entitled to receive, pursuant to the applicable provisions of this chapter, an additional pension for such service of one-sixtieth of his **or her** final average salary for each completed additional year of service after twenty-five years. The participating employer in the case of any [~~policeman~~] **police officer** eligible for the additional pension benefit prescribed by

this section shall make additional contributions to the appropriate fund of the retirement system necessary to pay the difference between the amounts prescribed by this section and the amount the member would otherwise be entitled to receive at the time of his **or her** retirement.

§ 208. The section heading and subdivision a of section 384-c of the retirement and social security law, as added by chapter 144 of the laws of 1966 and such section as renumbered by chapter 559 of the laws of 1967, are amended to read as follows:

Additional pension benefits for certain [~~policemen~~] **police officers** after twenty-five years of service. a. In the event a member of the police force of the city of Glen Cove, in the county of Nassau, who is contributing to the retirement system [~~under section eighty-four of this chapter~~], shall continue in service after twenty-five years of total creditable police service under such section in such force, he **or she** shall receive, upon retirement, in addition to the amount of any retirement allowance he **or she** would otherwise be entitled to receive, pursuant to the applicable provisions of this chapter, an additional pension for such service of one-sixtieth of his **or her** final average salary for each completed additional year of service after twenty-five years. The participating employer in the case of any [~~policeman~~] **police officer** eligible for the additional pension benefit prescribed by this section shall make additional contributions to the appropriate fund of the retirement system necessary to pay the difference between the amounts prescribed by this section and the amount the member would otherwise be entitled to receive at the time of his **or her** retirement.

§ 209. The section heading, subdivisions a, k and o, and paragraph 1 of subdivision p of section 384-d of the retirement and social security law, as added by chapter 1064 of the laws of 1968, subdivision o as added by chapter 869 of the laws of 1983 and paragraph 1 of subdivision p as added by chapter 785 of the laws of 1984, are amended to read as follows:

Optional twenty year retirement plan for certain [~~firemen and policemen~~] **firefighters and police officers** whose employer elects to provide same.

a. Any member of the retirement system who is a [~~fireman, policeman~~] **firefighter, police officer** or officer of any organized fire department or organized police force or police department of any county, city, town, village, fire district, police district or participating employer may elect to contribute to the retirement system pursuant to this section within one year after he **or she** becomes such an officer or member, if his **or her** employer has previously elected to make the benefits provided herein available to its officers and members, or within one year after his **or her** employer elects to make the benefits provided herein available to its officers and members.

k. The benefits of this section shall be available only to those [~~policemen and firemen~~] **police officers and firefighters** whose employer elects to provide such benefits by adopting a resolution to such effect and filing a certified copy thereof with the comptroller.

o. Any member of the [~~policemen's and firemen's~~] **police and fire** retirement system who was a member of the New York state employees' retirement system while employed as a police department cadet and whose membership therein was terminated by his **or her** attaining membership in the [~~policemen's and firemen's~~] **police and fire** retirement system, may purchase credit in the said [~~policemen's and firemen's~~] **police and fire** retirement system for prior creditable service in the New York state employees' retirement system earned while employed as a police depart-

ment cadet and shall have the period of such prior service credit counted as police service for the purpose of determining the amount of his or her pension and retirement allowance and period of service needed for retirement. In order to purchase credit pursuant to this subdivision, the member shall pay into the pension accumulation fund the contribution amount as determined by the comptroller, either in a lump sum or in installments, necessary to pay in full the cost of such previous service. If such payment be made in installments, the same shall be paid within a period no greater than the number of months of such member service granted.

(1) Any member of the [~~policemen's and firemen's~~] police and fire retirement system, who was a member of the New York state and local employees' retirement system while employed as a police department cadet and whose membership therein was terminated by his or her attaining membership in the [~~policemen's and firemen's~~] police and fire retirement system, may purchase credit in the said [~~policemen's and firemen's~~] police and fire retirement system for prior creditable service in the New York state employees' retirement system earned as a police department cadet and shall have the period of such prior service credit counted as police service for the purpose of determining the amount of his or her pension and retirement allowance and period of service needed for retirement. In order to purchase credit pursuant to this subdivision a member shall deposit in the pension accumulation fund a sum equal to the product of the participating employers' normal contribution rate at the time of the member's entry into such police department cadet service, his or her annual rate of compensation at that time, and the period of police department cadet service being claimed, with regular interest. Such deposit must be made within one year of the date of election by the participating employer, provided however, such member may elect to deposit such amount over a period of time no greater than the period for which credit is being claimed, in which case such payments must commence within one year of the date of election by the participating employer. If the full amount of such payments is not paid to the retirement system, the amount of service credited shall be proportional to the total amount of the payments made.

§ 210. The opening paragraph of subdivision b, and subdivisions d and g of section 385 of the retirement and social security law, as added by chapter 1000 of the laws of 1966, are amended to read as follows:

Any member in the department, including the commissioner of police, who so elected, on or before January first, nineteen hundred forty-eight, to contribute to the New York state and local employees' retirement system pursuant to the provisions of former section eighty-five of this chapter in effect prior to April first, nineteen hundred sixty-seven, shall contribute to the [~~policemen's and firemen's~~] police and fire retirement system on the basis of retirement upon his or her:

d. Subject to the provisions of subdivisions b and c of this section, every employee in the service of such department who is not a member of the [~~policemen's and firemen's~~] police and fire retirement system may elect to become a member. He or she thereupon shall contribute to the [~~policemen's and firemen's~~] police and fire retirement system under the provisions of this section and be entitled to benefits as provided in this section. No such employee, however, shall be given credit for service rendered prior to May sixth, nineteen hundred forty-six, unless he or she became a member of the New York state and local employees' retirement system on or before January first, nineteen hundred forty-eight and has subsequently become a member of the [~~policemen's and fire-~~

~~men's~~] police and fire retirement system. Any such employee who became a member of the New York state and local employees' retirement system, on or before January first, nineteen hundred forty-eight, and has subsequently become a member of the [~~policemen's and firemen's~~] police and fire retirement system shall be entitled to credit for past service in the department as if he or she had become a member when first eligible. Such employee, however, shall pay the contributions he or she would have made prior to such date had he or she been a member during such service. The amount of such contributions shall be paid in a lump sum or in such installments as the comptroller shall approve. In lieu of such payment, however, such employee may receive on retirement the benefit otherwise provided by this section, less such annuity as is the actuarial equivalent of such unpaid contributions.

g. The increased pensions to members of the department, as provided by this section, shall be paid from additional contributions made by the county on account of such members. The actuary of the [~~policemen's and firemen's~~] police and fire retirement system shall compute the additional contribution for each member who elects the special benefits provided under this section. Such additional contributions shall be computed on the basis of contributions during the prospective service of such member which will cover the liability of the [~~policemen's and firemen's~~] police and fire retirement system for such extra pensions. Upon approval by the comptroller, such additional contributions shall be certified by him or her to the county executive of the county. The amount thereof shall be included in the annual appropriation of the county for county police. Such amount shall be paid on the warrant of the county comptroller to the pension accumulation fund of the [~~policemen's and firemen's~~] police and fire retirement system. Every member entering or re-entering the department on and after May sixth, nineteen hundred forty-six, shall retire on the first day of the calendar month next succeeding his or her attainment of age fifty-nine.

§ 211. The opening paragraph of subdivision b and subdivision f of section 386 of the retirement and social security law, as added by chapter 1000 of the laws of 1966, are amended to read as follows:

Any member in service in such department on January first, nineteen hundred fifty-eight, who elected, on or before July first, nineteen hundred fifty-eight, to contribute to the New York state employees' retirement system pursuant to the provisions of former section eighty-six of this chapter, in effect prior to April first, nineteen hundred sixty-seven, shall contribute to the [~~policemen's and firemen's~~] police and fire retirement system on the basis of retirement upon his or her:

f. The increased pensions to members of such department, as provided by this section, shall be paid from additional contributions made by the county on account of such members. The actuary of the [~~policemen's and firemen's~~] police and fire retirement system shall compute the additional contribution for each member who elects the special benefits provided under this section. Such additional contributions shall be computed on the basis of contributions during the prospective service of such member which will cover the liability of the [~~policemen's and firemen's~~] police and fire retirement system for such extra pensions. Upon the approval by the comptroller, such additional contributions shall be certified by him or her to the county executive of the county. The amount thereof shall be included in the annual appropriation of the county for the Westchester county parkway police force. Such amount shall be paid on the warrant of the county department of finance to the

pension accumulation fund of the [~~policemen's and firemen's~~] police and fire retirement system.

§ 212. The opening paragraph of subdivision b and subdivision f of section 387 of the retirement and social security law, as added by chapter 1000 of the laws of 1966, are amended to read as follows:

Any member in service in such department, including the commissioner of police, on January first, nineteen hundred sixty, who elected, on or before July first, nineteen hundred sixty, to contribute to the New York state employees' retirement system pursuant to the provisions of former section eighty-seven of this chapter, in effect prior to April first, nineteen hundred sixty-seven, shall contribute to the [~~policemen's and firemen's~~] police and fire retirement system on the basis of retirement upon his or her:

f. The increased pensions to members of such department, as provided by this section, shall be paid from additional contributions made by the county on account of such members. The actuary of the [~~policemen's and firemen's~~] police and fire retirement system shall compute the additional contribution for each member who elects the special benefits provided under this section. Such additional contributions shall be computed on the basis of contributions during the prospective service of such member which will cover the liability of the [~~policemen's and firemen's~~] police and fire retirement system for such extra pensions. Upon approval by the comptroller, such additional contributions shall be certified by him or her to the county executive of the county. The amount thereof shall be included in the annual appropriation of the county for the Suffolk county police department. Such amount shall be paid on the warrant of the comptroller of the county to the pension accumulation fund of the [~~policemen's and firemen's~~] police and fire retirement system.

§ 213. Paragraph 3 of subdivision a of section 388 of the retirement and social security law, as amended by chapter 939 of the laws of 1983, is amended to read as follows:

3. "Service in such department." Full time duty as a [~~policeman, fireman~~] police officer, firefighter or police, fire officer or commissioner of the department.

§ 214. Subdivision a, subparagraph (b) of paragraph 1 of subdivision b, and subparagraphs (a) and (b) of paragraph 2 of subdivision c of section 401 of the retirement and social security law, as added by chapter 1000 of the laws of 1966, are amended to read as follows:

a. If a retired member, receiving a retirement allowance for other than physical disability, returns to active public service, except as otherwise provided in this section or sections two hundred eleven or two hundred twelve of this chapter, and is eligible for membership in the [~~policemen's and firemen's~~] police and fire retirement system, he or she thereupon shall become a member and his or her retirement allowance shall cease. In such event, he or she shall contribute to the [~~policemen's and firemen's~~] police and fire retirement system as if he or she were a new member. Upon his subsequent retirement he or she shall:

1. Be credited with all member service earned by him or her since he or she last became a member of the [~~policemen's and firemen's~~] police and fire retirement system, and

2. Received a retirement allowance which shall consist of:

(a) An annuity which is the actuarial equivalent of all his or her accumulated contributions, and

(b) The pension including the pension-providing-for-increased-take-home-pay which he or she was receiving immediately prior to his or her

last restoration to membership, plus a pension including the pension-providing-for-increased-take-home-pay based upon the member service credit earned by him **or her** since he **or she** last became a member. Such latter pensions shall be computed as if he **or she** were a new member when he **or she** last became a member.

Where such member shall have earned at least two years of member service credit after restoration to active service, the total service credit to which he **or she** was entitled at the time of his **or her** earlier retirement may, at his **or her** option, again be credited to him **or her** and upon his **or her** subsequent retirement he **or she** shall be credited in addition with all member service earned by him **or her** subsequent to his **or her** last restoration to membership. Such total service credit to which he **or she** was entitled at the time of his **or her** earlier retirement shall be so credited only in the event that such member returns to the [~~policemen's and firemen's~~] **police and fire** retirement system with regular interest the actuarial equivalent of the amount of the retirement allowance he **or she** received, or in the event that such amount is not so repaid the actuarial equivalent thereof shall be deducted from his **or her** subsequent retirement allowance.

Notwithstanding the foregoing provisions of this subdivision, a retired member who is receiving a retirement allowance for other than physical disability, and who returns to active public service, may elect not to be restored to membership in the [~~policemen's and firemen's~~] **police and fire** retirement system until he **or she** has rendered one year of service following his **or her** return to public service. In such event his **or her** retirement allowance shall be suspended during such year of service as provided in subdivision b of this section. Upon restoration to membership following completion of such year of service, his **or her** service in such year shall be deemed to be service while a member for purposes of subdivision b of section three hundred sixty of this chapter. He **or she** may purchase member service credit for such year, which shall be deemed earned member service credit. This paragraph shall not be construed to authorize the return to public service of any person who is otherwise not eligible therefor on account of having reached age seventy.

If a retired member receiving a retirement allowance for other than physical disability, returns to active public service, and is then ineligible for membership in the [~~policemen's and firemen's~~] **police and fire** retirement system, his **or her** retirement allowance shall be suspended in the same manner as provided in subdivision b of this section.

(b) For service pursuant to subdivision c of this section where the retired member continues as a beneficiary of the [~~policemen's and firemen's~~] **police and fire** retirement system.

(a) Upon written notice to the comptroller, receive from the [~~policemen's and firemen's~~] **police and fire** retirement system the then present value of the annuity earned by his **or her** accumulated contributions, and upon receipt thereof cease to be a beneficiary of the [~~policemen's and firemen's~~] **police and fire** retirement system, or

(b) Continue as a beneficiary of the [~~policemen's and firemen's~~] **police and fire** retirement system, but with payments of any retirement allowance or any benefit in lieu thereof, on account of retirement for other than physical disability, suspended during the time he **or she** is in receipt of compensation for state or public service. Such suspension shall be governed by the provisions of paragraphs two, three and four of subdivision b of this section.

§ 215. Paragraph 2 of subdivision b and subdivisions c, d and e of section 402 of the retirement and social security law, paragraph 2 of subdivision b as amended by chapter 783 of the laws of 1987, subdivisions c and d as added by chapter 1000 of the laws of 1966, and subdivision e as added by chapter 815 of the laws of 1977, are amended to read as follows:

2. An amount which, when added to an annuity, as so computed, plus the sum earned by him **or her**, shall equal his **or her** final salary.

In the case where an optional benefit has been selected, such reduction shall be the same as the reduction would have been without optional modification. Where such reduction is greater than the pension, including the pension-providing-for-increased-take-home-pay, payable under the option selected, the excess may be paid by the pensioner into the funds of the [~~policemen's and firemen's~~] **police and fire** retirement system, in which case the benefit due under the option shall be paid as if no reduction had occurred. If such excess is not paid by the pensioner, the benefit otherwise due under the option shall be reduced by the actuarial equivalent of such excess. In no event shall the payment to the funds be greater than the difference between the pension, including the pension-providing-for-increased-take-home-pay, without optional modification and the pension, including the pension-providing-for-increased-take-home-pay, under the option selected. The pension, including the pension-providing-for-increased-take-home-pay of a disability pensioner, shall not be reduced after he **or she** has attained the mandatory retirement age applicable to him **or her** or shall have attained the age or performed the period of service specified by applicable law for eligibility for a service retirement benefit.

c. In the event that the comptroller shall determine that a disability beneficiary is able to engage in a gainful occupation, he **or she** shall, if such beneficiary so requires, certify the name of such beneficiary to the state civil service department or appropriate civil service commission. The state civil service department or such municipal commission shall place the name of such beneficiary, as a preferred eligible, on the appropriate eligible lists prepared by it for positions for which such beneficiary is stated to be qualified in a salary grade not exceeding that from which he **or she** was last retired. If any such beneficiary shall be offered a position as a result of the placing of his **or her** name on any such civil service list, the amount of his **or her** disability pension, including the pension-providing-for-increased-take-home-pay, shall be reduced. Such reduction shall be to an amount which, when added to the amount earned or earnable by him **or her** in such position, shall not exceed his **or her** final salary. A disability beneficiary restored to active service shall not be eligible to membership in the [~~policemen's and firemen's~~] **police and fire** retirement system so long as he **or she** receives any pension, including the pension-providing-for-increased-take-home-pay.

d. In the event that a disability beneficiary is restored to active service of an employer, at a salary equal to or in excess of his **or her** final salary, his **or her** retirement allowance shall cease. Such person thereupon again shall become a member of the [~~policemen's and firemen's~~] **police and fire** retirement system. He **or she** thereafter shall contribute to the [~~policemen's and firemen's~~] **police and fire** retirement system in the same manner as and at the same rate that he **or she** paid prior to his **or her** disability retirement. The total service credit, to which he **or she** was entitled at the time of such retirement, again shall be credited to him **or her**. Upon his [~~subesequent~~] **or her subsequent** retirement, he

or she shall be credited, in addition, with all member service earned by him or her subsequent to his or her last restoration to membership.

e. In the event that a disability retiree is restored to active service of an employer, at a salary less than his or her final salary but equal to or in excess of the current minimum salary for the position from which he or she was last retired for disability, such person, if he or she so elects, shall again become a member of the [~~policemen's and firemen's~~] police and fire retirement system and his or her retirement allowance shall cease. He or she thereafter shall contribute to the [~~policemen's and firemen's~~] police and fire retirement system in the same manner as and at the same rate that he or she paid prior to his or her disability retirement. The total service credit, to which he or she was entitled at the time of such retirement, again shall be credited to him or her. Upon his subsequent retirement, he or she shall be credited, in addition, with all member service earned by him or her subsequent to his or her last restoration to membership.

§ 216. Subdivision a and paragraphs 3 and 4 of subdivision b of section 413 of the retirement and social security law, as added by chapter 1000 of the laws of 1966, are amended to read as follows:

a. No other provision of law in any other statute which provides wholly or partly at the expense of the state or of a participating employer for pensions, retirement benefits, emoluments or awards for employees in police or fire service, their widows or widowers or other dependents, shall apply to members or beneficiaries of the [~~policemen's and firemen's~~] police and fire retirement system established by this article, their [~~wiodws~~] widows, widowers or other dependents.

3. Prevent the extension of old-age and survivors insurance coverage to members of the [~~policemen's and firemen's~~] police and fire retirement system or the receipt of benefits therefrom by such members, their wives or husbands or widows or widowers or their other dependents.

4. Prevent a member of the [~~policemen's and firemen's~~] police and fire retirement system whose membership is authorized by paragraph nine of subdivision c of section three hundred forty of this article, from receiving, upon his or her subsequent retirement from the [~~policemen's and firemen's~~] police and fire retirement system, benefits based on service not included in that upon which his or her retirement or pension from another pension or retirement system is or would be based.

§ 217. Section 418 of the retirement and social security law, as added by chapter 859 of the laws of 1980, is amended to read as follows:

§ 418. Additional benefit authorized with respect to the city of Yonkers. Notwithstanding any contrary provision of law, the city of Yonkers may by local law, ordinance or resolution, provide a benefit of two hundred fifty dollars a month to the widow or widower, and members of the family, of retired Yonkers' [~~policemen and firemen~~] police officers and firefighters who were members of the New York state [~~policemen's and firemen's~~] and local police and fire retirement system at the time of their death; provided, however, the benefit may be paid only to survivors who were receiving benefits pursuant to Local Laws seven and eight of the city of Yonkers for the year of nineteen hundred sixty-eight on or before the effective date of this section.

§ 218. Subdivisions 2 and 5 of section 421 of the retirement and social security law, as added by chapter 306 of the laws of 1967, are amended to read as follows:

2. The term "[~~policemen's and firemen's~~] police and fire retirement system" shall mean the New York state [~~policemen's and firemen's~~] and local police and fire retirement system.

5. The term "actuary" shall mean the actuary of the employees' retirement system acting jointly with the actuary of the [~~policemen's and firemen's~~] police and fire retirement system.

§ 219. Subdivision 1 of section 422 of the retirement and social security law, as added by chapter 306 of the laws of 1967, is amended to read as follows:

1. There is hereby established a fund, in the custody of the comptroller, to be known as the common retirement fund. Notwithstanding any other provision of this chapter, all of the assets and income of the employees' retirement system and of the [~~policemen's and firemen's~~] police and fire retirement system shall be held by the comptroller as trustee of such fund, except as such assets and income may be allocated or distributed to the funds of each retirement system by the comptroller.

§ 220. Section 425 of the retirement and social security law, as added by chapter 306 of the laws of 1967, is amended to read as follows:

§ 425. Separability of retirement systems. No provision of this article shall be construed as an impairment of the separability of or of the corporate powers and privileges of the employees' retirement system or the [~~policemen's and firemen's~~] police and fire retirement system. The comptroller shall establish or continue separate funds and accounts for each retirement system, consistent with the common retirement fund herein provided for, as may be required to carry out the separate purposes and privileges of each retirement system.

§ 221. Subdivision c of section 443 of the retirement and social security law, as added by chapter 784 of the laws of 1987, is amended to read as follows:

c. Notwithstanding the provisions of subdivisions a and b of this section, with respect to [~~policemen and firemen~~] police officers and firefighters as defined in section four hundred fifty of this chapter, the final average salary of an employee who has been a member of a retirement system for less than one year shall be the projected one year salary, with the calculation based upon a twelve month projection of the sums earned in the portion of the year worked. If a member has been employed for more than one year but less than two years, then the member's final average salary shall be the average of the first year and projected second year earnings based upon the calculation above, and if more than two years, but less than three years, then one-third the total of the first two years of employment plus the projected third year's earnings, calculated as indicated above.

§ 222. Subdivision a of section 445 of the retirement and social security law, as amended by chapter 295 of the laws of 2007, is amended to read as follows:

a. No member of a retirement system who is subject to the provisions of this article shall retire without regard to age, exclusive of retirement for disability, unless he or she is a [~~policeman~~] police officer, an investigator member of the New York city employees' retirement system, [~~fireman~~] firefighter, correction officer, a qualifying member as defined in section eighty-nine-t, as added by chapter six hundred fifty-seven of the laws of nineteen hundred ninety-eight, of this chapter, sanitation [~~man~~] worker, a special officer (including persons employed by the city of New York in the title urban park ranger or associate urban park ranger), school safety agent, campus peace officer or a taxi and limousine commission inspector member of the New York city employees' retirement system or the New York city board of education retirement system, a dispatcher member of the New York city employees'

retirement system, a police communications member of the New York city employees' retirement system, an EMT member of the New York city employees' retirement system, a deputy sheriff member of the New York city employees' retirement system, a correction officer of the Westchester county correction department as defined in section eighty-nine-e of this chapter or employed in Suffolk county as a peace officer, as defined in section eighty-nine-s, as added by chapter five hundred eighty-eight of the laws of nineteen hundred ninety-seven, of this chapter, employed in Suffolk county as a correction officer, as defined in section eighty-nine-f of this chapter, or employed in Nassau county as a correction officer, uniformed correction division personnel, sheriff, undersheriff or deputy sheriff, as defined in section eighty-nine-g of this chapter, or employed in Nassau county as an ambulance medical technician, an ambulance medical technician/supervisor or a member who performs ambulance medical technician related services, as defined in section eighty-nine-s, as amended by chapter five hundred seventy-eight of the laws of nineteen hundred ninety-eight, of this chapter, or employed in Nassau county as a peace officer, as defined in section eighty-nine-s, as added by chapter five hundred ninety-five of the laws of nineteen hundred ninety-seven, of this chapter, or employed in Albany county as a sheriff, undersheriff, deputy sheriff, correction officer or identification officer, as defined in section eighty-nine-h of this chapter or is employed in St. Lawrence county as a sheriff, undersheriff, deputy sheriff or correction officer, as defined in section eighty-nine-i of this chapter or is employed in Orleans county as a sheriff, undersheriff, deputy sheriff or correction officer, as defined in section eighty-nine-l of this chapter or is employed in Jefferson county as a sheriff, undersheriff, deputy sheriff or correction officer, as defined in section eighty-nine-j of this chapter or is employed in Onondaga county as a deputy sheriff-jail division competitively appointed or as a correction officer, as defined in section eighty-nine-k of this chapter or is employed in a county which makes an election under subdivision j of section eighty-nine-p of this chapter as a sheriff, undersheriff, deputy sheriff or correction officer as defined in such section eighty-nine-p or is employed in Broome County as a sheriff, undersheriff, deputy sheriff or correction officer, as defined in section eighty-nine-m of this chapter or is a Monroe county deputy sheriff-court security, or deputy sheriff-jailor as defined in section eighty-nine-n, as added by chapter five hundred ninety-seven of the laws of nineteen hundred ninety-one, of this chapter or is employed in Greene county as a sheriff, undersheriff, deputy sheriff or correction officer, as defined in section eighty-nine-o of this chapter or is a traffic officer with the town of Elmira as defined in section eighty-nine-q of this chapter or is employed by Suffolk county as a park police officer, as defined in section eighty-nine-r of this chapter or is a peace officer employed by a county probation department as defined in section eighty-nine-t, as added by chapter six hundred three of the laws of nineteen hundred ninety-eight, of this chapter or is employed in Rockland county as a deputy sheriff-civil as defined in section eighty-nine-v of this chapter as added by chapter four hundred forty-one of the laws of two thousand one, or is employed in Rockland county as a superior correction officer as defined in section eighty-nine-v of this chapter as added by chapter five hundred fifty-six of the laws of two thousand one or is a paramedic employed by the police department in the town of Tonawanda and retires under the provisions of section eighty-nine-v of this chapter, as added by chapter four hundred seventy-two of the laws of two thousand one, or

is a county fire marshal, supervising fire marshal, fire marshal, assistant fire marshal, assistant chief fire marshal or chief fire marshal employed by the county of Nassau as defined in section eighty-nine-w of this chapter and is in a plan which permits immediate retirement upon completion of a specified period of service without regard to age. Except as provided in subdivision c of section four hundred forty-five-a of this article, subdivision c of section four hundred forty-five-b of this article, subdivision c of section four hundred forty-five-c of this article, subdivision c of section four hundred forty-five-d of this article, subdivision c of section four hundred forty-five-e of this article, subdivision c of section four hundred forty-five-f of this article and subdivision c of section four hundred forty-five-h of this article, a member in such a plan and such an occupation, other than a [~~policeman~~] police officer or investigator member of the New York city employees' retirement system or a [~~fireman~~] fire-fighter, shall not be permitted to retire prior to the completion of twenty-five years of credited service; provided, however, if such a member in such an occupation is in a plan which permits retirement upon completion of twenty years of service regardless of age, he or she may retire upon completion of twenty years of credited service and prior to the completion of twenty-five years of service, but in such event the benefit provided from funds other than those based on such a member's own contributions shall not exceed two per centum of final average salary per each year of credited service.

§ 223. Paragraph 3 of subdivision b of section 500 of the retirement and social security law, as amended by chapter 42 of the laws of 1977, is amended to read as follows:

3. Enter the employment of a public employer which participates for such employees in the New York state [~~policemen's and firemen's~~] and local police and fire retirement system shall be required to become members or shall be eligible or ineligible for membership in such retirement system in the manner provided for by the relevant provisions of this chapter.

§ 224. Subdivisions 13, 21 and 23 of section 501 of the retirement and social security law, as added by chapter 890 of the laws of 1976, are amended to read as follows:

13. "Head of the retirement system" shall mean the comptroller, with respect to the state employees' retirement system and the state [~~policemen's and firemen's~~] and local police and fire retirement system, and the retirement board of the other public retirement systems of the state.

21. "Police/fire member" shall mean a member subject to the provisions of this article who, if employed in the same capacity on June thirtieth, nineteen hundred seventy-six, would have been eligible for membership in the New York state [~~policemen's and firemen's~~] and local police and fire retirement system, the New York city police pension fund or the New York city fire department pension fund, or for participation in the uniformed transit police force plan or housing police force plan in the New York city employees' retirement system.

23. "Public retirement system of the state" shall mean the New York state employees' retirement system, New York state [~~policemen's and firemen's~~] and local police and fire retirement system, New York state teacher's retirement system, New York city employees' retirement system, New York city teacher's retirement system, New York city police pension fund, New York city fire department pension fund and the New York city board of education retirement system.

§ 225. Subdivision b of section 508 of the retirement and social security law, as amended by chapter 18 of the laws of 2012, is amended to read as follows:

b. A member of a retirement system subject to the provisions of this article who is a [~~policeman, fireman~~] police officer, firefighter, correction officer, investigator revised plan member or sanitation [~~man~~] worker and is in a plan which permits immediate retirement upon completion of a specified period of service without regard to age or who is subject to the provisions of section five hundred four or five hundred five of this article, shall upon completion of ninety days of service be covered for financial protection in the event of death in service pursuant to this subdivision. Such death benefit shall be equal to three times the member's salary raised to the next highest multiple of one thousand dollars, but in no event shall it exceed three times the maximum salary specified in section one hundred thirty of the civil service law or, in the case of a member of a retirement system other than the New York city employees' retirement system, or in the case of a member of the New York city employees' retirement system who is a New York city uniformed correction/sanitation revised plan member or an investigator revised plan member, the specific limitations specified for age of entrance into service contained in subparagraphs (b), (c), (d), (e) and (f) of paragraph two of subdivision a of this section.

§ 226. Paragraph 1 of subdivision h of section 551 of the retirement and social security law, as amended by chapter 542 of the laws of 2015, is amended to read as follows:

1. As used in this section "creditable service" shall include, any and all services performed as a sheriff, undersheriff or deputy sheriff, provided, however, that criminal law enforcement service shall only be creditable when it aggregates fifty per centum or more of his or her service as a deputy sheriff. Credit for service as a member or officer of the state police or as a paid [~~fireman, policeman~~] firefighter, police officer or officer of any organized fire department or police force or department of any county, city, village, town, fire district or police district, or as a criminal investigator in the office of a district attorney, provided that service as such investigator shall have been rendered prior to January first, nineteen hundred sixty and that credit therefor shall not exceed five years, shall also be deemed to be creditable service and shall be included in computing years of total service for retirement pursuant to this section, provided such service was performed by the member while contributing to the retirement system pursuant to the provisions of this article or article eight of this chapter.

§ 227. Paragraph 3 of subdivision j of section 552 of the retirement and social security law, as amended by chapter 542 of the laws of 2015, is amended to read as follows:

3. Credit for service as a member or officer of the state police or as a paid [~~fireman, policeman~~] firefighter, police officer or officer of any organized fire department or police force or department of any county, city, village, town, fire district or police district, or as a criminal investigator in the office of a district attorney, provided that service as such investigator shall have been rendered prior to January first, nineteen hundred sixty and that credit therefor shall not exceed five years, shall also be deemed to be creditable service and shall be included in computing years of total service for retirement pursuant to this section, provided such service was performed by the member while

contributing to the retirement system pursuant to the provisions of this article or article eight of this chapter.

§ 228. Subdivision b of section 606 of the retirement and social security law, as amended by chapter 601 of the laws of 1997, is amended to read as follows:

b. A member of a retirement system subject to the provisions of this article who is a [~~policeman, fireman~~] police officer, firefighter, correction officer or sanitation [~~man~~] worker and is in a plan which permits immediate retirement upon completion of a specified period of service without regard to age or who is subject to the provisions of section six hundred four of this article, shall upon completion of ninety days of service be covered for financial protection in the event of death in service pursuant to this subdivision. Such death benefit shall be equal to three times the member's salary raised to the next highest multiple of one thousand dollars, but in no event shall it exceed three times the maximum salary specified in section one hundred thirty of the civil service law or, in the case of a member of a retirement system other than the New York city employees' retirement system, the specific limitations specified for age of entrance into service contained in subparagraphs (b), (c), (d), (e) and (f) of paragraph two of subdivision a of this section.

§ 229. Subsection (j) of section 3221 of the insurance law is amended to read as follows:

(j) No policy of group or blanket accident and health insurance shall be issued as excess coverage for volunteer [~~firemen~~] firefighters over and above the coverage provided for pursuant to the volunteer [~~fire-men's~~] firefighters' benefit law unless such excess policy provides for each of the types of coverages set forth in subdivision one of section five of such law. Any excess policy which does not contain such provisions shall be construed as if such coverages were embodied therein.

§ 230. Subparagraph (C) of paragraph 2 of subsection (a) of section 4208 of the insurance law is amended to read as follows:

(C) "Applications" means individual applications for policies of life insurance, except that in the case of volunteer [~~firemen~~] firefighters, it shall also mean applications for enrollment for coverage to be issued under group life insurance policies applied for by not less than twenty-five associations or organizations of volunteer [~~firemen~~] firefighters in accordance with the provisions of paragraph seven of subsection (b) of section four thousand two hundred sixteen of this article.

§ 231. Paragraph 7 of subsection (b) of section 4216 of the insurance law, as amended by chapter 24 of the laws of 1988, is amended to read as follows:

(7) A policy insuring the members of one or more troops or units of the state troopers or state police of any state, issued to the commanding officer of the state troopers or state police, who shall be deemed the policyholder, the premium on which is to be paid by the members insured; or a policy covering the members of one or more duly incorporated [~~policemen's~~] police officers' benevolent associations or of one or more associations or organizations of uniformed [~~firemen~~] firefighters or volunteer firefighters or volunteer ambulance workers which association or organization shall have been in existence for at least two years prior to the issuance of such policy and which shall have twenty-five members at the time of the issuance of such policy, which shall be issued to such association or to a trustee or trustees of a fund established, or participated in, by one or more of such associations or

organizations as the policyholder. If the opportunity to take such insurance is offered to all eligible members of a unit of such state troopers or state police, or to all eligible members of such incorporated [~~policemen's~~] police officers' benevolent association or of an association or organization of uniformed [~~firemen~~] firefighters, volunteer firefighters, then not less than fifty percent of such members or, if less, fifty or more of such members may be so insured. If the insurance is limited to those eligible members who are employed as state troopers, [~~policemen, firemen~~] police officers, firefighters or volunteer ambulance workers, then not less than sixty percent or five hundred of such members, whichever is less, may be so insured. Such policy shall provide for the payment of benefits, except policy dividends, to the person insured or to some beneficiary or beneficiaries, other than such commanding officer or such association or any of its officials, as such, and shall also provide for the issuance of a certificate to the policyholder for delivery to the person insured or to such beneficiary, as evidence of such insurance. For the purposes of this paragraph any association currently holding premium dividends as a result of policies issued under this section shall be permitted to maintain said dividends for the general purposes of the entire membership. For the purposes of this paragraph the term "eligible members of an association of volunteer firefighters or volunteer ambulance workers" means members who perform services in fire-fighting duties or members of a volunteer exempt fire benevolent association who are entitled to benefits from the expenditures of foreign fire insurance tax moneys, including, inactive exempt volunteer firefighters as defined by section two hundred of the general municipal law or in ambulance-related duties, respectively. The amounts of insurance may be based upon a plan which permits a limited number of selections by the members if the selections offered utilize a consistent pattern of grading the amounts of insurance for individual group members so that the resulting pattern of coverage is reasonable.

§ 232. Clause (iii) of subparagraph (D) of paragraph 3 of subsection (a) of section 4237 of the insurance law is amended to read as follows:

(iii) any fire corporation incorporated under or subject to the provisions of section one thousand four hundred two of the not-for-profit corporation law, or any general or special law, if such corporation is by law under the general control of, or recognized as a fire corporation by, the governing board of a city, town, village or fire district, which municipal corporation, fire district, fire department, fire company or fire corporation, as the case may be, shall be deemed the policyholder, covering all, but not less than twenty-five, volunteer members of such department, company or corporation. A district corporation which has the general powers of and operates as a fire district shall be considered a fire district for the purposes of this paragraph. A volunteer [~~fireman~~] firefighter whose services are offered and accepted pursuant to the provisions of section two hundred nine-i of the general municipal law shall be deemed a volunteer member of any such fire department, fire company or fire corporation except for the purpose of determining the minimum number of twenty-five volunteer members for which any such policy or contract must provide coverage. Any such policy or contract issued to a municipal corporation or a fire district shall be subject to any limitations on the amount, coverage or benefits as are set forth in any applicable general, special or local law or city or village charter.

§ 233. Paragraph (d) of section 202 of the not-for-profit corporation law, as amended by chapter 843 of the laws of 1980, is amended to read as follows:

(d) A corporation formed under general or special law to provide parks, playgrounds or cemeteries, or buildings and grounds for camp or grove meetings. Sunday school assemblies, cemetery purposes, temperance, missionary, educational, scientific, musical and other meetings, subject to the ordinances and police regulations of the county, city, town, or village in which such parks, playgrounds, cemeteries, buildings and grounds are situated, may appoint from time to time one or more special [~~policemen~~] **police officers**, with power to remove the same at pleasure. Such special [~~policemen~~] **police officers** shall preserve order in and about such parks, playgrounds, cemeteries, buildings and grounds, and the approaches thereto, and to protect the same from injury, and shall enforce the established rules and regulations of the corporation. Every [~~policeman~~] **police officer** so appointed shall within fifteen days after his **or her** appointment and before entering upon the duties of his **or her** office, take and subscribe the oath of office prescribed in the thirteenth article of the constitution of the state of New York, which oath shall be filed in the office of the county clerk of the county where such grounds are situated. A [~~policeman~~] **police officer** appointed under this section when on duty shall wear conspicuously a metallic shield with the name of the corporation which appointed him **or her** inscribed thereon. The compensation of [~~policemen~~] **police officers** appointed under this section shall be paid by the corporation by which they are appointed.

§ 234. Clause (B) of subparagraph 5 of paragraph (a) of section 301 of the not-for-profit corporation law, as amended by chapter 155 of the laws of 2012, is amended to read as follows:

(B) Shall not contain any of the following words, or any abbreviation or derivative thereof:

acceptance	fidelity	mortgage
annuity	finance	savings
assurance	guaranty	surety
bank	indemnity	title
bond	insurance	trust
casualty	investment	underwriter
doctor	lawyer	
endowment	loan	

unless the approval of the superintendent of financial services is attached to the certificate of incorporation, or application for authority or amendment thereof; or that the word "doctor", "lawyer", or the phrase "state police" or "state trooper" or an abbreviation or derivation thereof, may be used in the name of a corporation the membership of which is composed exclusively of doctors, lawyers, state [~~policemen~~] **police officers** or state troopers, respectively.

§ 235. The paragraph heading of paragraph (c), paragraphs (d) and (g), clause (C) of subparagraph 1 and clause (C) of subparagraph 2 of paragraph (h), and subparagraph 1 of paragraph (i) of section 1402 of the not-for-profit corporation law, clause (C) of subparagraph 2 of paragraph (h) as amended by chapter 373 of the laws of 2011, and subparagraph 1 of paragraph (i) as amended by chapter 215 of the laws of 1978, are amended to read as follows:

Appointment of [~~firemen~~] **firefighters**.

(d) Incorporation of fire corporations in towns legalized.

Any fire, hose, protective or hook and ladder corporation heretofore organized under any general law with the consent of the town board in the territory served by such corporation is hereby legalized and confirmed, notwithstanding the omission of any town board to appoint or confirm the members of such corporations as town [~~firemen~~] **firefighters**. Any such corporation shall hereafter be subject to the provisions of this section.

(g) [~~Firemen's~~] **Firefighters'** exemption.

Every active [~~fireman~~] **firefighter** who shall be a member of a corporation subject to the provisions of this section shall be entitled to all the rights granted by law to volunteer [~~firemen~~] **firefighters** and every such active [~~fireman~~] **firefighter** who shall meet the requirements of section two hundred of the general municipal law shall be entitled to the additional rights granted by law to exempt volunteer [~~firemen~~] **firefighters**.

(C) who was, at the time of his **or her** election to membership, a resident of the territory specified in the certificate of incorporation or of territory outside such boundaries which was afforded fire protection by the fire corporation pursuant to a contract for fire protection, shall for all purposes in law be considered to have been duly elected and confirmed as a member in such fire corporation as of the date of such confirmation, if any, and, if none, then as of the date of such election; notwithstanding that there may have been some legal defect in such election, or the proceedings precedent thereto, or a failure of the town board to confirm such member, as provided by the law in force at the time of such election, and the status of such person as a volunteer [~~fireman~~] **firefighter** as of the date of such confirmation or election is hereby legalized, validated and confirmed. This subparagraph shall not apply to a person, if any, whose volunteer membership in a fire corporation was declared invalid by a court of competent jurisdiction prior to the first day of January, nineteen hundred fifty-five.

(C) who was, at the time of his **or her** election to membership, a resident of the territory specified in the certificate of incorporation or of territory outside such boundaries which was afforded fire protection by the fire corporation pursuant to a contract for fire protection, or who was a nonresident elected to membership or who was continued as a member, pursuant to the provisions of subparagraph (A) shall for all purposes in law be considered to have been duly elected and confirmed, or continued, as a member in such fire corporation as of the date of such confirmation, if any, and, if none, then as of the date of such election or, in the case of a continuance, as of the date of approval, if any, by the town board and, if none, as of the date of authorization of continuance by the fire corporation; notwithstanding that there may have been some legal defect in such election, or the proceedings thereto, or a failure of the town board to confirm the election, or approve the continuance of membership, of such member, as provided by the law in force at the time of such election or continuance, and the status of

such person as a volunteer [~~fireman~~] **firefighter** as of such date is hereby legalized, validated and confirmed. This subparagraph shall not apply to a person, if any, whose volunteer membership in a fire corporation was declared invalid by a court of competent jurisdiction prior to the first day of January, two thousand eleven.

(1) It shall be an unlawful discriminatory practice for any volunteer fire department, fire company or fire corporation, through any member or members thereof, directors, officers, members of a town board, board of fire commissioners or other body or office having power of appointment of volunteer [~~firemen~~] **firefighters** in any fire department, fire company or fire corporation pursuant to this section, because of the race, creed, color, national origin, sex or marital status of any individual, to exclude or to expel from its volunteer membership such individual, or to discriminate against any of its members because of the race, creed, color, national origin, sex or marital status of such volunteer members.

§ 236. Subdivision 6 of section 504 of the tax law, as added by chapter 534 of the laws of 1975, is amended to read as follows:

6. Owned and operated by any fire company or fire department as defined in section three of the volunteer [~~firemen's~~] **firefighters'** benefit law.

§ 237. Section 274 of the general business law is amended to read as follows:

§ 274. Assistance of [~~policeman~~] **police officer** or constable. Any person authorized by this article to seize and take into his **or her** possession any such cans may, in case of resistance, call to his **or her** aid any police officer or constable of the town, village or city who shall when so called on assist him **or her** in seizing or taking possession of such cans.

§ 238. The closing paragraph of section 104-b of the social services law, as added by chapter 382 of the laws of 1964 and such section as renumbered by chapter 550 of the laws of 1971, is amended to read as follows:

This section shall not apply to any claim or award which is or may be allowed pursuant to the provisions of the [~~workmen's~~] **workers'** compensation law or the volunteer [~~firemen's~~] **firefighters'** benefit law.

§ 239. Paragraph (b) of subdivision 1 of section 70.02 of the penal law, as amended by chapter 1 of the laws of 2013, is amended to read as follows:

(b) Class C violent felony offenses: an attempt to commit any of the class B felonies set forth in paragraph (a) of this subdivision; aggravated criminally negligent homicide as defined in section 125.11, aggravated manslaughter in the second degree as defined in section 125.21, aggravated sexual abuse in the second degree as defined in section 130.67, assault on a peace officer, police officer, [~~fireman~~] **firefighter** or emergency medical services professional as defined in section 120.08, assault on a judge as defined in section 120.09, gang assault in the second degree as defined in section 120.06, strangulation in the first degree as defined in section 121.13, burglary in the second degree as defined in section 140.25, robbery in the second degree as defined in section 160.10, criminal possession of a weapon in the second degree as defined in section 265.03, criminal use of a firearm in the second degree as defined in section 265.08, criminal sale of a firearm in the second degree as defined in section 265.12, criminal sale of a firearm with the aid of a minor as defined in section 265.14, aggravated criminal possession of a weapon as defined in section 265.19, soliciting or providing support for an act of terrorism in the first degree as defined

in section 490.15, hindering prosecution of terrorism in the second degree as defined in section 490.30, and criminal possession of a chemical weapon or biological weapon in the third degree as defined in section 490.37.

§ 240. Section 120.08 of the penal law, as added by chapter 632 of the laws of 1996, is amended to read as follows:

§ 120.08 Assault on a peace officer, police officer, [~~fireman~~] **fire-fighter** or emergency medical services professional.

A person is guilty of assault on a peace officer, police officer, [~~fireman~~] **firefighter** or emergency medical services professional when, with intent to prevent a peace officer, police officer, a [~~fireman~~] **firefighter**, including a [~~fireman~~] **firefighter** acting as a paramedic or emergency medical technician administering first aid in the course of performance of duty as such [~~fireman~~] **firefighter**, or an emergency medical service paramedic or emergency medical service technician, from performing a lawful duty, he **or she** causes serious physical injury to such peace officer, police officer, [~~fireman~~] **firefighter**, paramedic or technician.

Assault on a peace officer, police officer, [~~fireman~~] **firefighter** or emergency medical services professional is a class C felony.

§ 241. Section 195.15 of the penal law, as amended by chapter 731 of the laws of 1981, is amended to read as follows:

§ 195.15 Obstructing firefighting operations.

A person is guilty of obstructing firefighting operations when he **or she** intentionally and unreasonably obstructs the efforts of any:

1. [~~fireman~~] **firefighter** in extinguishing a fire, or prevents or dissuades another from extinguishing or helping to extinguish a fire; or

2. [~~fireman~~] **firefighter**, police officer or peace officer in performing his **or her** duties in circumstances involving an imminent danger created by an explosion, threat of explosion or the presence of toxic fumes or gases.

Obstructing firefighting operations is a class A misdemeanor.

§ 242. Paragraph 8 of subdivision a of section 265.20 of the penal law, as amended by chapter 61 of the laws of 2010, is amended to read as follows:

8. The manufacturer of machine-guns, firearm silencers, assault weapons, large capacity ammunition feeding devices, disguised guns, pilum ballistic knives, switchblade or gravity knives, billies or blackjacks as merchandise, or as a transferee recipient of the same for repair, lawful distribution or research and development, and the disposal and shipment thereof direct to a regularly constituted or appointed state or municipal police department, sheriff, [~~policeman~~] **police officer** or other peace officer, or to a state prison, penitentiary, workhouse, county jail or other institution for the detention of persons convicted or accused of crime or held as witnesses in criminal cases, or to the military service of this state or of the United States; or for the repair and return of the same to the lawful possessor or for research and development.

§ 243. Section 30 of the transportation corporations law is amended to read as follows:

§ 30. Special [~~policemen~~] **police officers** of corporation operating signal systems. The police department or board of police of any city may, in addition to the police force now authorized by law, appoint a number of persons, not exceeding two hundred, who may be designated by any corporation operating a system of signaling by telegraph to a central office for police assistance, to act as special [~~patrolmen~~]

patrol officer in connection with such telegraph system. And the persons so appointed shall, in and about such service, have all the powers possessed by the members of the regular force, except as they may be limited by and subject to the supervision and control of the police department or board of police of such city. No person shall be appointed such special [~~policeman~~] police officer who does not possess the qualifications required by such police department or board of police for such special service; and persons so appointed shall be subject, in case of emergency, to do duty as part of the regular police force of the city. The police department or board of police shall have power to revoke any such appointment at any time, and every person appointed shall wear a badge and uniform, to be furnished by such corporation and approved by the police department or board of police; such uniform shall be designated at the time of the first appointment and shall be the permanent uniform to be worn by such special police, and the pay of such special [~~patrolmen~~] patrol officer and all expenses connected with their service shall be wholly paid by such corporation, and no expense or liability shall at any time be incurred or paid by the police department or board of police of any city, for or by reason of the services of such persons so appointed.

§ 244. Subdivision 4 of section 303 of the multiple residence law, as added by chapter 355 of the laws of 1958, is amended to read as follows:

4. The fire department of any city, village or fire district, the fire department of any town which as such has a fire department, and any fire company located in the area of a town outside villages and fire districts, may, with the approval of the chief executive officer or, if there be none, the chief administrative body or board of the city, village or town, respectively, assign to one or more members of the fire department or company, as the case may be, the duty of making inspections of buildings and properties which are subject to the provisions of this chapter and are located in the area regularly served and protected by such fire department or company including areas protected pursuant to a contract. The purpose of any such inspection shall be to determine whether the provisions of this chapter and the rules and regulations adopted and promulgated pursuant thereto in relation to fire protection and safety are being complied with. [~~Firemen~~] Firefighters assigned to such duty shall have full power and authority to enter, examine and inspect any such building or property at such times and hours as are reasonably convenient. It shall be the duty of any [~~fireman~~] firefighter so assigned to report any violations of such provisions of this chapter or of such rules and regulations to the person or department charged with the duty of enforcing the provisions of this chapter in the city, town or village in which the building or property is located and also to the chief of his or her fire department or fire company, as the case may be. In the event that an area is served pursuant to a fire protection contract by more than one fire department or fire company, the [~~fireman or firemen~~] firefighter or firefighters assigned to perform such duty in such area shall report violations to the chief of each fire department and fire company serving such area. The failure of any such [~~fireman~~] firefighter to discover and properly report any such violations or his neglect or omission to perform such duties, shall not subject him or her, his or her fire department, fire company, or the city, village, fire district or town in which or of which he or she is a [~~fireman~~] firefighter to any civil or other liability. Any such [~~fireman~~] firefighter shall not be liable civilly for any act or acts done by him or her as a [~~fireman~~] firefighter in the

performance of such duties, except for wilful negligence or malfeasance, but the provisions of this subdivision shall not relieve any such city, village, fire district, town, or fire company from liability, if any, for the negligent or wrongful acts of the [~~fireman~~] **firefighter** in the actual performance of such duty. [~~Firemen~~] **Firefighters** assigned to any such duty may be known as fire inspectors but shall not, by reason of this law, be an officer of any city, village, fire district or town or of any fire department or fire company. Unless otherwise provided by some other law, general, special or local, any such assignment of duty and the termination of any such assignment shall be made by the chief of the fire department or the fire company, as the case may be. Before any such inspection is made, the [~~fireman~~] **firefighter** assigned to perform such duty must be approved by the chief executive officer or, if there be none, the chief administrative body or board of the city, village or town, respectively, in which the inspection will be made.

§ 245. Section 25 of the correction law, as amended by chapter 396 of the laws of 1952 and renumbered by chapter 475 of the laws of 1970, is amended to read as follows:

§ 25. Mutual assistance by institutional and local fire fighting facilities. In cooperation with the development and operation of plans for mutual aid in cases of fire and other public emergencies, the warden or superintendent of any state institution in the department, with the approval of the commissioner, may authorize the fire department of the institution to furnish aid to such territory surrounding the institution as may be practical in cases of fire and such emergencies, having due regard to the safety of the inmates and property of the institution and to engage in practice and training programs in connection with the development and operation of such mutual aid plans. Any lawfully organized fire-fighting forces or [~~firemen~~] **firefighters** from such surrounding territory may enter upon the grounds of the institution to furnish aid in cases of fire and such emergencies.

§ 246. Paragraph (p) of subdivision 34 of section 1.20 of the criminal procedure law, as added by chapter 969 of the laws of 1983, is amended to read as follows:

(p) Persons appointed as railroad [~~policemen~~] **police officers** pursuant to section eighty-eight of the railroad law.

§ 247. Subdivisions 12, 13, 29, 49 and 54 of section 2.10 of the criminal procedure law, as added by chapter 843 of the laws of 1980, subdivision 49 as amended by chapter 141 of the laws of 1988, and subdivision 54 as added by chapter 969 of the laws of 1983, are amended to read as follows:

12. Special [~~policemen~~] **police officers** designated by the commissioner and the directors of in-patient facilities in the office of mental health pursuant to section 7.25 of the mental hygiene law, and special [~~policemen~~] **police officers** designated by the commissioner and the directors of facilities under his **or her** jurisdiction in the office [~~of mental retardation and~~] **for people with** developmental disabilities pursuant to section 13.25 of the mental hygiene law; provided, however, that nothing in this subdivision shall be deemed to authorize such officers to carry, possess, repair or dispose of a firearm unless the appropriate license therefor has been issued pursuant to section 400.00 of the penal law.

13. Persons designated as special [~~policemen~~] **police officers** by the director of a hospital in the department of health pursuant to section four hundred fifty-five of the public health law; provided, however, that nothing in this subdivision shall be deemed to authorize such offi-

cer to carry, possess, repair or dispose of a firearm unless the appropriate license therefor has been issued pursuant to section 400.00 of the penal law.

29. Special [~~policemen~~] police officers for horse racing, appointed pursuant to the provisions of the pari-mutuel revenue law as set forth in chapter two hundred fifty-four of the laws of nineteen hundred forty, as amended; provided, however, that nothing in this subdivision shall be deemed to authorize such officer to carry, possess, repair or dispose of a firearm unless the appropriate license therefor has been issued pursuant to section 400.00 of the penal law.

49. Members of the army national guard military police and air national guard security personnel belonging to the organized militia of the state of New York when they are designated as peace officers under military regulations promulgated by the adjutant general and when performing their duties as military [~~policemen~~] police officers or air security personnel pursuant to orders issued by appropriate military authority; provided, however, that nothing in this subdivision shall be deemed to authorize such military police or air security personnel to carry, possess, repair or dispose of a firearm unless the appropriate license therefor has been issued pursuant to section 400.00 of the penal law.

54. Special [~~policemen~~] police officers appointed pursuant to section one hundred fifty-eight of the town law; provided, however, that nothing in this subdivision shall be deemed to authorize such officer to carry, possess, repair or dispose of a firearm unless the appropriate license therefor has been issued pursuant to section 400.00 of the penal law.

§ 248. Section 464 of the real property tax law, as amended by chapter 807 of the laws of 1965, is amended to read as follows:

§ 464. Incorporated associations of volunteer [~~firemen~~] firefighters. 1. Except as [~~othewise~~] otherwise provided in subdivision two of this section, real property owned by an incorporated association of present or former volunteer [~~firemen~~] firefighters, other than a business corporation, which is (a) actually and exclusively used and occupied by such incorporated association or (b) leased to the city, town, village or fire district in which the real property is located and is actually and exclusively used and occupied by such city, town, village or fire district for fire department purposes or for the social and recreational use of the [~~firemen~~] firefighters and residents of the city, town, village or fire district, provided the rent under any such lease does not exceed the amount of carrying, maintenance and depreciation charges or (c) leased to the school district in which the real property is located and is actually and exclusively used and occupied by such school district for school district purposes, provided the rent under any such lease does not exceed the amount of carrying, maintenance and depreciation charges, shall be exempt from taxation, but the total amount of the exemption to any one incorporated association shall not exceed twenty thousand dollars.

2. Notwithstanding the provisions of subdivision one of this section, real property owned by an incorporated volunteer fire company or fire department created for the purpose of furnishing fire protection which is (a) actually and exclusively used and occupied by such fire company or fire department for public purposes or (b) leased to the city, town, village or fire district in which the real property is located and is actually and exclusively used and occupied by such city, town, village or fire district for governmental purposes including but not limited to the social and recreational use of the [~~firemen~~] firefighters and resi-

dents of the city, town, village or fire district provided the rent under any such lease does not exceed the amount of carrying, maintenance and depreciation charges or (c) leased to the school district in which the real property is located and is actually and exclusively used and occupied by such school district for school district purposes, provided the rent under any such lease does not exceed the amount of carrying, maintenance and depreciation charges, shall be exempt from taxation and exempt from special ad valorem levies and special assessments to the extent provided in section four hundred ninety of this chapter. In the event that not all of the real property shall be used and occupied for such purposes then exemption of the portion not so used shall be limited to the exemption provided in subdivision one of this section.

3. The term "public purpose", as used in this section, shall mean land and buildings, or portions thereof, used for

(a) housing, storage, repair and testing of fire department vehicles and of equipment, appliances, devices, tools, protective clothing, uniforms and supplies,

(b) receipt and dispatch of alarms,

(c) training, drills and instruction,

(d) generators, lockers, showers, custodial quarters,

(e) offices, company meetings, ready room,

(f) social and recreational use, other than for income producing or business purposes, of both the [~~firemen~~] **firefighters** and residents of the city, town, village or fire district in which the real property is located.

§ 249. Section 466 of the real property tax law is amended to read as follows:

§ 466. Volunteer [~~firemen~~] **firefighters** and fire companies in villages. Upon the adoption of a proposition therefor by the qualified voters of a village, the real property owned by a volunteer member of the village fire department and the real property owned by any volunteer fire company in the village shall be exempt from taxation for village purposes to the extent of five hundred dollars in addition to any other exemption authorized by law.

§ 250. Section 223 of the racing, pari-mutuel wagering and breeding law, as amended by chapter 18 of the laws of 2008, is amended to read as follows:

§ 223. Special [~~policemen~~] **police officers**. For the purpose of preserving order and preventing offenses against the laws prohibiting gambling, the trustees or directors of any corporation created under or subject to the provisions of this article are hereby authorized to appoint from time to time, five or more special [~~policemen~~] **police officers**, and the same to remove at pleasure, who, when appointed, shall be peace officers with the same powers within and about such grounds as are set forth in section 2.20 of the criminal procedure law, whose duty, when appointed, shall be to preserve order within and around the grounds and racetracks of such corporation, to protect the property within such grounds, to eject or arrest all persons who shall be improperly within the grounds of such corporation or who shall be guilty of disorderly conduct, or who shall neglect or refuse to pay the fees or to observe the rules prescribed by such corporation; and it shall be the further duty of such [~~policemen~~] **police officers**, when appointed, to prevent all violations of law with reference to pool-selling, bookmaking and other gambling, and to arrest any and all persons violating such provisions, and to convey such person or persons so arrested, with a statement of the cause of such arrest, before a court having jurisdiction of such

offense, to be dealt with according to the law. The appointment of [~~policemen~~] police officers in pursuance of this section shall not be deemed to supersede in any way on the grounds and racetrack of such corporation the authority of peace officers or police officers of the jurisdiction within which such grounds and racetrack are located.

§ 251. Section 312 of the racing, pari-mutuel wagering and breeding law is amended to read as follows:

§ 312. Special [~~policemen~~] police officers. 1. For the purpose of preserving order and preventing offenses against the laws prohibiting gambling, the officers or directors of any corporation or association created under or subject to the provisions of sections two hundred twenty-two through seven hundred five of this chapter are hereby authorized to appoint from time to time, special [~~policemen~~] police officers, and the same to remove at pleasure, who, when appointed, shall be peace officers with the same powers within and about such grounds as are vested in peace officers as set forth in section 2.20 of the criminal procedure law, whose duty and powers, when appointed, shall be to preserve order within and around the grounds and racetracks of said corporation or association, to protect the property within said grounds, to eject or arrest all persons who shall be improperly within the grounds of such corporation or association or who shall be guilty of disorderly conduct, or who shall neglect or refuse to pay the fees or to observe the rules prescribed by said corporation or association; and it shall be the further duty of said [~~policemen~~] police officers, when appointed to prevent all violations of law with reference to pool-selling, bookmaking, and other gambling, and to arrest any and all persons violating such provisions, and to convey such person or persons so arrested, with a statement of the cause of such arrest, before a court having jurisdiction of such offense, to be dealt with according to the law. The appointment of [~~policemen~~] police officers in pursuance of this section shall not be deemed to supersede in any wise on the grounds and racetrack of such corporation or association the authority of peace officers or police officers of the jurisdiction within which such grounds and racetrack are located.

2. Any appointment of a special [~~policeman~~] police officer under this section shall only be made with the approval of the state racing and wagering board. Application for such approval shall be in such form as may be prescribed by the board and shall contain such other information or material or evidence as the board shall require. In acting on an application for such approval the board shall consider the background, experience, integrity, and competence of the candidate for appointment, the public interest, convenience or necessity and the interests of harness racing generally. The board in its discretion may set the term of any such appointment, terminate any existing appointment at any time and prescribe conditions and rules for the conduct of such office.

§ 252. Section 412 of the racing, pari-mutuel wagering and breeding law is amended to read as follows:

§ 412. Special [~~policemen~~] police officers. 1. For the purpose of preserving order and preventing offenses against the laws prohibiting gambling, the officers or directors of any corporation or association created under or subject to the provisions of this article are hereby authorized to appoint from time to time, special [~~policemen~~] police officers, and the same to remove at pleasure, who, when appointed, shall be peace officers with the same powers within and about such grounds as are set forth in section 2.20 of the criminal procedure law whose duty, when appointed, shall be to preserve order within and around the grounds

and racetracks of said corporation or association, to protect the property within said grounds, to eject or arrest all persons who shall be improperly within the grounds of such corporation or association or who shall be guilty of disorderly conduct, or who shall neglect or refuse to pay the fees or to observe the rules prescribed by said corporation or association; and it shall be the further duty of said [~~policemen~~] police officers, when appointed to prevent all violations of law with reference to pool-selling, bookmaking, and other gambling, and to arrest any and all persons violating such provisions, and to convey such person or persons so arrested, with a statement of the cause of such arrest, before a magistrate having jurisdiction of such offense, to be dealt with according to law. The appointment of [~~policemen~~] police officers in pursuance of this section shall not be deemed to supersede in any way on the grounds and racetrack of such corporation or association the authority of peace officers or police officers of the jurisdiction within which such grounds and racetrack are located.

2. Any appointment of a special [~~policeman~~] police officer under this section, shall only be made with the approval of the state racing and wagering board. Application for such approval shall be in such form as may be prescribed by the board and shall contain such other information or material or evidence as the board shall require. In acting on an application for such approval the board shall consider the background, experience, integrity, and competence of the candidate for appointment, the public interest, convenience or necessity and the interests of quarter horse racing generally. The board in its discretion may set the term of any such appointment, terminate any existing appointment at any time and prescribe conditions and rules for the conduct of such office.

§ 253. Section 504 of the racing, pari-mutuel wagering and breeding law is amended to read as follows:

§ 504. Policing off-track betting. 1. For the purpose of preserving order and preventing offenses against the laws prohibiting gambling and the rules and regulations promulgated pursuant to sections two hundred twenty-two through seven hundred five of this chapter, the officers or directors of each corporation subject to the provisions of this article are hereby authorized to appoint from time to time, special [~~policemen~~] police officers, and the same to remove at pleasure, who, when appointed, shall within any office of a corporation and within five hundred feet therefrom be vested with the powers of peace officers, as set forth in section 2.20 of the criminal procedure law, whose duty, when appointed, shall be to preserve order within and around the offices of said corporation, to protect the property within, to eject or arrest all persons who shall be improperly within the office of such corporation or who shall be guilty of disorderly conduct, or who shall neglect or refuse to observe the rules prescribed by said corporation; and it shall be the further duty of said [~~policemen~~] police officers, when appointed to prevent all violations of law with reference to pool-selling, bookmaking and other gambling and all violations of the rules and regulations promulgated pursuant to sections two hundred twenty-two through seven hundred five of this chapter having the force of law and to arrest any and all persons violating such provisions, and to convey such person or persons so arrested, with a statement of the cause of such arrest, before a magistrate having jurisdiction of such offense, to be dealt with according to law. The appointment of special [~~policemen~~] police officers in pursuance of this section shall not be deemed to supersede in any way the authority of peace officers or police officers

of the jurisdiction within which the offices of the corporation are located.

2. Any appointment of a special [~~policeman~~] police officer under this section, shall only be made with the approval of the state racing and wagering board. Application for such approval shall be in such form as may be prescribed by the board and shall contain such other information or material or evidence as it shall require. In acting on an application for such approval the board shall consider the background, experience, integrity, and competence of the candidate for appointment, the public interest, convenience or necessity and the interests of legalized wagering generally. The board in its discretion may set the term of any such appointment, terminate any existing appointment at any time and prescribe conditions and rules for the conduct of such office.

§ 254. The opening paragraph of subdivision 2 of section 605 of the racing, pari-mutuel wagering and breeding law, as amended by chapter 115 of the laws of 2008, is amended to read as follows:

Such policing shall be provided through employees of the corporation designated as: (i) special [~~patrolmen~~] patrol officer by the police commissioner of the city and serving pursuant to the provisions of section 14-106 of the administrative code of the city of New York, or (ii) special [~~policemen~~] police officers designated in a manner consistent with section five hundred four of this chapter. When so designated, such special [~~patrolmen~~] patrol officers or special [~~policemen~~] police officers shall, in the branch offices and the other facilities and premises of the corporation, and in the areas within five hundred feet therefrom:

§ 255. Paragraph 2 of subdivision (a) of section 110 of the uniform justice court act, as amended by chapter 236 of the laws of 1971, is amended to read as follows:

2. a village court, the [~~policemen~~] police officers, marshals and constables of the village and the sheriff of the county;

§ 256. Subdivision 18 of section 58 of the New York city criminal court act, as amended by chapter 843 of the laws of 1980, is amended to read as follows:

(18) Where an appearance ticket has been served by a special [~~policeman~~] police officer pursuant to sections 7.25 and 13.25 of the mental hygiene law in lieu of arrest in cases authorized by article one hundred fifty of the criminal procedure law, the commissioner of mental hygiene or director of hospitals, schools and institutes operated by the department of mental hygiene are hereby authorized to administer to such special [~~policemen~~] police officers all necessary oaths in connection with the execution of the accusatory instrument to be presented in court by such special [~~policemen~~] police officers in the prosecution of such offense.

§ 257. Paragraph 1 of subdivision d of section 13-145.1 of the administrative code of the city of New York, as added by chapter 823 of the laws of 1985, is amended to read as follows:

(1) he or she had been appointed a [~~fireman~~] firefighter on the earliest date on which, after last becoming a member of the retirement system, he or she began service in one of the positions in the fire department mentioned in subdivision a of this section; and

§ 258. Subdivision f of section 13-155 of the administrative code of the city of New York is amended to read as follows:

f. Notwithstanding any other provision of this section, the provisions of section two hundred seven-d of the general municipal law shall apply to any correction member in the same manner and to the same extent as if

the definition of [~~"policeman"~~] "police officer" in such section included a paid officer or member of the uniformed correction force; provided, however, that any such member shall not be entitled to any rights or benefits under such section two hundred seven-d in the event that, if a member of the police force of the city and of the police pension fund maintained pursuant to subchapter two of chapter two of this title, who had elected a minimum period of service as a prerequisite for eligibility for retirement for service and who had served in the city police force beyond such minimum period of service, were to retire for any cause whatsoever on the same date as that on which such correction member retires for any cause whatsoever, the provisions of such section two hundred seven-d would not be applicable, operative or effective for determining the rights or benefits of such member of the city police force.

§ 259. Subdivision f of section 13-156 of the administrative code of the city of New York is amended to read as follows:

f. Notwithstanding any other provision of this section, the provisions of section two hundred seven-d of the general municipal law shall apply to any housing police member in the same manner and to the same extent as if the definition of [~~"policeman"~~] "police officer" in such section included a paid officer or member of the housing police service; provided, however, that any such member shall not be entitled to any rights or benefits under such section two hundred seven-d in the event that, if a member of the police force of the city and of the police pension fund maintained pursuant to subchapter two of chapter two of this title, who had elected a minimum period of service as a prerequisite for eligibility for retirement for service and who had served in the city police force beyond such minimum period of service, were to retire for any cause whatsoever on the same date as that on which such housing police member retires for any cause whatsoever, the provisions of such section two hundred seven-d would not be applicable, operative or effective for determining the rights or benefits of such member of the city police force.

§ 260. Subdivision f of section 13-157 of the administrative code of the city of New York is amended to read as follows:

f. Notwithstanding any other provision of this section, the provisions of section two hundred seven-d of the general municipal law shall apply to any transit police member in the same manner and to the same extent as if the definition of [~~"policeman"~~] "police officer" in such section included a paid officer or member of the uniformed transit police force; provided, however, that any such member shall not be entitled to any rights or benefits under such section two hundred seven-d in the event that, if a member of the police force of the city and of the police pension fund maintained pursuant to subchapter two of chapter two of this title; who had elected a minimum period of service as a prerequisite for eligibility for retirement for service and who had served in the city police force beyond such minimum period of service, were to retire for any cause whatsoever on the same date as that on which such transit police member retires for any cause whatsoever, the provisions of such section two hundred seven-d would not be applicable, operative or effective for determining the rights or benefits of such member of the city police force.

§ 261. Paragraphs 5, 6, 7 and 8 of subdivision a of section 13-302 of the administrative code of the city of New York are amended to read as follows:

5. The president of the uniformed [~~firemen's~~] firefighters' association of greater New York who shall be entitled to cast two votes.

6. The vice-president of the uniformed [~~firemen's~~] firefighters' association of greater New York who shall be entitled to cast two votes.

7. The treasurer of the uniformed [~~firemen's~~] firefighters' association of greater New York who shall be entitled to cast two votes.

8. The chairperson of the board of trustees of the uniformed [~~firemen's~~] firefighters' association of greater New York who shall be entitled to cast two votes.

§ 262. Subdivision a of section 13-305 of the administrative code of the city of New York is amended to read as follows:

a. Notwithstanding the provisions of section 13-304 of this chapter, in any case where a pension was awarded under the provisions of such section, or any predecessor section, by reason of the retirement of a member for disability caused or induced by the actual performance of the duties of his or her position, prior to July first, nineteen hundred sixty-five, such member shall be entitled to a pension of not less than three-fourths the annual salary or compensation payable to a first grade [~~fireman~~] firefighter as of July first, nineteen hundred sixty-five. In the case of any member receiving a pension less than three-fourths the annual salary or compensation of a first grade firefighter as of July first, nineteen hundred sixty-five, his or her pension will be increased to an amount which will equal three-fourths the annual salary or compensation of a first grade [~~fireman~~] firefighter as of July first, nineteen hundred sixty-five.

§ 263. Section 2 of the volunteer firefighters' benefit law, as amended by chapter 751 of the laws of 1957, is amended to read as follows:

§ 2. Purpose. One of the finest traditions of American community life is the service which people render to others without remuneration. Volunteer [~~firemen~~] firefighters have long been in the forefront of this group. In recognition of the unselfish service by these volunteers, government has undertaken to provide for them and their families some measure of protection against loss from death or injuries in line of duty. Over the years there has developed a dual system of benefits when volunteer [~~firemen~~] firefighters are killed or injured. The dual system has caused uncertainty and confusion. This law establishes a new single system of benefits for volunteer [~~firemen~~] firefighters and provides for the administration of such system by the [~~workmen's~~] workers' compensation board and the chairman of such board.

It is hereby declared that this chapter is intended to effectuate the objects and purposes of section eighteen of article one of the state constitution and that the relationship between the political subdivision liable for benefits under this chapter and a volunteer [~~fireman~~] firefighter entitled to such benefits is that of employer and employee within the meaning of such provision of the state constitution.

§ 264. Subdivisions 1, 4, 5, 7 and 8 of section 3 of the volunteer firefighters' benefit law, subdivision 4 as amended by chapter 751 of the laws of 1957, subdivision 5 as amended by chapter 67 of the laws of 1981, and subdivision 8 as amended by chapter 697 of the laws of 1956, are amended to read as follows:

1. "Volunteer [~~fireman~~] firefighter" means an active volunteer member of a fire company.

4. "Injury" includes any disablement of a volunteer [~~fireman~~] firefighter that results from services performed in line of duty and such

disease or infection as may naturally and unavoidably result from an injury.

5. "Child" includes a posthumous child, a child legally adopted prior to the injury of the volunteer [~~fireman~~] firefighter; and a step-child or acknowledged child born out of wedlock dependent upon the deceased volunteer [~~fireman~~] firefighter.

7. "Dependent" includes a surviving spouse entitled to receive benefits under this chapter, whether or not actually dependent upon a volunteer [~~fireman~~] firefighter, unless a contrary meaning is clearly intended.

8. "Earning capacity", except as herein provided, means:

a. The ability of a volunteer [~~fireman~~] firefighter to perform on a five-day or six-day basis either the work usually and ordinarily performed by him or her in his or her remunerated employment or other work which for any such worker would be a reasonable substitute for the remunerated employment in which he or she was employed at the time of his or her injury, or

b. The ability of a volunteer [~~fireman~~] firefighter to perform on a five-day or six-day basis either the work usually and ordinarily performed by him or her in the practice of his or her profession or in the conduct of his or her trade or business, including farming, and from which he or she could derive earned income or other work which for any such person would be a reasonable substitute for the profession, trade or business in which he or she was engaged at the time of his or her injury.

Every volunteer [~~fireman~~] firefighter shall be considered to have earning capacity and, if the provisions of paragraphs a and b above are not applicable in any given case, the [~~workmen's~~] workers' compensation board, in the interest of justice, shall determine the reasonable earning capacity of the volunteer [~~fireman~~] firefighter with due regard to the provisions of such paragraphs and the work he or she reasonably could be expected to obtain and for which he or she is qualified by age, education, training and experience. The ability of a volunteer [~~fireman~~] firefighter to perform the duties of a volunteer [~~fireman~~] firefighter, or to engage in activities incidental thereto, may be considered in determining loss of earning capacity, but the inability of a volunteer [~~fireman~~] firefighter to perform such duties or to engage in such activities shall not be a basis of determining loss of earning capacity.

§ 265. Paragraphs d, l and m of subdivision 1, and subdivision 2 of section 5 of the volunteer firefighters' benefit law, paragraphs d and m of subdivision 1 as amended by chapter 161 of the laws of 1983, paragraph l of subdivision 1 as amended by chapter 735 of the laws of 1984, subdivision 2 as amended by chapter 313 of the laws of 1963, paragraph a of subdivision 2 as amended by chapter 341 of the laws of 2005 and the closing paragraph of subdivision 2 as amended by chapter 805 of the laws of 1984, are amended to read as follows:

d. While, within this country or in Canada and pursuant to orders or authorization, instructing or being instructed in fire duties, attending a training school or course of instruction for [~~firemen~~] firefighters, or attending or participating in any noncompetitive training program, including necessary travel directly connected therewith, as well as necessary travel to and necessary travel returning from such activity.

l. While, within this country or Canada and pursuant to orders or authorization, attending a convention or conference of [~~firemen~~] firefighters or fire officers or fire district officers as the authorized delegate or representative of his or her fire department, fire company

or any unit thereof, including necessary travel directly connected therewith, as well as necessary travel to and necessary travel returning from such activity.

m. While, within the state and pursuant to orders or authorization, working in connection with a fund raising activity of his **or her** fire company, as defined in subdivision fifteen of section three of this chapter including necessary travel directly connected therewith, as well as necessary travel to and necessary travel returning from such activity, but shall not include competitive events in which volunteer [~~firemen~~] **firefighters** are competitors, such as baseball, basketball, football, bowling, tugs of war, water-ball fights, donkey baseball, boxing, wrestling, contests between bands or drum corps, or other competitive events in which volunteer [~~firemen~~] **firefighters** are competitors and which involve physical exertion on the part of the competitors.

2. Benefits shall not be paid and provided pursuant to this chapter in the following instances:

a. Work or service rendered by a volunteer firefighter while on a leave of absence pursuant to either section two hundred-b or section two hundred-c of the general municipal law, unless such work or service is performed pursuant to subdivision one-a of section two hundred-b or subdivision one-a of section two hundred-c of the general municipal law, or pursuant to any other general, special or local law, charter or ordinance or pursuant to the constitution, by-laws, rules or regulations applicable to the fire company or fire department of which he **or she** is a member.

b. Practice for and participation in any recreational, social, or fund raising activity other than a fund raising activity for which coverage is provided under paragraph m of subdivision one of this section.

c. Work or service rendered by a volunteer [~~fireman~~] **firefighter** while suspended from duty pursuant to section two hundred nine-l of the general municipal law, article eight of the village law or pursuant to any other general, special or local law, charter or ordinance or pursuant to the constitution, by-laws, rules or regulations applicable to the fire company or fire department of which he **or she** is a member.

d. Work or service not rendered as a volunteer [~~fireman~~] **firefighter**, but rendered as an officer, official or employee of a public corporation or any special district thereof, whether with or without remuneration, even though by law a requirement for such office, position or employment shall be that such officer, official or employee shall have been or must be a volunteer [~~fireman~~] **firefighter**.

e. Work or service not rendered as a volunteer [~~fireman~~] **firefighter**, but rendered in the course of his **or her** employment for a private employer.

f. Work or service not rendered as a volunteer [~~fireman~~] **firefighter**, but rendered as a civil defense volunteer.

g. Work, service or activities in which the volunteer [~~fireman~~] **firefighter** has been ordered not to participate.

This subdivision shall not be deemed to enumerate all of the activities engaged in by volunteer [~~firemen~~] **firefighters** for which mandatory coverage is not provided by this chapter, or to prohibit any of the activities described in this subdivision, or to prevent the securing of insurance pursuant to section four thousand two hundred thirty-seven of the insurance law to cover volunteer [~~firemen~~] **firefighters** when engaged in activities other than those for which mandatory coverage is provided by this chapter.

§ 266. Section 6 of the volunteer firefighters' benefit law, as amended by chapter 751 of the laws of 1957, is amended to read as follows:

§ 6. Volunteer [~~firemen's~~] firefighters' benefits; general. If a volunteer [~~fireman~~] firefighter dies from the effects of injury in line of duty, or if such a [~~fireman~~] firefighter shall be injured in line of duty, benefits shall be paid and provided pursuant to this chapter, except that there shall be no liability for such benefits when the injury has been solely occasioned by intoxication of the volunteer [~~fireman~~] firefighter while acting in line of duty or by the wilful intention of the volunteer [~~fireman~~] firefighter to bring about the injury or death of himself or herself or another.

§ 267. Subdivisions 2, 4, 19, 21, 22, 31, 32, 33 and 34 of section 7 of the volunteer firefighters' benefit law, as amended by chapter 212 of the laws of 2005, are amended to read as follows:

2. If there be a surviving spouse, to such spouse the lump sum of fifty-six 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 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 the volunteer [~~fireman~~] firefighter during his or her lifetime. 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 shall be construed as affording a greater benefit for those volunteer [~~firemen~~] firefighters injured prior to the effective date of this act, 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.

4. If there be a surviving spouse and a surviving child or children of the deceased under the age of eighteen years or under the age of twenty-five years who is enrolled as a full time student in any accredited educational institution or a surviving child or children of any age dependent blind or physically disabled, to such spouse ninety-five dollars for each week until remarried, and upon such remarriage the lump sum of nine thousand eight hundred fifty-six dollars; and an additional amount of sixty-three dollars for each week for each such child until the age of eighteen years or under the age of twenty-five years who is enrolled as a full time student in any accredited educational institution or until the removal of the dependency of the blind or physically disabled child or children; in the case of the subsequent death or remarriage of such surviving spouse any surviving child of the deceased [~~fireman~~] firefighter, at the time under eighteen years of age or under the age of twenty-five years who is enrolled as a full time student in any accredited educational institution or dependent through mental or physical infirmity, shall have his or her benefit increased to ninety-five dollars for each week, and the same shall be payable until he or she shall reach the age of eighteen years or twenty-five years, as the case may be, or until such dependent blind or physically disabled condition shall have been removed; provided that the total amount payable for each week under this subdivision shall in no case exceed two hundred fifty-three dollars per week. Upon statutory termination of payments to all such children, the payments to the surviving spouse shall be increased to one hundred thirty dollars for each week until such spouse

remarries, and upon such remarriage, such spouse shall be paid the lump sum of twelve thousand thirty-three dollars.

19. In the case of a death of a volunteer [~~fireman~~] **firefighter**, on or after January first, nineteen hundred seventy-nine, that results from services performed in the line of duty, if there be a surviving spouse and no surviving child of the deceased under the age of eighteen years or under the age of twenty-five years who is enrolled as a full time student in any accredited educational institution and no surviving child of any age dependent blind or physically disabled, to such spouse four hundred seventy-seven dollars for each week until remarried, and upon such remarriage the lump sum of forty-nine thousand five hundred sixty-eight dollars.

21. In the case of a death of a volunteer [~~fireman~~] **firefighter**, on or after January first, nineteen hundred seventy-nine, that results from services performed in the line of duty, if there be surviving a child or children of the deceased under the age of eighteen years or under the age of twenty-five years who is enrolled as a full time student in any accredited educational institution or a dependent blind or physically disabled child or children of any age, but no surviving spouse, for the support of such child or children until the age of eighteen years or twenty-five years as the case may be, or until the removal of the dependency of such blind or physically disabled child or children, four hundred seventy-seven dollars, share and share alike, for each week; provided that the total amount payable for each week under this subdivision shall not exceed four hundred seventy-seven dollars per week.

22. In the case of a death of a volunteer [~~fireman~~] **firefighter**, on or after January first, nineteen hundred seventy-nine, that results from services performed in the line of duty, if there be no surviving spouse or child of the deceased under the age of eighteen years or under the age of twenty-five years who is enrolled as a full time student in any accredited educational institution or dependent blind or physically disabled child of the deceased of any age, then for the support of grandchildren or brothers and sisters under the age of eighteen years or under the age of twenty-five years who is enrolled as a full time student in any accredited educational institution if dependent upon the deceased at the time of the injury, one hundred seventy-eight dollars and seventy-four cents for each week for the support of each such person until the age of eighteen years or twenty-five years as the case may be, and for the support of each parent or grandparent of the deceased, if dependent upon the deceased at the time of the injury, two hundred eighty-six dollars for each week during such dependency, but in no case shall the aggregate amount payable under this subdivision exceed four hundred seventy-seven dollars per week.

31. In the case of a death of a volunteer [~~fireman~~] **firefighter** on or after July first, nineteen hundred eighty-five, that results from services performed in the line of duty, if there be a surviving spouse and no surviving child of the deceased under the age of eighteen years or under the age of twenty-five years who is enrolled as a full time student in any accredited educational institution and no surviving child of any age dependent blind or physically disabled to such spouse six hundred sixty-five dollars for each week until remarried and upon such remarriage the lump sum of sixty-nine thousand one hundred sixty-four dollars.

32. In the case of a death of a volunteer [~~fireman~~] **firefighter** on or after July first, nineteen hundred eighty-five, that results from services performed in the line of duty, if there be a surviving spouse

and a surviving child or children of the deceased under the age of eighteen years or under the age of twenty-five years who is enrolled as a full time student in any accredited educational institution or a surviving child or children of any age dependent blind or physically disabled, to such spouse three hundred sixty-six dollars for each week until remarried, and the additional amount of three hundred dollars for each week for such child or children, share and share alike, until the age of eighteen years or under the age of twenty-five years who is enrolled as a full time student in any accredited educational institution or until the removal of the dependency of the blind or physically disabled child or children. In the case of the death of such surviving spouse, the surviving child or children of the deceased [~~fireman~~] **firefighter**, at the time under eighteen years of age or under the age of twenty-five years who is enrolled as a full time student in any accredited educational institution or dependent through mental or physical infirmity, shall have his or her benefit increased to six hundred sixty-five dollars, for each week, share and share alike, and the same shall be payable until he **or she** or they shall reach the age of eighteen years or twenty-five years as the case may be, or until such dependent blind or physically disabled condition shall have been removed. Upon the remarriage of such surviving spouse prior to the statutory termination of benefit to all such children, such spouse shall be paid the lump sum of thirty-eight thousand forty dollars and the surviving child shall continue to receive weekly payments of three hundred dollars; if there be two surviving children, each shall receive two hundred fifty dollars per week; and if there be more than two surviving children, they shall receive six hundred sixty-five dollars per week, share and share alike; and the same shall be payable until he **or she** or they shall reach the age of eighteen years or twenty-five years, as the case may be, or until such dependent blind or physically disabled condition shall have been removed. Upon statutory termination of payments to all such children, the payments to the surviving spouse shall be increased to six hundred sixty-five dollars for each week until such spouse remarries and upon such remarriage such spouse shall be paid the lump sum of sixty-nine thousand one hundred sixty-four dollars. In no event shall the total amount payable for each week under this subdivision exceed six hundred sixty-five dollars.

33. In the case of a death of a volunteer [~~fireman~~] **firefighter** on or after July first, nineteen hundred eighty-five, that results from services performed in the line of duty, if there be surviving a child or children of the deceased under the age of eighteen years or under the age of twenty-five years who is enrolled as a full time student in any accredited educational institution or a dependent child or physically disabled child or children of any age, but no surviving spouse, for support of such child or children until the age of eighteen years or twenty-five years as the case may be, or until removal of the dependency of such blind or physically disabled child or children, six hundred sixty-five dollars share and share alike, for each week; provided that the total amount payable for each week under this subdivision shall not exceed six hundred sixty-five dollars per week.

34. In the case of a death of a volunteer [~~fireman~~] **firefighter** on or after July first, nineteen hundred eighty-five, that results from services performed in the line of duty, if there be no surviving spouse or child of the deceased under the age of eighteen years or under the age of twenty-five years who is enrolled as a full time student in any accredited educational institution, or dependent blind or physically

disabled child of the deceased of any age, then for the support of grandchildren or brothers and sisters under the age of eighteen years or under the age of twenty-five years who is enrolled as a full time student in any accredited educational institution if dependent upon the deceased at the time of the injury, two hundred fifty dollars for each week for the support of each such person until the age of eighteen years or twenty-five years as the case may be, and for the support of each parent or grandparent of the deceased if dependent upon the deceased at the time of the injury, four hundred dollars for each week during such dependency but in no case shall the aggregate amount payable under this subdivision exceed six hundred sixty-five dollars per week.

§ 268. Section 7-a of the volunteer firefighters' benefit law, as added by chapter 268 of the laws of 1984, is amended to read as follows:

§ 7-a. Date of death benefits. All weekly benefits payable under section seven of this article shall accrue as of the date of death of the volunteer [~~fireman~~] firefighter. In the event that a person or persons entitled to weekly benefits shall die before a determination is made on the merits of their claim, and such determination on the merits is ultimately in their favor, then all weekly benefits due from the date of death of the volunteer [~~fireman~~] firefighter up to the date of death of the person or persons entitled to such weekly benefits shall be paid to the executor or administrator of the estate of such person or persons.

§ 269. The opening subparagraph and subparagraph 4 of paragraph (g) of subdivision 1 and subdivision 3 of section 10 of the volunteer firefighters' benefit law, paragraph (g) of subdivision 1 as amended by chapter 584 of the laws of 1974, are amended to read as follows:

In all other cases of permanent partial disability the volunteer [~~fireman~~] firefighter shall be paid for each week during the continuance thereof, as follows:

4. If the percentage of loss of earning capacity is less than twenty-five per centum, he or she shall not be paid any weekly benefit. Permanent partial disability, within the meaning of this paragraph, shall exist only if the earning capacity of the volunteer [~~fireman~~] firefighter has been permanently and partially lost as the result of the injury. The [~~workmen's~~] workers' compensation board shall determine the degree of such disability and such board may reconsider such degree on its own motion or upon application of any party in interest.

3. An award for disability may be made after the death of the volunteer [~~fireman~~] firefighter.

§ 270. The opening paragraph and subdivision 4 of section 11 of the volunteer firefighters' benefit law, as amended by chapter 584 of the laws of 1974, are amended to read as follows:

In the case of temporary partial disability the volunteer [~~fireman~~] firefighter shall be paid for each week during the continuance thereof, as follows:

4. If the percentage of loss of earning capacity is less than twenty-five per centum, he or she shall not be paid any weekly benefit. Temporary partial disability, within the meaning of this section, shall exist only if the earning capacity of the volunteer [~~fireman~~] firefighter has been temporarily and partially lost as the result of the injury. The [~~workmen's~~] workers' compensation board shall determine the degree of such disability and such board may reconsider such degree on its own motion or upon application of any party in interest.

§ 271. Section 11-a of the volunteer firefighters' benefit law, as added by chapter 591 of the laws of 1957, is amended to read as follows:

§ 11-a. Repair or replacement of prosthetic devices. If, as a result of services performed in line of duty, a volunteer [~~fireman~~] **firefighter** damages or loses any prosthetic devices required to be worn or used by him **or her**, whether or not he **or she** is injured, such prosthetic device shall be repaired, or replaced in the discretion of the [~~workmen's~~] **workers'** compensation board, and necessary medical, surgical or other attendance or treatment, nurse and hospital service, in connection therewith shall be furnished, in the same manner as a prosthetic device would be furnished, replaced or repaired and treatment and care provided under the provisions of section sixteen of this chapter. Damage to or loss of a prosthetic device shall be deemed an injury, except that no disability benefits shall be payable with respect to such injury under sections eight, nine, ten and eleven of this chapter. The term "prosthetic device" as used in this section includes an artificial limb, artificial eye, eyeglasses, contact lens, hearing aid, denture or dental appliance or any surgical appliance required to be worn or used by the volunteer [~~fireman~~] **firefighter**, but shall not include shoes or any other article considered as ordinary wearing apparel, whether or not specially constructed.

§ 272. Section 11-b of the volunteer firefighters' benefit law, as added by chapter 337 of the laws of 1957, is amended to read as follows:

§ 11-b. Hazardous exposures. If, as a result of services performed in line of duty, a volunteer [~~fireman~~] **firefighter** is exposed to or comes in contact with any poisons, gases, x-rays, radium, radio-active materials or other potentially harmful substances or matter, the chief engineer or other executive officer of the fire department or fire company of which he **or she** is a member may authorize the volunteer [~~fireman~~] **firefighter** to obtain such examinations, tests, treatment and care as are immediately necessary to determine whether he **or she** is injured. Any such authorization may be granted prior to the giving of a notice of injury under this chapter. In any such case, the volunteer [~~fireman~~] **firefighter** shall be deemed to have been injured and shall be entitled to treatment and care and disability benefits as provided in this chapter.

§ 273. Section 14 of the volunteer firefighters' benefit law is amended to read as follows:

§ 14. Previous disability. The fact that a volunteer [~~fireman~~] **firefighter** has suffered previous disability or received benefits therefor as provided in section two hundred five of the general municipal law, the [~~workmen's~~] **workers'** compensation law, or this chapter shall not preclude him **or her** from benefits for a later injury nor preclude death benefits for death resulting therefrom; provided, however, that a volunteer [~~fireman~~] **firefighter** who is suffering from a previous disability shall not receive benefits for a later injury in excess of the benefits allowed for such injury when considered by itself and not in conjunction with the previous disability. Notwithstanding the foregoing provisions of this section, if a volunteer [~~fireman~~] **firefighter** has previously incurred permanent partial disability through the loss or loss of use of one hand, one arm, one foot, one leg, or one eye, and suffers the loss or loss of use of another such major member or eye, he **or she** may be adjudged permanently totally disabled and receive benefits for permanent total disability as provided in section eight of this chapter.

§ 274. Section 15 of the volunteer firefighters' benefit law, as amended by chapter 502 of the laws of 1959, is amended to read as follows:

§ 15. Expense for rehabilitating injured volunteer [~~firemen~~] **fire-fighters**. A volunteer [~~fireman~~] **firefighter**, who as a result of injury is or may be expected to be totally or partially incapacitated for a remunerative occupation and who, under the direction of the state education department is being rendered fit to engage in a remunerative occupation, may receive such additional financial benefit necessary for his **or her** rehabilitation as the [~~workmen's~~] **workers'** compensation board shall determine. Not more than thirty dollars per week of such additional amount shall be expended for maintenance. Such expense and such of the administrative expenses of the state education department as are properly assignable to the expenses of rehabilitating such volunteer [~~firemen~~] **firefighters** shall be paid out of the vocational rehabilitation fund created pursuant to subdivision nine of section fifteen of the [~~workmen's~~] **workers'** compensation law. Any such volunteer [~~fireman~~] **firefighter** for the purposes of such fund shall be considered an employee of the political subdivision liable for the payment of benefits to such volunteer [~~fireman~~] **firefighter** under this chapter and such "employer" or its insurance carrier, as the case may be, shall make the same financial contribution to such fund as required by such subdivision nine in every case of injury causing death of a volunteer [~~fireman~~] **firefighter** in which there are no persons entitled to financial benefits under this chapter other than (1) funeral expenses and (2) the death benefit provided in subdivision two of section seven of this chapter.

§ 275. Section 18 of the volunteer firefighters' benefit law is amended to read as follows:

§ 18. Disposition of accrued benefits upon death. Except as otherwise provided in section ten of this chapter, in the case of the death of an injured volunteer [~~fireman~~] **firefighter** to whom there was due at the time of his **or her** death any benefits under the provisions of this chapter, the amount of such benefits shall be payable to the surviving spouse, if there be one, or, if none, to the surviving child or children of the deceased under the age of eighteen years, and if there be no surviving spouse or children, then to the dependents of such deceased or to any of them as the [~~workmen's~~] **workers'** compensation board may direct, and if there be no surviving spouse, children or dependents of such deceased, then to his **or her** estate. An award for disability may be made after the death of an injured volunteer [~~fireman~~] **firefighter**.

§ 276. Section 19 of the volunteer firefighters' benefit law, as amended by chapter 751 of the laws of 1957, is amended to read as follows:

§ 19. Exclusiveness of remedy. The benefits provided by this chapter shall be the exclusive remedy of a volunteer [~~fireman~~] **firefighter**, or his **or her** spouse, parents, dependents, next of kin, executor or administrator, or anyone otherwise entitled to recover damages, at common law or otherwise, for or on account of an injury to a volunteer [~~fireman~~] **firefighter** in line of duty or death resulting from an injury to a volunteer [~~fireman~~] **firefighter** in line of duty, as against (1) the political subdivision liable for the payment of such benefits, (2) the political subdivision regularly served by the fire company of which the volunteer [~~fireman~~] **firefighter** is a member, whether or not pursuant to a contract for fire protection, even though any such political subdivision is not liable for the payment of such benefits in the circumstances, and (3) any person or agency acting under governmental or statutory authority in furtherance of the duties or activities in relation to which any such injury resulted; provided, however, that the benefits provided by this chapter shall not be the exclusive remedy as against

persons who, in the furtherance of the same duties or activities, are not similarly barred from recourse against the volunteer [~~fireman~~] fire-fighter, or his or her executor or administrator.

§ 277. Section 20 of the volunteer firefighters' benefit law is amended to read as follows:

§ 20. Other remedies of volunteer [~~firemen~~] firefighters; subrogation. The provisions of section twenty-nine of the [~~workmen's~~] workers' compensation law to the extent that such provisions are not inconsistent with the provisions of this chapter, shall be applicable as fully as if set forth in this chapter.

§ 278. Section 21 of the volunteer firefighters' benefit law, the section heading as amended by chapter 322 of the laws of 1963, subdivisions 1 and 3 as amended by chapter 270 of the laws of 1964, and subdivision 2 as amended by chapter 1004 of the laws of 1963, is amended to read as follows:

§ 21. Assistance to other states, the Dominion of Canada, property ceded to the federal government and to Indian reservations. 1. Whenever a fire company or fire department in this state shall answer a call to furnish assistance to any political subdivision or territory of another state of the United States or of the Dominion of Canada, or property ceded to the federal government, the provisions of this chapter shall apply with respect to the volunteer [~~firemen~~] firefighters of such fire company or department, while such assistance is being rendered or while going to or returning from the place from where the assistance is to be or was rendered, to the same extent and in the same manner as if such service had been rendered in or for the area regularly served by such volunteer [~~firemen~~] firefighters; provided, however, that there shall be deducted from any amounts payable under this chapter any amounts recoverable by or payable to any such volunteer [~~fireman~~] firefighter under the laws applicable in the political subdivision or territory for which the call for assistance was made.

2. The provisions of this chapter shall apply with respect to volunteer [~~firemen~~] firefighters of fire departments and fire companies of other states of the United States and of the Dominion of Canada who render service in this state in answer to a call for assistance to the territory regularly served by a fire department or fire company described in subdivisions one to five, inclusive, of section thirty of this chapter and, for the purposes of determining liability for benefits under this chapter, any such volunteer [~~fireman~~] firefighter shall be considered as a volunteer member of the fire department or fire company of the territory for which service has been rendered in this state pursuant to a call for assistance; provided that the laws of the state served by such volunteer [~~firemen~~] firefighters, fire departments or fire companies, or of the Dominion of Canada, as the case may be, contain provisions under which benefits are granted in relation to volunteer [~~firemen~~] firefighters of this state who are killed or injured when rendering service in such other states, or the Dominion of Canada, as the case may be, in answer to a call for assistance; provided, however, that there shall be deducted from any amounts payable under the provisions of this chapter to a volunteer [~~fireman~~] firefighter of such other states or of the Dominion of Canada, any amounts recoverable by or payable to such volunteer [~~fireman~~] firefighter under the laws of the state served by such volunteer [~~fireman~~] firefighter or of the Dominion of Canada, as the case may be.

3. Whenever a fire company or fire department in this state shall answer a call for assistance to be rendered to any part of an Indian

reservation the provisions of this chapter shall apply with respect to the volunteer [~~firemen~~] **firefighters** of such fire company or department, while such assistance is being rendered or while going to or returning from the place from where the assistance is to be or was rendered, to the same extent and in the same manner as if such service had been rendered in or for the area regularly served by such volunteer [~~firemen~~] **firefighters**.

§ 279. Section 23 of the volunteer firefighters' benefit law is amended to read as follows:

§ 23. Assignments, exemptions. Benefits payable under this article shall not be assigned, released or commuted, except as provided by this chapter, and shall be exempt from all claims of creditors and from levy, execution and attachment or other remedy for recovery or collection of a debt, which exemption may not be waived. Such benefits shall be paid only to volunteer [~~firemen~~] **firefighters** or their dependents except as otherwise provided in this chapter.

§ 280. The opening paragraph and subdivisions 1, 2, 3, 4, 5, 6 and 6-a of section 30 of the volunteer firefighters' benefit law, the opening paragraph as amended by chapter 1004 of the laws of 1963, subdivision 6 as amended by chapter 123 of the laws of 1958, the third undesignated paragraph of subdivision 6 as amended by chapter 520 of the laws of 1964, the seventh undesignated paragraph of subdivision 6 as added by chapter 368 of the laws of 1958, the eighth undesignated paragraph of subdivision 6 as amended by chapter 694 of the laws of 1959, the ninth undesignated paragraph of subdivision 6 and the closing paragraph of subdivision 6-a as added by chapter 1004 of the laws of 1963, and subdivision 6-a as added by chapter 849 of the laws of 1957, are amended to read as follows:

Except as otherwise provided in article five of the [~~workmen's~~] **workers'** compensation law, in section two hundred nine-i of the general municipal law and in section twenty-one of this chapter:

1. If at the time of injury the volunteer [~~fireman~~] **firefighter** was a member of a fire company of a county, city, town, village or fire district fire department, any benefit under this chapter shall be a county, city, town, village or fire district charge, as the case may be, and any claim therefor shall be audited in the same manner as other claims against the county, city, town, village or fire district and the amount thereof shall be raised and paid in the same manner as other county, city, town, village or fire district charges.

2. If at the time of injury the volunteer [~~fireman~~] **firefighter** was a member of a fire company incorporated under the membership corporations law, or any other law, and located in a city, village, or fire district, protected under a contract by the fire department or fire company of which the volunteer [~~fireman~~] **firefighter** was a member, any benefit under this chapter shall be a city, village or fire district charge, as the case may be, and any claim therefor shall be audited in the same manner as other claims against the city, village or fire district and the amount thereof shall be raised and paid in the same manner as other city, village or fire district charges.

3. If at the time of injury the volunteer [~~fireman~~] **firefighter** was a member of a fire company incorporated under the membership corporations law, or any other law, and located in a fire protection district, or fire alarm district, protected under a contract by such fire company, any benefit under this chapter shall be a town charge and any claim therefor shall be audited and paid in the same manner as town charges and the amount thereof shall be raised upon the property liable to taxa-

tion in the fire protection district or fire alarm district in the same manner as town charges therein are raised.

4. If at the time of injury the volunteer [~~fireman~~] **firefighter** was a member of a fire company incorporated under the membership corporations law, or any other law, and located outside of a city, village, fire district, fire protection district or fire alarm district, any benefit under this chapter shall be a town charge and any claim therefor shall be audited and paid in the same manner as town charges and the amount thereof raised upon the property liable to taxation in such outside territory protected by such fire company in the same manner as town charges therein are raised.

5. If at the time of injury the volunteer [~~fireman~~] **firefighter** was a member of a fire company or fire department operating in, or maintained jointly by two or more villages, or two or more towns, or two or more fire districts, any benefit under this chapter shall be a charge against such villages, towns or fire districts, in the proportion that the full valuation of taxable real estate in each bears to the aggregate full valuation of the taxable real estate of all such villages, towns or fire districts and the amount thereof shall be audited, raised and paid in the same manner as other village, town or fire district charges. Full valuation shall be determined by dividing the assessed valuations of taxable real estate of each such village, town or fire district as shown by the latest completed assessment roll of the village, town or fire district by the equalization rate established by the authorized state agency or officer for such roll; provided, however, in a county having a county department of assessment the full valuation in towns and fire districts shall be determined by applying the state equalization rate established for the town, or the town in which the fire district is located, to the appropriate portion of the last completed county roll.

6. The provisions of subdivisions one to five, inclusive, of this section shall not apply if the injury results from services performed when assistance is being rendered to:

a. Another city, town which has a town fire department, village or fire district, including one protected under a contract by the fire department or fire company of which the volunteer [~~fireman~~] **firefighter** is a member,

b. A fire protection district or fire alarm district, including one protected under a contract by the fire department or fire company of which the volunteer [~~fireman~~] **firefighter** is a member,

c. The area of a town protected by a fire company incorporated under the membership corporations law, or any other law, and located outside of a city, village, fire district, fire protection district, or fire alarm district,

d. The unorganized area of a town (outside of a city, village, fire district, fire protection district, fire alarm district, and also outside the area protected by a fire company incorporated under the membership corporations law, or any other law, and located outside of a city, village, fire district, fire protection district or fire alarm district),

e. The joint area protected by a fire company or fire department operating in, or maintained jointly by two or more villages, or two or more towns, or two or more fire districts,

f. A fire department of a county which has a fire department, or

g. A county which has requested fire aid pursuant to section two hundred nine-e of the general municipal law,

pursuant to a call to furnish assistance to any such municipal corporation, district or area in cases of fire or other emergencies, or for other authorized purposes, or while going to or returning from the place where the assistance is to be or was rendered, or if death shall result from the effects of any such injury, and in any such case any such benefit shall be a charge against such aided municipal corporation, district or area and after audit shall be paid and the amount thereof shall be raised upon the property liable to taxation in such municipal corporation, district or area, in the same manner as other charges against the same are raised, except that in the cases described at paragraphs b, c and d of this subdivision, the town in which the district or area is located shall be primarily liable for such payment. If there is no property liable to taxation in any area described in paragraph d, the benefit shall be a town charge and any claim therefor shall be audited and paid in the same manner as town charges and the amount thereof shall be raised upon the taxable real property in the town in the same manner as town charges therein are raised.

In the case of a false call for assistance, any such benefit shall be audited, raised and paid in the manner provided in subdivisions one to five, inclusive, of this section, as the case may be.

The term "assistance", as used in this section, includes the services of firefighting forces, fire police squads, emergency rescue and first aid squads rendered in case of a fire or other emergency, including stand-by service, to aid (1) a fire department, fire company, or any unit thereof, other than that of which the volunteer [~~fireman~~] **firefighter** is a member and (2) owners or occupants of property, and other persons, whether or not such owners, occupants or persons are receiving fire or other emergency service from a fire department, fire company, or any unit thereof, other than that of which the volunteer [~~fireman~~] **firefighter** is a member.

Except as otherwise provided by law in the case of natural disaster emergencies, a call to furnish assistance may be made by any person aware of the peril involved and the need for assistance or pursuant to any legally authorized or recognized plan for the furnishing of mutual aid in cases of fire or other emergency. The call need not originate in the municipal corporation, district or area ultimately liable for benefits under this section and may be relayed through one or more persons or mediums of communication.

The provisions of this subdivision [~~six~~] shall not apply if the injury results from services performed by the volunteer [~~fireman~~] **firefighter** in a natural disaster emergency and he **or she** was serving as part of the civil defense forces activated [~~pursuant to section six hundred fifty-six-a of the county law, section two hundred nine-n of the general municipal law, section two hundred nine-o of the general municipal law as added by chapter six hundred thirty-one of the laws of nineteen hundred fifty-seven, or section ten of the executive law~~], and when assistance is being so rendered the benefits to be paid and provided under this chapter shall be paid and provided by the political subdivisions which would be liable under subdivisions one to five, inclusive, of this section.

If death or injury results from the performance of duty by a volunteer [~~fireman~~] **firefighter** serving as fire chief while inspecting a public or private school pursuant to paragraph c of subdivision seven of section eight hundred seven-a of the education law for fire prevention and protection purposes in a fire district, fire protection district or fire alarm district furnished fire protection pursuant to a contract by his

or her fire department or fire company, or from necessary travel directly connected with any such duty, then the benefits to be paid and provided under this chapter shall be a charge against such fire district, fire protection district or fire alarm district so protected pursuant to contract and after audit shall be paid and the amount thereof shall be raised upon the property liable to taxation in any such district in the same manner as other charges against the same are raised, except that in the case of a fire protection district or fire alarm district, the town in which the district is located shall be primarily liable for such payment.

If death or injury results from the performance of duty under subdivision four of section three hundred three of the multiple residence law, or from necessary travel directly connected with any such assignment, and the building or property inspected or to be inspected is not located in the area regularly served and protected by the fire department or fire company of which the volunteer [~~fireman~~] firefighter is a member, but is located in a city, town which has a fire department, village, fire district, fire protection district or fire alarm district served and protected pursuant to a contract for fire protection by the fire department or fire company of which the volunteer [~~fireman~~] firefighter is a member, then the benefits to be paid and provided under this chapter shall be a charge against such political subdivision, fire protection district or fire alarm district so protected pursuant to contract and after audit shall be paid and the amount thereof shall be raised upon the property liable to taxation in such political subdivision or district in the same manner as other charges against the same are raised, except that in the case of a fire protection district or fire alarm district, the town in which the district is located shall be primarily liable for such payment.

If death or injury results from the performance of duty by a volunteer [~~fireman~~] firefighter while inspecting buildings for fire hazards in a city, village, fire district, fire protection district or fire alarm district furnished fire protection pursuant to a contract by his or her fire department or fire company, or from necessary travel directly connected with any such duty, then the benefits to be paid and provided under this chapter shall be a charge against such city, village, fire district, fire protection district or fire alarm district so protected pursuant to contract and after audit shall be paid and the amount thereof shall be raised upon the property liable to taxation in any such city, village or district in the same manner as other charges against the same are raised, except that in the case of a fire protection district or fire alarm district, the town in which the district is located shall be primarily liable for such payment. This paragraph shall not be applicable in any city, however, unless a city charter or other law under which the city operates, or a local law adopted by the city, authorizes such an inspection in areas of the city receiving fire protection pursuant to a contract. The term "building," as used in this paragraph, does not include a multiple dwelling which may be inspected by such fire department or company under and pursuant to the provisions of subdivision four of section three hundred three of the multiple residence law.

The foregoing provisions of this subdivision [~~six~~] shall apply only in cases where volunteer [~~firemen~~] firefighters are injured in line of duty prior to the first day of March, nineteen hundred sixty-four; and in death cases where death results from injuries sustained prior to such date. Where volunteer [~~firemen~~] firefighters are injured in line of duty

on or after the first day of March, nineteen hundred sixty-four, and in death cases where death results from injuries sustained on or after such date, the liability for benefits under this chapter shall be determined pursuant to subdivisions one to five, inclusive, of this section, except as otherwise provided in article five of the [~~workmen's~~] workers' compensation law, section two hundred nine-i of the general municipal law and in section twenty-one of this chapter.

6-a. The provisions of subdivisions one to six, inclusive, of this section shall not apply if the injury results from services performed when general ambulance service is furnished under a fire protection contract pursuant to section two hundred nine-b of the general municipal law for (1) another city, village or fire district, protected under a contract by the fire department or fire company of which the volunteer [~~fireman~~] firefighter is a member or (2) a fire protection district or fire alarm district, protected under a contract by the fire department or fire company of which the volunteer [~~fireman~~] firefighter is a member, pursuant to a call to furnish such service in any such municipal corporation or district, or while going to or returning from the place where the service is to be or was furnished, or if death shall result from the effects of any such injury, and in any such case any such benefit shall be a charge against such municipal corporation or district and after audit shall be paid and the amount thereof shall be raised upon the property liable to taxation in such municipal corporation or district, in the same manner as other charges against the same are raised, except that in the case of a fire protection district or fire alarm district the town in which the district is located shall be primarily liable for such payment.

The foregoing provisions of this subdivision [~~six-a~~] shall apply only in cases where volunteer [~~firemen~~] firefighters are injured in line of such general ambulance service duty prior to the first day of March, nineteen hundred sixty-four, and in death cases where death results from injuries sustained prior to such date. Where volunteer [~~firemen~~] firefighters are injured in line of such general ambulance service duty on or after the first day of March, nineteen hundred sixty-four, and in death cases where death results from injuries sustained on or after such date, the liability for benefits under this chapter shall be determined pursuant to subdivisions one to five, inclusive, of this section, except as otherwise provided in article five of the [~~workmen's~~] workers' compensation law, section two hundred nine-i of the general municipal law and section twenty-one of this chapter.

§ 281. The closing paragraph of section 31 of the volunteer firefighters' benefit law, as added by chapter 368 of the laws of 1961, is amended to read as follows:

A contract of insurance indemnifying against the liability imposed by this chapter issued by an insurance carrier to a county or a town and in force on or after the first day of July, nineteen hundred sixty-one, shall contain a provision reading as follows: "This contract does not provide (1) any coverage under the [~~Workmen's~~] Workers' Compensation Law or the Volunteer [~~Firemen's~~] Firefighters' Benefit Law for which any fire district would be liable under such laws, (2) any [~~workmen's~~] workers' compensation benefits for fire district officers and employees for which any fire district would be liable under the [~~Workmen's~~] Workers' Compensation Law, or (3) any volunteer [~~firemen's~~] firefighters' benefits for any volunteer [~~firemen~~] firefighters for which any fire district would be liable under the Volunteer [~~Firemen's~~] Firefighters' Benefit Law. The foregoing provision does not apply in relation to

volunteer [~~firemen's~~] **firefighters'** benefit coverage and volunteer [~~firemen's~~] **firefighters'** benefits provided for and in relation to the following named fire districts which have expressly requested coverage under this contract pursuant to the provisions of section thirty-two of the Volunteer [~~Firemen's~~] **Firefighters'** Benefit Law, to wit: (If there are no exceptions, enter 'No exceptions'). The term 'fire districts', as used in this provision, does not include the fire protection districts and fire alarm districts mentioned in sections one hundred eighty-three and one hundred eighty-four of the Town Law."

§ 282. Subdivision 1 of section 32 of the volunteer firefighters' benefit law, as amended by chapter 121 of the laws of 1968, is amended to read as follows:

1. Notwithstanding any provision of section thirty of this chapter, any town may contract for a single policy of insurance indemnifying (1) all fire protection districts and fire alarm districts wholly within such town which are liable for the payment of benefits under this chapter, (2) all territory within such town outside cities, villages, fire districts, fire protection districts and fire alarm districts which is liable for the payment of benefits under this chapter, and (3) the town in relation to such fire protection districts, fire alarm districts and outside territory, against liability imposed by this chapter. If a town has any such liability and contracts for such a single policy, then and in that event only any such policy, if requested by the board of trustees of any village wholly within the town, or by the board of fire commissioners of any fire district wholly within the town, shall also indemnify such village or fire district against such liability. The cost of such insurance shall be a town charge and shall be levied and collected in the same manner as other town charges only in the territory of such town which is liable for the payment of benefits under this chapter and which is outside of any village and fire districts not covered by such a policy. Nothing in this section contained shall impose any additional liability on any town for any benefit payments in relation to volunteer [~~firemen~~] **firefighters**.

§ 283. Section 40 of the volunteer firefighters' benefit law, as amended by chapter 544 of the laws of 1957, is amended to read as follows:

§ 40. Notice of injury or death. Notice of an injury or death for which benefits are to be paid or provided under this chapter shall be given to the political subdivision liable for the payment thereof within ninety days after such injury or death except that such notice need not be given if a claim is filed pursuant to section forty-one of this chapter within ninety days after such injury or death. Either such notice may be given by any person claiming to be entitled to such benefits or by someone in his **or her** behalf. The notice shall be in writing, shall contain the name and address of the volunteer [~~fireman~~] **firefighter**, and state in ordinary language the time, place, nature and cause of the injury and shall be signed by him **or her** or by a person on his **or her** behalf or, in case of death, by any one or more of his **or her** dependents, or by a person on their behalf. The notice shall be given to the clerk of the board of supervisors of the county, the comptroller or chief financial officer of the city, the town clerk of the town, the clerk of the village or the secretary of the fire district, as the case may be, by delivering it to such officer or by registered letter properly addressed to such officer. The failure to give notice of injury or notice of death shall be a bar to any claim under this chapter unless such failure is excused by the [~~workmen's~~] **workers'** compensation board

on any of the following grounds, (1) that for some sufficient reason the notice could not have been given, (2) that a member of a body in charge of, or any officer of, the fire department or fire company had knowledge within such ninety-day period of the injuries or death, (3) that the political subdivision, or its insurance carrier had not been prejudiced by a delay in giving such notice, or (4) that the cause of disablement or death was not known to be the result of service performed in line of duty as a volunteer [~~fireman~~] firefighter in sufficient time to comply with the provisions of this section.

§ 284. Section 41 of the volunteer firefighters' benefit law, as amended by chapter 936 of the laws of 1958, is amended to read as follows:

§ 41. Claim for benefits. The right to claim benefits under this chapter shall be barred, except as hereinafter provided, unless within two years after the injury, or, if death results therefrom, within two years after such death, a claim for the benefits under this chapter shall be filed with the [~~chairman~~] chairperson of the [~~workmen's~~] workers' compensation board and a copy of such claim shall be filed with the same officer to whom a notice of injury must be given under section forty of this chapter. The right of a volunteer [~~fireman~~] firefighter or his or her dependents to claim benefits under this chapter for disablement or death, as the case may be, caused by disease shall not be barred by the failure of the volunteer [~~fireman~~] firefighter or his or her dependents to file a claim within either such period of two years, provided such claim shall be filed after either such period of two years and within ninety days after disablement or ninety days after knowledge that the disease is or was due to service as a volunteer [~~fireman~~] firefighter, whichever is the later date. The claim shall be in substantially the same form and shall give substantially the same information as is required to be given in a claim under the provisions of section twenty-eight of the [~~workmen's~~] workers' compensation law. Notwithstanding the provisions of any other law, any such claim need not be sworn to, verified or acknowledged. No case in which an advance payment is made to a volunteer [~~fireman~~] firefighter or to his or her dependents in case of death shall be barred by the failure of the volunteer [~~fireman~~] firefighter or his or her dependents to file a claim, and the [~~workmen's~~] workers' compensation board may at any time order a hearing on any such case in the same manner as though a claim for benefits had been filed.

The date of injury caused by disease shall be the date of contracture of such disease as determined by the [~~workmen's~~] workers' compensation board on the hearing of the claim and the responsibility of the political subdivision liable for the payment of benefits and its insurance carrier shall be fixed by the date of injury as so determined.

§ 285. Subdivisions 3 and 4 of section 44 of the volunteer firefighters' benefit law, as amended by chapter 751 of the laws of 1957, are amended to read as follows:

3. That the injury was not occasioned by the wilful intention of the injured volunteer [~~fireman~~] firefighter to bring about the injury or death of himself or herself or another;

4. That the injury did not result solely from the intoxication of the injured volunteer [~~fireman~~] firefighter while acting in line of duty;

§ 286. Section 50 of the volunteer firefighters' benefit law is amended to read as follows:

§ 50. Payments pending controversies. In order that the benefits to be paid and provided under this chapter shall be paid promptly where such benefits are conceded to be due to any person because of the death of or

injuries to a volunteer [~~fireman~~] firefighter, but controversy exists as to which political subdivision is liable for the payment thereof, the municipal corporations and fire districts involved in such controversy and their insurance carriers, if any, may agree that any one or more of such municipal [~~corpoations~~] corporations or fire districts or its insurance carrier shall pay or provide the benefits to, or in relation to, the person conceded to be entitled to such benefits without waiting for a final determination of the controversy, and may carry out the provisions of such an agreement. Notwithstanding any such payment, any party to the agreement may seek a final determination of the controversy in the same manner as if such benefits had not been paid or provided and any such payment or provision of benefits shall not prejudice any rights of the political subdivision or its insurance carrier paying or providing the same, nor be taken as an admission against interest. After a final determination the parties to the agreement shall make any necessary and proper reimbursement to conform to the determination.

§ 287. Section 56 of the volunteer firefighters' benefit law is amended to read as follows:

§ 56. Non-duplication of benefits. If benefits are required to be paid under this chapter in the event of injury to or death of a volunteer [~~fireman~~] firefighter, the volunteer [~~fireman~~] firefighter or other persons entitled to such benefits shall not receive [~~workmen's~~] workers' compensation under the provisions of the [~~workmen's~~] workers' compensation law in relation to such injury or death.

§ 288. Subdivision 1 of section 61 of the volunteer firefighters' benefit law, as added by chapter 668 of the laws of 1977, is amended to read as follows:

1. A claim for benefits for the death or disability of a volunteer [~~fireman~~] firefighter due to disease or malfunction of the heart or of one or more coronary arteries filed in accordance with section forty-one of this chapter, shall not be denied provided the claimant introduces evidence which establishes that a volunteer [~~fireman~~] firefighter suffered disease or malfunction of the heart or of one or more coronary arteries which caused the disablement or death of the volunteer [~~fireman~~] firefighter, and that such disease or malfunction resulted from the duties and activities in which the volunteer [~~fireman~~] firefighter was engaged as set forth in section five of this chapter for which benefits shall be paid, unless it can be shown by substantial evidence to the contrary that the duties and activities of the volunteer [~~fireman~~] firefighter in which the volunteer [~~fireman~~] firefighter was engaged at the time of such disease or malfunction did not cause or precipitate such disease or malfunction; and further provided that the injury did not result solely from the intoxication of the volunteer [~~fireman~~] firefighter while acting in line of duty or was not occasioned by the wilful intention of the volunteer [~~fireman~~] firefighter to bring about the injury or death of himself or herself or another.

§ 289. Section 70 of the volunteer firefighters' benefit law, as amended by chapter 751 of the laws of 1957, is amended to read as follows:

§ 70. References to [~~workmen's~~] workers' compensation law. Where the provisions of any section or part of any section of the [~~workmen's~~] workers' compensation law are made applicable to this chapter and are incorporated herein by reference, the following terms used in such provisions of the [~~workmen's~~] workers' compensation law shall have the following meanings when read in connection with this chapter:

1. "Accident" means "injury" as defined in this chapter.

2. "Dependent husband" means the "surviving spouse" of a [~~female fireman~~] firefighter, as defined in this chapter.

3. "Employee" means a volunteer [~~fireman~~] firefighter who has been or might be injured in line of duty or who dies or might die from the effects of such an injury.

4. "Employment" means service of a volunteer [~~fireman~~] firefighter in line of duty.

5. "Employer" means the political subdivision liable for payment of financial benefits pursuant to this chapter.

6. "Injury" means "injury" as defined in this chapter.

7. "Injured workman" means injured volunteer [~~fireman~~] firefighter.

8. "Insurance carrier" means "insurance carrier" as defined in this chapter.

9. "Same employ" means the same fire department or fire company, or in the same service for a political subdivision, or district or area thereof, pursuant to a call for assistance.

10. "[~~Workmen's~~] Workers' compensation" means the benefits payable to a volunteer [~~fireman~~] firefighter or his or her dependents pursuant to this chapter, including medical treatment and care, except when a different meaning obviously is intended.

Where any such section is so made applicable and is so incorporated, and there is a reference therein to another section or provision of the [~~workmen's~~] workers' compensation law which also has been made applicable to this chapter, such reference shall be deemed to include the applicable section or provision of this chapter if such inclusion is consistent with the provisions of this chapter.

§ 290. This act shall take effect immediately, provided, however, that:

a. the amendments to section 30 of the workers' compensation law made by section twelve of this act shall be subject to the expiration and reversion of such section pursuant to section 7 of chapter 628 of the laws of 1991, as amended, when upon such date the provisions of section thirteen of this act shall take effect;

b. the amendments to subdivisions 1, 4 and 6 of section 207-c of the general municipal law made by section fifty-five of this act shall be subject to the expiration and reversion of such subdivisions pursuant to section 7 of chapter 628 of the laws of 1991, as amended, when upon such date the provisions of section fifty-six of this act shall take effect;

c. the amendments to paragraph 1 of subdivision c of section 340 of the retirement and social security law made by section one hundred eighty-one of this act shall be subject to the expiration and reversion of such paragraph pursuant to section 7 of chapter 628 of the laws of 1991, as amended, when upon such date the provisions of section one hundred eighty-two of this act shall take effect; and

d. the amendments to subdivision 1 of section 61 of the volunteer firefighters' benefit law made by section two hundred eighty-eight of this act shall not affect the repeal of such section and shall be deemed to repeal therewith.