

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:

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

4 SPECIAL RIGHTS FOR VETERANS AND EXEMPT VOLUNTEER

5 [~~FIREMEN~~] FIREFIGHTERS

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

8 4-b. Geographic certification based on need. A municipal commission
9 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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1 eligibles, other than those eligibles on [~~police~~~~men and fire~~~~men~~] police
2 officer and firefighter lists, who are residents of a geographically-de-
3 fined area which is a portion of such city or civil division shall be
4 certified first for appointment to positions in such area where in order
5 to qualify for federal moneys such certification is required. Upon
6 exhaustion of the list of such resident eligibles, certifications shall
7 be made from the whole eligible list.

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

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

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

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

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

50 1. The governing board of any police district provided for under arti-
51 cle fourteen-a of the town law or of any town or of any village, may
52 from time to time respectively contract upon behalf of said district,
53 town or village with the superintendent of state police upon behalf of
54 the state for the regular assignment of state police to said district,
55 town or village upon the following terms and conditions: The superinten-
56 dent of state police shall detail such number of state [~~police~~~~men~~]

1 police officers as shall be agreed upon to such district, town or
2 village for a period of one year; the pay, maintenance and other
3 expenses of such detail for a period of one year shall be computed by
4 the superintendent of state police with the approval of the state comp-
5 troller pro rata upon the total cost of the pay, maintenance and similar
6 expenses of the whole department; before such contract shall take effect
7 the governing board of said district, town or village shall deposit to
8 the credit of the division of state police in a depository to be desig-
9 nated by the state comptroller with proper sureties, one half the sum of
10 money so computed and upon the first day of the sixth month during the
11 continuance of said contract shall likewise deposit the remainder of
12 said sum; the superintendent of state police, upon audit of the comp-
13 troller, shall draw upon said depository for the pay, maintenance and
14 other expenses of said detail when due; said detail shall have all the
15 powers and duties and shall remain at all times under the authority and
16 discipline of the superintendent of state police as provided for state
17 police assigned to regular duty under this article.

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

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

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

31 5. Volunteer [~~firemen~~ firefighters and volunteer fire officers of a
32 fire department or any company or unit thereof shall not be deemed to be
33 holding a civil office or a local office within the meaning of this
34 section and the provisions of this section shall not apply to such
35 volunteer [~~firemen~~ firefighters and volunteer fire officers. This
36 subdivision shall not be deemed to amend, modify or supersede any other
37 general, special or local law, city or village charter, code or ordi-
38 nance, or any rule or regulation governing any such fire department,
39 which prescribes the qualifications which a person must have to be a
40 volunteer [~~fireman~~ firefighter or a volunteer fire officer of a poli-
41 tical subdivision or municipal corporation.

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

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

1 efrom promptly and be available to render active service in such poli-
2 tical subdivision or municipal corporation.

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

8 "Employment" includes employment in a trade, business or occupation
9 carried on by the employer for pecuniary gain, or in connection there-
10 with, except where the employer elects to bring his or her employees
11 within the provisions of this chapter as provided in section three of
12 this article, and except employment as a domestic worker as provided in
13 section three of this article, and except where a town elects to have
14 the provisions of this chapter apply to the town superintendent of high-
15 ways. "Employment" shall also include, in connection with the civil
16 defense effort and for purposes of this chapter the service of a civil
17 defense volunteer in authorized activities of a volunteer agency spon-
18 sored or authorized by a local office as defined in a state defense
19 emergency act. "Employment" shall also include participation with an
20 auxiliary police effort made within a municipal corporation which
21 elected to include auxiliary [~~police~~ police officers] within the
22 definition of "employee" as authorized by subdivision four of this
23 section and for purposes of this chapter, the services of members or
24 volunteers in activities authorized by local law. The service of a civil
25 defense volunteer who is also an employee recompensed by an employer for
26 service to such employer, shall not be deemed to be in employment of a
27 local office when he or she is performing civil defense service in his
28 or her employment or in relation thereto. For the purposes of this chap-
29 ter only "employment" shall also include the delivery or sale and deliv-
30 ery of newspapers or periodicals by a newspaper carrier as defined in
31 section thirty-two hundred twenty-eight of the education law, but shall
32 not include delivery of newspapers or shopping news to the consumer
33 (including any services directly related to such trade or business) by a
34 person who is not performing commercial goods transportation services
35 for a commercial goods transportation contractor within the meaning of
36 article twenty-five-C of the labor law. The term "employment" shall not
37 include the services of a licensed real estate broker or sales associate
38 if it be proven that (a) substantially all of the remuneration (whether
39 or not paid in cash) for the services performed by such broker or sales
40 associate is directly related to sales or other output (including the
41 performance of services) rather than to the number of hours worked; (b)
42 the services performed by the broker or sales associate are performed
43 pursuant to a written contract executed between such broker or sales
44 associate and the person for whom the services are performed within the
45 past twelve to fifteen months; and (c) the written contract provided for
46 in paragraph (b) herein was not executed under duress and contains the
47 following provisions:

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

1 or a comparable county official to whom the provisions of group
2 fifteen-a of subdivision one of section three of this chapter are appli-
3 cable, who is also a volunteer firefighter or ambulance worker, (e) a
4 fire district officer whether elective or appointive and whether or not
5 he or she is compensated for his or her services or a paid fire or ambu-
6 lance district employee, (f) a state fire instructor whose compensation
7 is paid in whole or in part by the state, (g) an enrolled member of a
8 fire company who, is not a volunteer firefighter, receives compensation
9 for his or her services and is not a full-time [~~fireman~~] firefighter,
10 known as a "call [~~fireman~~] firefighter", (h) persons who are performing
11 services for a public or not-for-profit corporation, association, insti-
12 tution or agency organized as an unincorporated association or duly
13 incorporated under the laws of this state in fulfillment of a sentence
14 of probation or of conditional discharge, or persons performing such
15 services pursuant to the provisions of section 170.55 or 170.56 of the
16 criminal procedure law, (i) an auxiliary [~~policeman~~] police officer in a
17 municipal corporation which elected to include such persons within the
18 definition of "employee" as authorized by subdivision four of this
19 section, or (j) a duly appointed member of a regional hazardous materi-
20 als incidents team recognized under section two hundred nine-y of the
21 general municipal law, such money rate applying in his or her regular
22 vocation or the amount of the regular earnings of such volunteer, coor-
23 dinator, instructor, or comparable officer, fire or ambulance district
24 officer or employee or call [~~fireman~~] firefighter, or team member as the
25 case may be, in his or her regular vocation, plus any amount earned as
26 such a coordinator, instructor or comparable officer, or as such a fire
27 or ambulance district officer or employee or call [~~fireman~~] firefighter
28 or team member, provided, however, that in no event shall the average
29 weekly wage be fixed at less than thirty dollars regardless of whether
30 or not such volunteer, coordinator, instructor or comparable officer or
31 fire or ambulance district officer or employee or call [~~fireman~~] fire-
32 fighter or team member had gainful employment elsewhere at the time of
33 the injury.

34 § 10. Group 17 of subdivision 1 of section 3 of the workers' compen-
35 sation law, as amended by chapter 470 of the laws of 1986, is amended to
36 read as follows:

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

1 state training and practice exercises by the state civil defense commis-
2 sion pursuant to the provisions of section twenty-one, subdivision
3 three-f of the state defense emergency act, are hazardous employments
4 carried on by the municipal corporation or other subdivision of the
5 state that created the local office under the state defense emergency
6 act and such members of an auxiliary police organization located in a
7 municipal corporation which elected to include such persons within the
8 definition of "employee" as authorized by subdivision four of section
9 two of this chapter shall be deemed employees of the municipal corpo-
10 ration authorizing their services, and such members of rescue squads,
11 auxiliary [~~firemen~~] firefighters, and civil defense volunteers shall be
12 deemed employees of the municipal corporation or other subdivision of
13 the state for purposes of this chapter, provided, however, that each
14 such municipal corporation or other subdivision of the state or insur-
15 ance carrier shall in the first instance pay all awards of workers'
16 compensation, including medical benefits, provided by this chapter; and
17 such municipal corporation or other subdivision of the state or insur-
18 ance carrier shall be reimbursed by the comptroller of the state of New
19 York, periodically every six months, on vouchers certified by the state
20 civil defense commission, for one-half of all workers' compensation
21 benefits, including both cash and medical benefits, paid pursuant to
22 awards of the board, to the extent not previously reimbursed, paid for
23 injury or death of a civil defense volunteer caused by an accident that
24 arose out of and in the course of any such training and practice exer-
25 cise, held on and after July first, nineteen hundred fifty-three, at the
26 direction of or designated as a state training and practice exercise by
27 the state civil defense commission pursuant to the provisions of section
28 twenty-one, subdivision three-f of the state defense emergency act. A
29 town shall not be deemed to be the employer of the officers and employ-
30 ees of a fire district and shall not be liable for payment of compen-
31 sation to such officers or employees under any provision of this chap-
32 ter. A social services official, as defined in subdivision fourteen of
33 section two of the social services law, may accept or approve the
34 services of volunteer workers without salary, in accordance with the
35 regulations of the state department of social services, and such a
36 voluntary worker shall be deemed to be an employee of the social
37 services district in the unclassified service for the purpose of this
38 chapter.

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

41 § 19-c. Actions against health services personnel; defense and indem-
42 nification. The provisions of section seventeen of the public officers
43 law shall apply to actions and proceedings, against physicians, nurses
44 and other employees of the board whose duties involve medical examina-
45 tions under this chapter and the volunteer [~~firemen's~~] firefighters'
46 benefit law or other health services, arising out of emergency medical
47 treatment given to board employees while at work or to claimants, their
48 attorneys, licensed representatives, witnesses, employers, their repre-
49 sentatives and representatives of carriers, while visiting the offices
50 of the board or the hearing points at which proceedings are conducted or
51 any other person properly on board premises.

52 § 12. Section 30 of the workers' compensation law, as amended by chap-
53 ter 280 of the laws of 1963, is amended to read as follows:

54 § 30. Revenues or benefits from other sources not to affect compen-
55 sation. No benefits, savings or insurance of the injured employee, inde-
56 pendent of the provisions of this chapter, shall be considered in deter-

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

26 § 13. Section 30 of the workers' compensation law, as amended by chap-
27 ter 628 of the laws of 1991, is amended to read as follows:

28 § 30. Revenues or benefits from other sources not to affect compen-
29 sation. No benefits, savings or insurance of the injured employee, inde-
30 pendent of the provisions of this chapter, shall be considered in deter-
31 mining the compensation or benefits to be paid under this chapter,
32 except that (1) in case of the death of an employee of the state, a
33 municipal corporation, any other political subdivision of the state,
34 including for this purpose The Long Island Rail Road Company, any bene-
35 fit payable under a pension system or any other statutory benefit which
36 is not sustained or provided for in whole or in part by the contribution
37 of the employee, may be applied toward the payment of the death benefit
38 provided by this chapter; (2) in case of an award of compensation to a
39 paid [~~fireman~~] firefighter of a fire company or fire department of a
40 city of less than one million population, or town, village or fire
41 district any salary or wages paid to, or the cost of any medical treat-
42 ment and hospital care provided for, such paid [~~fireman~~] firefighter
43 under and pursuant to the provisions of section two hundred seven-a of
44 the general municipal law shall be credited against any award of compen-
45 sation to such paid [~~fireman~~] firefighter under this chapter where the
46 injury occurred or disablement arose on or after May first, nineteen
47 hundred fifty-one; and (3) in case of an award of compensation to a
48 member of a police force of any county, city of less than one million
49 population, town or village, any district, agency, board, body or
50 commission thereof, or of The Long Island Rail Road Company, any salary
51 or wages paid to, or the cost of any medical treatment or hospital care
52 provided for, such member under and pursuant to the provisions of
53 section two hundred seven-c of the general municipal law shall be cred-
54 ited against any award of compensation to such member under this chapter
55 where the injury occurred or the disablement arose on or after May
56 first, nineteen hundred sixty-three, or in the case of The Long Island

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

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

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

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

14 3. A local law establishing a plan pursuant to this article may,
15 notwithstanding the provisions of paragraph f of subdivision one of
16 section eleven of the municipal home rule law, provide that the
17 provisions of subdivision three of section sixty-three of this [~~chapter~~]
18 article, as amended from time to time, shall not be applicable to the
19 plan in that county and, if such plan is established, the term "liabil-
20 ity", as used in this article, shall not include any compensation,
21 assessments or other obligations under the volunteer [~~firemen's~~] fire-
22 fighters' benefit law and the provisions of subdivision three of section
23 sixty-three of this [~~chapter~~] article, as amended from time to time,
24 shall not be applicable in relation to such plan.

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

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

47 § 16. The section heading and subdivisions 1, 8, 10, 11, 12, 13, 14,
48 15, 16, 17 and 18 of section 88 of the railroad law, the section heading
49 and subdivisions 8, 10, 11, 12, 13, 14, 15, 16 and 18 as amended by
50 chapter 247 of the laws of 1964, subdivision 1 as amended by chapter 136
51 of the laws of 1968, and subdivision 17 as amended by chapter 149 of the
52 laws of 1989, are amended to read as follows:

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

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

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

11 8. If any person who has not received the minimum police and/or
12 firearms training described in [~~the preceding two paragraphs~~] subdivi-
13 sions six and seven of this section shall be appointed a [~~police~~man]
14 police officer under this section, the corporation, express company or
15 steamboat company which made application for his or her employment shall
16 furnish the superintendent of state police, within six months of the
17 date of appointment, a certificate issued by an approved municipal
18 police council training school or its equivalent as previously described
19 in this section, certifying the successful completion by the appointee
20 of the minimum training required and/or shall certify to the superinten-
21 dent of state police within six months of the date of appointment that
22 the appointee has received adequate training in the use of firearms and
23 in the event such certificate and/or such certification are not
24 furnished the superintendent of state police within the time prescribed
25 herein, he or she shall revoke the appointment.

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

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

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

37 13. Every such [~~police~~man] police officer shall when on duty wear a
38 metallic shield with the words "railroad police" or "steamboat police"
39 or "express police" as the case may be and the name of the corporation,
40 express company or steamboat company for which appointed inscribed ther-
41 eon, which shall always be worn in plain view, except when employed as a
42 detective.

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

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

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

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

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

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

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

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

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

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

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

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

15 3. Except as hereinafter provided, only a white or yellow light shall
16 be displayed upon a motorcycle so as to be visible from a point directly
17 in front of the vehicle. Any color light, except blue, may be displayed,
18 so as to be visible from a point directly in front of the vehicle, on a
19 police vehicle or on a motorcycle operated by a sheriff or regular depu-
20 ty sheriff when engaged in the performance of duty as a police officer.
21 Any color light, including blue, may be displayed, so as to be visible
22 from a point directly in front of the vehicle, on a motorcycle operated
23 by a chief or assistant chief of a fire department, a county or deputy
24 county fire coordinator, or a county or assistant county fire marshal. A
25 blue light may be displayed upon a motorcycle, so as to be visible from
26 a point directly in front of the vehicle, when operated by an active
27 volunteer member of a fire department or company duly authorized as
28 hereinafter provided, and while such vehicle is in use for fire or other
29 emergency service. No volunteer [~~fireman~~] firefighter shall be permitted
30 to display a blue light upon a motorcycle as hereinbefore provided
31 except while actually enroute to the scene of a fire or other emergency
32 requiring his or her services and unless he or she shall be an active
33 volunteer member of a fire department or company and shall have been
34 authorized in writing to so display a blue light by the chief of the
35 fire department or company of which he or she is a member, which author-
36 ization shall be subject to revocation at any time by the chief who
37 issued the same, or his or her successor in office.

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

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

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

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

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

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

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

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

14 § 23. Section 2851 of the public authorities law, as added by chapter
15 832 of the laws of 1958, the section heading as amended and such section
16 as renumbered by chapter 838 of the laws of 1983, is amended to read as
17 follows:

18 § 2851. Age not to be bar to employment by public authorities. No
19 public authority shall hereafter prohibit, prevent, disqualify or
20 discriminate against any person applying for employment by, such author-
21 ity, who is physically and mentally qualified, or from competing,
22 participating or registering for a position, or be penalized in a final
23 rating for any position, by reason of his or her age. Any existing rule,
24 regulation, penalty or requirement resolution preventing the hiring of
25 persons because of age shall be void, except that nothing herein
26 contained, shall prevent any public authority from adopting reasonable
27 minimum or maximum age requirements for positions such as [~~police~~
28 ~~man~~] police officer, firefighter, guard or other positions which
29 require extraordinary physical effort except where age limits for such
30 positions are already prescribed by law.

31 Notwithstanding any provisions to the contrary, no person who is phys-
32 ically or mentally qualified may be disqualified from, competing,
33 participating or registering for a promotional examination or be penal-
34 ized in a final rating or barred from promotion after having passed such
35 promotion examination by reason of his or her age, by any public author-
36 ity.

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

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

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

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

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

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

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

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

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

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

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

50 § 28. Section 50-c of the general municipal law, as amended by chapter
51 673 of the laws of 1979, is amended to read as follows:

52 § 50-c. Liability for negligent operation of certain vehicles in the
53 performance of duty by [~~policemen~~] police officers and paid [~~firemen~~]
54 firefighters. 1. Every city, town, village and fire district, notwith-
55 standing any inconsistent provision of law, general, special or local or
56 the limitation contained in the provisions of any city charter, shall be

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

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

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

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

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

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

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

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

3 Leases of public buildings to posts of veteran organizations, organ-
4 izations of volunteer [~~firemen~~ **firefighters**], and child care agencies.

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

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

28 (c) Conference. A convention, conference, or school conducted for the
29 betterment of any municipality or a convention or conference of [~~fire-~~
30 ~~men~~ **firefighters** or firemanic officers if believed to be of benefit to
31 the municipality.

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

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

48 § 33. Paragraphs b and c of subdivision 2 of section 100 of the gener-
49 al municipal law, paragraph b as amended by chapter 176 of the laws of
50 1973, and paragraph c as amended by chapter 104 of the laws of 1960, are
51 amended to read as follows:

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

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

3 c. A fire corporation the members of which are volunteer [~~firemen~~]
4 ~~firefighters~~ and which was incorporated under, or established pursuant
5 to the provisions of, any general or special law, which is not included
6 within paragraphs a and b above, if such corporation is by law under the
7 general control of, or recognized as a fire corporation by, the govern-
8 ing board of a city, town, village, fire district or a district corpo-
9 ration other than a fire district.

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

13 Notwithstanding the provisions of any law, general or special, the
14 town board or boards of a town or towns in the same county and the board
15 or boards of trustees of an incorporated village or villages located
16 wholly within such town or towns, may, upon the adoption of propositions
17 therefor duly submitted in such town or towns and village or villages,
18 determine to create a joint town and village police department for such
19 town or towns and village or villages. The proposition to be submitted
20 in such village or villages may be submitted at a general or special
21 election of each village and the proposition to be submitted in such
22 town or towns may be submitted at a general or special election of each
23 town. Upon the adoption of a proposition therefor as herein provided,
24 the town board or boards and the board or boards of trustees of the
25 village or villages shall meet in joint session, at a time and place to
26 be determined by agreement of such boards, and organize such joint
27 police department and establish rules and regulations governing the
28 same. Such boards shall at such meeting, by a majority vote, appoint a
29 chief of police for such joint police department. Such chief of police
30 shall be a resident of the area covered by such joint department and be
31 subject to the control, direction and supervision of such joint boards.
32 Such chief of police shall be appointed for a term of office of three
33 years, and shall receive such compensation as the town and village
34 boards at joint session may determine. A chief of police may be removed
35 by joint action of the town and village boards upon written charges for
36 malfeasance or misfeasance in office. Such charges shall be filed in
37 duplicate in the offices of the town and village clerks and a copy ther-
38 eof served personally on the chief of police. The town and village
39 boards shall, in joint session, designate a time and place for a hearing
40 upon such charges and cause notice of such hearing to be served
41 personally upon the chief of police at least five days before the day
42 set for the hearing. The town and village boards shall hear the evidence
43 in support and in defense of such charges and by majority vote make an
44 order sustaining or dismissing the charges. An order sustaining the
45 charges shall operate as a removal and the town and village boards shall
46 thereupon appoint another person to fill the vacancy. The person so
47 appointed shall hold office for the balance of the unexpired term or
48 until the entry of a final order by a court of competent jurisdiction
49 determining that the chief of police was wrongfully or unlawfully
50 removed. An appeal to the county court may be taken by the chief of
51 police removed within thirty days after personal service of a copy of
52 such order of removal. The county court shall consider the charges
53 presented and review the evidence taken before such joint board. It may
54 hear additional evidence and shall make such determination as justice
55 requires. A copy of such order shall be filed in the offices of the town
56 and village clerks. An order by the county court determining the charges

1 shall, upon such filing, act as the reinstatement of the person removed.
2 The board or boards of trustees of each village shall appoint village
3 [~~police~~men] police officers for service inside the area covered by such
4 joint department, and the town board or boards shall appoint town
5 [~~police~~men] police officers for service inside the area covered by such
6 joint department. Such town and village [~~police~~men] police officers
7 shall be appointed for such terms of office and receive such compen-
8 sation as the town or village board may determine. The expense of
9 village [~~police~~men] police officers, chargeable by law to a village
10 shall be a charge against the village employing them, and the expense of
11 the town [~~police~~men] police officers chargeable by law to a town, shall
12 be a charge against real property in the town employing them situated
13 outside of such participating village or villages. The salary of the
14 chief of police and other expenses of the department, except compen-
15 sation of village and town [~~police~~men] police officers, shall be appor-
16 tioned between the village or villages and the town or towns by such
17 boards in joint session. The portion of such expense to be borne by a
18 town shall be a charge in that portion of the town situated outside of
19 such participating village or villages and the portion to be borne by a
20 village a village charge. Upon the creation of a joint town and village
21 police department as herein provided, the term of office of all town
22 constables heretofore elected in such town or towns shall terminate and
23 thereafter no constables shall be elected in any such town, unless and
24 until such police department is abolished as hereinafter provided. A
25 joint police department established as provided by this section may be
26 abolished upon the adoption of a proposition duly submitted at a general
27 or special village or town election to take effect on January first
28 succeeding the next general election at which town officers are elected.

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

32 4. "Authorized organization" shall mean and include any bona fide
33 religious or charitable organization or bona fide educational, fraternal
34 or service organization or bona fide organization of veterans or volun-
35 teer [~~fire~~men] firefighters, which by its charter, certificate of incor-
36 poration, constitution, or act of the legislature, shall have among its
37 dominant purposes one or more of the lawful purposes as defined in this
38 article, provided that each shall operate without profit to its members,
39 and provided that each such organization has engaged in serving one or
40 more of the lawful purposes as defined in this article for a period of
41 three years [~~immediatley~~] immediately prior to applying for a license
42 under this article.

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

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

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

52 § 37. Section 200 of the general municipal law, as amended by chapter
53 954 of the laws of 1976, is amended to read as follows:

54 § 200. Defining qualifications of exempt volunteer [~~fire~~men] fire-
55 fighters. An exempt volunteer [~~fire~~man] firefighter is hereby declared
56 to be a person who as a member of a volunteer fire company duly organ-

1 ized under the laws of the state of New York shall have at any time
2 after attaining the age of eighteen years faithfully actually performed
3 service in the protection of life and property from fire within the
4 territory immediately protected by the company of which he or she is a
5 member, and while a bona fide resident therein, for a period of five
6 years, as provided in this article, or, if such company shall have been
7 sooner disbanded upon the organization of a paid fire department, for a
8 period of at least one year and shall also have been a member of such
9 volunteer fire company at the time it shall have been disbanded; but the
10 limitation of one year's service shall not apply to a volunteer [~~fire-~~
11 ~~man~~] firefighter who was a member of a fire company which was disbanded
12 prior to January first, nineteen hundred two. The foregoing residence
13 requirements shall not apply (1) to a volunteer [~~fireman~~] firefighter
14 who has been duly elected to membership in his or her fire company as a
15 non-resident member residing in territory which is afforded fire
16 protection by his or her fire company pursuant to a contract for fire
17 protection, as authorized by paragraph three of subdivision c of section
18 fourteen hundred two of the not-for-profit corporation law or by subdivi-
19 sions two and three of either section 10-1006 of the village law,
20 section one hundred seventy-six-b of the town law or section sixteen-a
21 of the general city law, (2) to a volunteer [~~fireman~~] firefighter whose
22 membership has been duly continued in his or her fire company as author-
23 ized by paragraph three of subdivision c of section fourteen hundred two
24 of the not-for-profit corporation law or by subdivision five of either
25 section 10-1006 of the village law, section one hundred seventy-six-b of
26 the town law or section sixteen-a of the general city law and (3) to a
27 volunteer [~~fireman~~] firefighter who has been duly elected to membership
28 as a non-resident as authorized by paragraph three of subdivision c of
29 section fourteen hundred two of the not-for-profit corporation law or by
30 subdivision six of either section 10-1006 of the village law, section
31 one hundred seventy-six-b of the town law or section sixteen-a of the
32 general city law. The foregoing requirement of five years' service shall
33 not apply to a volunteer [~~fireman~~] firefighter serving as such at the
34 time of his or her entry into the military service of the United States
35 or of one of its allies in world war II, or during the period of hostil-
36 ities as defined in subparagraph three or subparagraph four of paragraph
37 (c) of subdivision one of section eighty-five of the civil service law,
38 who, as a result of such military service, shall have become incapaci-
39 tated for performing the full duties of a volunteer [~~fireman~~] firefight-
40 er, or to a volunteer [~~fireman~~] firefighter who, as the result of the
41 performance of his or her duties as such, shall have become likewise
42 incapacitated, but any such volunteer [~~fireman~~] firefighter shall be an
43 exempt volunteer [~~fireman~~] firefighter even though he or she may have
44 served as such for a lesser period than five years, and he or she shall
45 be entitled to a certificate as provided in section two hundred two of
46 this [~~chapter~~] article which, in addition to the specifications
47 contained in said section, shall set forth the facts in reference to his
48 or her military service, if any, as aforesaid and that as a result of
49 such military service, or as the result of service as a volunteer [~~fire-~~
50 ~~man~~] firefighter, he or she was incapacitated for performing the full
51 duties of a volunteer [~~fireman~~] firefighter. The term "military
52 service" as used in this section shall mean the same as the term "mili-
53 tary duty" as used in section two hundred forty-three of the military
54 law, except that it shall relate to service for an ally of the United
55 States in world war II as well as to service for the United States.

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

3 § 200-a. Volunteer [~~firemen~~] firefighters serving in more than one
4 fire company or fire department. When any person has served as a volun-
5 teer [~~fireman~~] firefighter as provided in section two hundred of this
6 [~~chapter~~] article, for less than five years, and while in good standing
7 in the company or department of which he or she was a member, has
8 resigned therefrom or has been transferred from one company to another,
9 he or she shall be entitled to a certificate as provided in section two
10 hundred two of this [~~chapter~~] article for the time he or she has actual-
11 ly served. And when any person has served five years as a volunteer
12 [~~fireman~~] firefighter in one or more companies or departments, as
13 provided in section two hundred of this [~~chapter~~] article, he or she
14 shall be deemed an exempt volunteer [~~fireman~~] firefighter and entitled
15 to all the rights and privileges of an exempt volunteer [~~fireman~~] fire-
16 fighter.

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

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

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

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

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

38 2. During the period of any such leave of absence the fire company may
39 elect to membership another person meeting the membership requirements
40 of the fire company to take the place of the volunteer [~~fireman~~] fire-
41 fighter on such active duty. Any person so elected to membership may
42 continue as a member of the fire company even though the person whose
43 place he or she took may have resumed his or her duties as a volunteer
44 member of such fire company, unless his or her membership shall termi-
45 nate as provided by law when he or she shall no longer meet the resi-
46 dence requirements for members of such fire company.

47 § 41. Section 201 of the general municipal law, as amended by chapter
48 919 of the laws of 1958, is amended to read as follows:

49 § 201. Rights and privileges of exempt volunteer [~~firemen~~] firefight-
50 ers. In case any city, town or village in this state shall organize a
51 paid fire department and thereby deprive any volunteer [~~fireman~~] fire-
52 fighter who has faithfully actually performed service in the protection
53 of life and property within the territory protected by his or her compa-
54 ny of the right to serve a full term of five years such [~~fireman~~] fire-
55 fighter shall be entitled to a full and honorable discharge; and to all
56 the rights and privileges granted by the laws of this state to volunteer

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

6 § 42. Section 202 of the general municipal law, as amended by chapter
7 919 of the laws of 1958, is amended to read as follows:

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

27 State of New York)
28) ss.
29 County of)

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

39
40 Notary Public

41 Such certificate so attested shall in all courts of the state and in
42 the offices of all persons clothed with power of appointment or removal
43 in the service of this state and in the several cities, counties, towns
44 and villages thereof, be presumptive evidence of the facts therein stat-
45 ed.

46 § 43. Section 202-a of the general municipal law, as added by chapter
47 313 of the laws of 1951, is amended to read as follows:

48 § 202-a. Recording certificates of exempt volunteer [~~firemen~~] fire-
49 fighter. A certificate of honorable discharge of an exempt volunteer
50 [~~fireman~~] firefighter, or a certificate issued to an exempt volunteer
51 [~~fireman~~] firefighter under the provisions of section two hundred two of
52 this [~~chapter~~] article, may be recorded in any county, in the office of

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

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

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

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

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

26 § 46. Section 204-a of the general municipal law, as added by chapter
27 965 of the laws of 1961 and paragraph (b) of subdivision 1 as amended by
28 chapter 680 of the laws of 1967, is amended to read as follows:

29 § 204-a. Raising of funds for fire company purposes. 1. Definitions.
30 As used in this section:

31 a. "Fire company" means:

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

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

42 (3) A fire corporation the members of which are volunteer [~~firemen~~]
43 firefighters and which was incorporated under, or established pursuant
44 to the provisions of, any general or special law, which is not included
45 within [~~subparagraphs (2) and (3) above~~] this subparagraph and subpara-
46 graph (2) of this paragraph, if such corporation is by law under the
47 general control of, or recognized as a fire corporation by, the govern-
48 ing board of a city, town, village, fire district or a district corpo-
49 ration other than a fire district.

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

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

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

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

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

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

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

34 6. The governing board of a political subdivision may, by resolution,
35 (a) prohibit the fire company from engaging in fund raising activities
36 or in any general or specific type of fund raising activity,

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

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

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

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

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

8 (b) Sales of tickets for admission to or in [~~connection~~] connection
9 with a fund raising activity shall be by persons appointed as a commit-
10 tee for such purpose and shall be for or in relation to a fund raising
11 activity to be held within sixty days after the sale of the tickets
12 commences.

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

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

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

21 § 48. Section 205 of the general municipal law, as amended by chapter
22 852 of the laws of 1953, the subdivision third as amended by chapter 115
23 of the laws of 1954, the opening paragraph of the subdivision third as
24 amended by chapter 438 of the laws of 1956, and the subdivision sixth as
25 added by chapter 699 of the laws of 1956, is amended to read as follows:

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

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

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

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

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

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

14 Provided, however, that if such volunteer [~~fireman~~] firefighter shall
15 at the expiration of the disability payments provided for in subdivision
16 [~~third~~] three of this section be totally incapacitated to engage in any
17 occupation for remuneration or profit by reason of disease or disability
18 caused by actual performance of the duties of his or her position, with-
19 out fault or misconduct on his or her part, he or she shall be paid the
20 sum of fifteen dollars per week during the period thereafter that such
21 total incapacity shall continue and, in addition thereto, during such
22 period there shall be paid to him or her for the benefit of his or her
23 child or children the sum of twelve dollars fifty cents a month for each
24 child under the age of eighteen years, but not more than a total of
25 twenty-five dollars a month for all such children, but no payment on
26 account of a child shall continue after such child shall have attained
27 the age of eighteen years. In the event payments to a volunteer [~~fire-~~
28 ~~man~~] firefighter and his or her children on account of total incapacity,
29 as heretofore in this subdivision provided, shall not have amounted to
30 the sum to which he or she would otherwise have been entitled on account
31 of permanent incapacity for performing the full duties of a volunteer
32 [~~fireman~~] firefighter and he or she shall be found to have recovered to
33 such extent that he or she is no longer totally incapacitated but is
34 still permanently incapacitated for performing the full duties of a
35 volunteer [~~fireman~~] firefighter, there shall be paid to him or her the
36 difference between the payments already made to him or her for his or
37 her own account and for the account of his or her children and the
38 amount to which he or she would be entitled under this subdivision on
39 account of permanent incapacity for performing the full duties of a
40 volunteer [~~fireman~~] firefighter. The authorities having jurisdiction to
41 audit the claim of any volunteer [~~fireman~~] firefighter claiming total
42 disability benefits under this subdivision shall have the right to cause
43 such injured volunteer [~~fireman~~] firefighter to be examined from time to
44 time at reasonable intervals by the municipal health authorities or any
45 physician appointed by them for that purpose to determine whether total
46 disability continues and, in case a volunteer [~~fireman~~] firefighter
47 receiving total disability benefits hereunder shall refuse to permit any
48 such examination to be made, such authorities shall be authorized to
49 discontinue the payment of benefits to him or her until such examination
50 is allowed.

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

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

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

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

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

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

6 Payments of weekly benefits under this section shall commence within
7 fifteen days after the filing of such claim, and payments of lump sum,
8 and monthly, death benefits under this section shall be made or
9 commenced within thirty days after such filing. In the event of a fail-
10 ure to make such payments within any such period or to continue the same
11 for the time required therefor, a controversy shall be presumed to have
12 arisen and a proceeding may thereupon be instituted pursuant to subdivi-
13 sion [~~fifth~~ five of this section to compel such payment.

14 [~~Fourth~~ 4. In cities any benefit under this section shall be a city
15 charge and any claim therefor shall be audited and paid in the same
16 manner as other city charges, except that no part of the moneys payable
17 under this section shall be paid from the pension funds of the said
18 departments therein. In villages any such benefit shall be a village
19 charge and any claim therefor shall be audited and paid in the same
20 manner as other village charges, and shall be assessed upon the property
21 liable to taxation in said village, and levied and collected in the same
22 manner as village taxes. In fire districts any such benefit shall be a
23 fire district charge and any claim therefor shall be audited and paid in
24 the same manner as other fire district charges, and shall be assessed
25 upon the property in such fire districts liable to taxation, and levied
26 and collected in the same manner as fire district taxes. If such [~~fire-~~
27 ~~man~~] firefighter was a member of a town fire company or fire department
28 or a member of a fire company incorporated under the membership corpo-
29 rations law, located outside of a city, village or fire district, any
30 such benefit shall be a town charge and any claim therefor shall be
31 audited and paid in the same manner as town charges and shall be
32 assessed upon the property liable to taxation in the territory protected
33 by such fire company and levied and collected in the same manner as town
34 charges therein. If such [~~fireman~~] firefighter was a member of a fire
35 company or fire department operating in, or maintained jointly by two or
36 more villages, or two or more towns, or two or more fire districts, any
37 such benefit shall be a charge against the village, town or fire
38 district, in which the fire occurred. If such injury occur while assist-
39 ance is being rendered to a neighboring city, town, village, fire
40 district, fire protection district (including a fire protection district
41 served by the company or department of which such [~~fireman~~] firefighter
42 is a member), fire alarm district, or territory outside any such
43 district upon the call of such city, town, village, fire district, fire
44 protection district, fire alarm district, or territory outside any such
45 district, or while going to or returning from the place from whence such
46 call came, or death shall result from any such injury, any such benefit
47 shall be a charge against such neighboring city, town, village, fire
48 district, fire protection district, fire alarm district, or territory
49 outside any such district, so issuing the call for assistance and after
50 audit shall be paid and assessed upon the property liable to taxation in
51 such neighboring city, town, village, fire district, fire protection
52 district, fire alarm district, or territory outside any such district,
53 and levied and collected in the same manner as other charges against the
54 same are levied and collected.

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

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

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

13 If any claim under this section is one for which an insurance company
14 might be liable, or if it is a claim for which a mutual self-insurance
15 plan under subdivision three-a of section fifty of the [~~workmen's~~] work-
16 ers' compensation law might be liable, the officer to whom a notice of
17 injury is required to be delivered or mailed and with whom a claim is
18 required to be filed under the provisions of this section shall send a
19 copy of any such notice or claim and a copy of any notice of a proceed-
20 ing relating to an injury or claim to such insurance company or plan, as
21 the case may be, promptly after receiving the same.

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

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

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

35 If for the purpose of obtaining any benefit or payment under the
36 provisions of this section, or for the purpose of influencing any deter-
37 mination regarding any benefit or payment under the provisions of this
38 section, either for himself or herself or for any other person, any
39 person [~~wilfully~~] willfully makes a false statement or representation,
40 he or she shall be guilty of a misdemeanor.

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

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

54 [~~Sixth~~] 6. The provisions of this section shall not apply to volun-
55 teer [~~firemen~~] firefighters killed or injured on or after the first day

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

3 § 49. Section 205-c of the general municipal law, as added by chapter
4 127 of the laws of 1955, is amended to read as follows:

5 § 205-c. Payments pending controversies where volunteer [~~firemen~~]
6 firefighters are killed or injured. In order to provide for the prompt
7 payment of benefits under sections two hundred five and two hundred
8 nine-a of this [~~chapter~~] article, and under the [~~workmen's~~] workers'
9 compensation law, where such benefits are conceded to be due to any
10 person because of the death of or injuries to a volunteer [~~fireman~~]
11 firefighter but controversy exists as to which city, village, town or
12 fire district is liable for the payment thereof, the municipalities and
13 districts involved in such controversy and their insurance carriers, if
14 any, may agree that any one or more of such municipalities or districts
15 or its insurance carrier shall pay the benefits to, or in relation to,
16 the person conceded to be entitled to such benefits without waiting for
17 a final determination of the controversy, and may carry out the
18 provisions of such an agreement. Notwithstanding any such payment, any
19 party to the agreement may seek a final determination of the controversy
20 in the same manner as if such payment had not been made. After a final
21 determination the parties to the agreement shall make any necessary and
22 proper reimbursement to conform to the determination. The term "insur-
23 ance carrier" as used herein shall mean an insurance company, or a coun-
24 ty mutual self-insurance plan in accordance with subdivision three-a of
25 section fifty of the [~~workmen's~~] workers' compensation law, or any plan
26 which shall be provided for by law in amendment of or substitution for
27 such a plan.

28 § 50. Section 206 of the general municipal law, as amended by chapter
29 892 of the laws of 1972, is amended to read as follows:

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

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

50 § 206-a. Penalty for improper use of certificates. Every [~~policeman or~~]
51 fireman] police officer and firefighter who shall permit any other
52 person to use the certificate issued to him or her as provided by the
53 last section, or shall present or make use of the same, except while
54 acting in the course of the performance of his or her official duties,
55 or who shall use such certificate after the expiration of his or her

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

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

5 § 206-b. Exemption of benefits payable under blanket accident insur-
6 ance covering volunteer [~~firemen~~] firefighters. Not only shall the
7 benefits payable or allowable under any blanket accident insurance poli-
8 cy or contract purchased (1) by a fire department pursuant to section
9 four thousand two hundred thirty-seven of the insurance law, or (2) by a
10 municipal corporation or fire district pursuant to any general, special
11 or local law, to insure active volunteer [~~firemen~~] firefighters against
12 injury or death resulting from bodily injuries sustained by such [~~fire-~~
13 ~~men~~] firefighters in the performance of their duties be exempt from
14 execution as provided in subsection (c) of section three thousand two
15 hundred twelve of the insurance law, but also any benefits payable or
16 allowable under any such policy or contract in the event of the death of
17 an insured volunteer [~~fireman~~] firefighter shall be exempt from
18 execution for the purpose of satisfying any debt or liability of the
19 beneficiary designated in the policy or contract, or in the event that
20 the insured volunteer [~~fireman~~] firefighter is a minor shall be exempt
21 from execution for the purpose of satisfying any debt or liability of
22 the person to whom such benefits are payable pursuant to subsection (b)
23 of section four thousand two hundred thirty-seven of the insurance law.

24 § 53. Section 207-a of the general municipal law, as amended by chap-
25 ter 965 of the laws of 1977, subdivision 1 as amended by chapter 806 of
26 the laws of 1986, subdivisions 2, 3 and 4 as amended by and subdivision
27 4-a as added by chapter 661 of the laws of 1984, and subdivision 6 as
28 amended by chapter 481 of the laws of 1998, is amended to read as
29 follows:

30 § 207-a. Payment of salary, medical and hospital expenses of [~~firemen~~]
31 firefighters with injuries or illness incurred in performance of duties.

32 1. Any paid [~~fireman~~] firefighter which term as used in this section
33 shall mean any paid officer or member of an organized fire company or
34 fire department of a city of less than one million population, or town,
35 village or fire district, who is injured in the performance of his or
36 her duties or who is taken sick as a result of the performance of his or
37 her duties so as to necessitate medical or other lawful remedial treat-
38 ment, shall be paid by the municipality or fire district by which he or
39 she is employed the full amount of his or her regular salary or wages
40 until his or her disability arising therefrom has ceased, and, in addi-
41 tion, such municipality or fire district shall be liable for all medical
42 treatment and hospital care furnished during such disability. Provided,
43 however, and notwithstanding the foregoing provisions of this section,
44 the municipal health authorities or any physician appointed for the
45 purpose by the municipality or fire district, may attend any such
46 injured or sick [~~fireman~~] firefighter, from time to time, for the
47 purpose of providing medical, surgical or other treatment, or for making
48 inspections and the municipality or fire district shall not be liable
49 for salary or wages payable to such a [~~fireman~~] firefighter, or for the
50 cost of medical or hospital care or treatment furnished, after such date
51 as the health authorities or such physician shall certify that such
52 injured or sick [~~fireman~~] firefighter has recovered and is physically
53 able to perform his or her regular duties in the company or department.
54 Any injured or sick [~~fireman~~] firefighter who shall refuse to accept
55 such medical treatment or hospital care or shall refuse to permit
56 medical inspections as herein authorized, including examinations result-

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

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

10 2. Payment of the full amount of regular salary or wages, as provided
11 by subdivision one of this section, shall be discontinued with respect
12 to any [~~fireman~~] firefighter who is permanently disabled as a result of
13 an injury or sickness incurred or resulting from the performance of his
14 or her duties if such [~~fireman~~] firefighter is granted an accidental
15 disability retirement allowance pursuant to section three hundred
16 sixty-three of the retirement and social security law, a retirement for
17 disability incurred in performance of duty allowance pursuant to section
18 three hundred sixty-three-c of the retirement and social security law or
19 similar accidental disability pension provided by the pension fund of
20 which he or she is a member; provided, however, that in any such case
21 such [~~fireman~~] firefighter shall continue to receive from the munici-
22 pality or fire district by which he or she is employed, until such time
23 as he or she shall have attained the mandatory service retirement age
24 applicable to him or her or shall have attained the age or performed the
25 period of service specified by applicable law for the termination of his
26 or her service, the difference between the amounts received under such
27 allowance or pension and the amount of his or her regular salary or
28 wages. Any payment made by a municipal corporation or fire district
29 pursuant to the provisions of this subdivision shall be deemed to have
30 been made for a valid and lawful public purpose. If application for such
31 retirement allowance or pension is not made by such [~~fireman~~] firefight-
32 er, application therefor may be made by the head of the fire company or
33 fire department or as otherwise provided by the fire district or by the
34 chief executive officer or local legislative body of the municipality by
35 which such [~~fireman~~] firefighter is employed. If such application for
36 accidental disability retirement allowance or retirement for disability
37 incurred in performance of duty allowance is denied, the fire district
38 or municipal corporation by which such [~~fireman~~] firefighter is employed
39 may appeal such determination.

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

1 4. If such a [~~fireman~~ firefighter] is not eligible for or is not
2 granted an accidental disability retirement allowance or retirement for
3 disability incurred in performance of duty allowance or similar acci-
4 dental disability pension, he or she shall not be entitled to further
5 payment of the full amount of regular salary or wages, as provided by
6 subdivision one of this section, after he or she shall have attained the
7 mandatory service retirement age applicable to him or her or shall have
8 attained the age or performed the period of service specified by appli-
9 cable law for the termination of his or her service. Where such a [~~fire-~~
10 ~~man~~] firefighter retires or is retired under any procedure applicable to
11 him or her, including but not limited to circumstances described in
12 subdivision two of this section or in this subdivision, he or she shall
13 thereafter, in addition to any portion of regular wages or salary and/or
14 any retirement allowance or pension to which he or she is then entitled,
15 continue to be entitled to medical treatment and hospital care necessi-
16 tated by reason of such injury or illness.

17 4-a. Any benefit payable pursuant to subdivision two of this section
18 to a person who is granted retirement for disability incurred in
19 performance of duty pursuant to section three hundred sixty-three-c of
20 the retirement and social security law shall be reduced by the amount of
21 the benefits that are finally determined payable under the workers'
22 compensation law by reason of accidental disability.

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

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

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

49 § 54. Section 207-b of the general municipal law, as added by chapter
50 291 of the laws of 1960, subdivision 2 as amended by chapter 278 of the
51 laws of 1961, and subdivision 3 as amended by chapter 721 of the laws of
52 1973, is amended to read as follows:

53 § 207-b. Additional retirement benefits for certain [~~firemen~~ fire-
54 fighters] in cities. 1. As used in this section:

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

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

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

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

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

22 § 55. Section 207-c of the general municipal law, as added by chapter
23 920 of the laws of 1961, subdivision 1 as amended by section 1 of chap-
24 ter 522 of the laws of 2015, and subdivisions 2, 3 and 5 as amended by
25 chapter 661 of the laws of 1984, is amended to read as follows:

26 § 207-c. Payment of salary, wages, medical and hospital expenses of
27 [~~policemen~~ police officers with injuries or illness incurred in the
28 performance of duties. 1. Any sheriff, undersheriff, deputy sheriff or
29 corrections officer of the sheriff's department of any county (herein-
30 after referred to as a [~~"policeman"~~ "police officer") or any member of
31 a police force of any county, city of less than one million population,
32 town or village, or of any district, agency, board, body or commission
33 thereof, or a detective-investigator or any other investigator who is a
34 police officer pursuant to the provisions of the criminal procedure law
35 employed in the office of a district attorney of any county, or any
36 corrections officer of the county of Erie department of corrections, or
37 an advanced ambulance medical technician employed by the county of
38 Nassau, or any detention officer employed by the city of Yonkers, or any
39 supervising fire inspector, fire inspector, fire marshal or assistant
40 fire marshal employed full-time in the county of Nassau fire marshal's
41 office, or at the option of the county of Nassau, any probation officer
42 of the county of Nassau who is injured in the performance of his or her
43 duties or who is taken sick as a result of the performance of his or her
44 duties so as to necessitate medical or other lawful remedial treatment
45 shall be paid by the municipality by which he or she is employed the
46 full amount of his or her regular salary or wages until his or her disa-
47 bility arising therefrom has ceased, and, in addition such municipality
48 shall be liable for all medical treatment and hospital care necessitated
49 by reason of such injury or illness. Provided, however, and notwith-
50 standing the foregoing provisions of this section, the municipal health
51 authorities or any physician appointed for the purpose by the munici-
52 pality, after a determination has first been made that such injury or
53 sickness was incurred during, or resulted from, such performance of
54 duty, may attend any such injured or sick [~~policeman~~ police officer,
55 from time to time, for the purpose of providing medical, surgical or
56 other treatment, or for making inspections and the municipality shall

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

12 Notwithstanding any provision of law to the contrary, a provider of
13 medical treatment or hospital care furnished pursuant to the provisions
14 of this section shall not collect or attempt to collect reimbursement
15 for such treatment or care from any such [~~police~~man] police officer, a
16 member of a police force of any county, city, any such advanced ambu-
17 lance medical technician, any such detention officer or any such detec-
18 tive-investigator or any other such investigator who is a police officer
19 pursuant to the provisions of the criminal procedure law.

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

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

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

1 5. If such a [~~police~~ police officer] is not eligible for or is not
2 granted an accidental disability retirement allowance or retirement for
3 disability incurred in performance of duty allowance or similar acci-
4 dental disability pension, he or she shall not be entitled to further
5 payment of the full amount of regular salary or wages, as provided by
6 subdivision one of this section, after he or she shall have attained the
7 mandatory service retirement age applicable to him or her or shall have
8 attained the age or performed the period of service specified by appli-
9 cable law for the termination of his or her service. Where such a
10 [~~police~~ police officer] is transferred to another position pursuant
11 to subdivision four of this section or retires or is retired under any
12 procedure applicable to him or her, including but not limited to circum-
13 stances described in subdivision two of this section or in this subdivi-
14 sion, he or she shall thereafter, in addition to any retirement allow-
15 ance or pension to which he or she is then entitled, continue to be
16 entitled to medical treatment and hospital care necessitated by reason
17 of such injury or illness.

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

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

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

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

18 Notwithstanding any provision of law to the contrary, a provider of
19 medical treatment or hospital care furnished pursuant to the provisions
20 of this section shall not collect or attempt to collect reimbursement
21 for such treatment or care from any such [~~police~~man] police officer, any
22 such advanced ambulance medical technician or any such detention offi-
23 cer.

24 4. The appropriate municipal or The Long Island Rail Road Company
25 officials may transfer a [~~police~~man] police officer to a position in
26 another agency or department where they are able to do so pursuant to
27 applicable civil service or The Long Island Rail Road Company require-
28 ments and provided the [~~police~~man] police officer shall consent thereto.

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

36 § 57. Section 207-d of the general municipal law, as added by chapter
37 923 of the laws of 1961, the section heading and paragraph b of subdivi-
38 sion 1 as amended by chapter 72 of the laws of 1967, subdivision 2 as
39 amended by chapter 896 of the laws of 1962, and subdivision 3 as amended
40 by chapter 721 of the laws of 1973, is amended to read as follows:

41 § 207-d. Additional retirement benefits for certain [~~police~~men] police
42 officers in cities and certain villages. 1. As used in this section:

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

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

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

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

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

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

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

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

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

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

25 Minimum retirement benefits for [~~fire~~men] firefighters in cities and
26 who are members of fire department pension or retirement systems main-
27 tained by such cities.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

44 1. The fire department of any city, village or fire district, the fire
45 companies serving territory outside of villages and fire districts in
46 any town and the fire departments of any town which has a town fire
47 department, an ambulance district and a county or public authority which
48 operates an airport crash-fire-rescue unit, may answer calls for assist-
49 ance outside the area regularly served and protected by such fire
50 department or fire companies, ambulance district or crash-fire-rescue
51 unit and may engage and participate in fire training programs in terri-
52 tory outside the area regularly served and protected by such fire
53 department, fire companies, ambulance districts or crash-fire-rescue
54 unit. While in the performance of their duties under this subdivision,
55 the members of such departments, companies, districts or crash-fire-res-
56 cue units shall have the same immunities and privileges as if such

1 duties were performed within the area regularly served and protected by
2 such departments, companies, districts or crash-fire-rescue units. While
3 responding to a call for assistance under this subdivision a city,
4 village, fire district, ambulance district, town or county or public
5 authority operating an airport crash-fire-rescue unit shall be liable
6 for the negligence of [~~firemen~~] firefighters of the city fire depart-
7 ment, village fire department, fire district fire department, town fire
8 department, ambulance district or crash-fire-rescue unit, respectively,
9 occurring in the performance of their duties in the same manner and to
10 the same extent as if such negligence occurred in the performance of
11 their duties within the area regularly served and protected by such
12 departments, districts or units. The legislative body of any county,
13 city or village, the board of fire commissioners or other governing
14 board of any fire district, ambulance district or public authority or
15 the town board of any town in relation to the fire companies serving
16 territory outside of villages and fire districts or in relation to a
17 town fire department, or ambulance district, as the case may be, by
18 resolution may restrict such outside service and training to such extent
19 as it shall deem advisable. Any such resolution shall continue in effect
20 until amended or repealed by the adoption of a subsequent resolution.
21 The officer in charge of any fire department or fire company or ambu-
22 lance district shall be notified promptly of the adoption of any such
23 resolution and of any amendment or repeal thereof. In a county, city, or
24 in a village or town, such action may be taken by local law or by ordi-
25 nance instead of by resolution. As used in this section, the terms "fire
26 department", "fire companies", "ambulance service" and "crash-fire-res-
27 cue unit" shall include all companies, squads, patrols or other units of
28 such departments, companies or units, or volunteer ambulance services
29 organized pursuant to section one hundred twenty-two-b of this chapter,
30 and the term "assistance" includes the services of firefighting forces,
31 fire police squads, ambulance services, emergency rescue and first aid
32 squads rendered in case of a fire or other emergency, including stand-by
33 service, to aid (1) a fire department or fire company, and (2) owners or
34 occupants of property, and other persons, whether or not such owners,
35 occupants or persons are receiving fire or other emergency service from
36 another fire department or fire company or ambulance service. Except as
37 otherwise provided by law in the case of natural disaster emergencies, a
38 call to furnish assistance may be made by any person aware of the peril
39 involved and the need for assistance or pursuant to any legally author-
40 ized or recognized plan for the furnishing of mutual aid in cases of
41 fire or other emergency. The call need not originate in the municipal
42 corporation, district or area liable for the payment of financial bene-
43 fits in the event of the death or injury of a [~~fireman~~] firefighter or
44 ambulance or rescue squad member engaged in rendering such assistance.
45 The call may be relayed through one or more persons or mediums of commu-
46 nication. The provisions of this subdivision shall supersede the
47 provisions of any general, special or local law to the extent that there
48 is a conflict between the provisions of this subdivision and such law,
49 except that if (1) any city had, prior to April fifteenth, nineteen
50 hundred fifty, restricted in any manner the fire department of the city
51 from engaging in service outside the city or (2) any city, village, fire
52 district or town has heretofore restricted in any manner a fire depart-
53 ment or fire company or ambulance service from engaging in service or
54 training pursuant to the provisions of this subdivision, such
55 restrictions shall continue in effect until changed pursuant to the
56 provisions of this subdivision.

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

5 § 209-a. Relations with other states and the dominion of Canada. 1.
6 Whenever a volunteer fire company or department of this state shall
7 answer a call for assistance from any political subdivision or territory
8 of another state of the United States, or of the Dominion of Canada, or
9 property ceded to the federal government, the provisions of section two
10 hundred five of this chapter and the provisions of the [~~workmen's~~] work-
11 ers' compensation law shall apply with respect to the volunteer [~~fire-~~
12 ~~men~~] firefighters of such fire company or department, while such assist-
13 ance is being rendered or while going to or returning from the place
14 from whence such call came, to the same extent and in the same manner as
15 if such service had been rendered in the area regularly served by such
16 volunteer [~~firemen~~] firefighters; provided, however, that there shall be
17 deducted from any amounts payable under such section or such law, any
18 amounts recoverable by or payable to such volunteer [~~firemen~~] firefight-
19 ers under the laws applicable in the political subdivision or territory
20 from whence the call for assistance came.

21 2. The provisions of sections two hundred five and two hundred nine of
22 this chapter shall apply with respect to volunteer [~~firemen~~] firefight-
23 ers, fire departments and companies of other states of the United States
24 and of the Dominion of Canada that render service in this state in
25 answer to a call for assistance, provided that the laws of the state
26 served by such volunteer [~~firemen~~] firefighters, fire departments or
27 companies, or of the Dominion of Canada, as the case may be, contain
28 provisions under which substantially similar benefits are granted to
29 volunteer [~~firemen~~] firefighters, fire departments and companies of this
30 state when rendering service in such other states, or the Dominion of
31 Canada, as the case may be, in answer to a call for assistance, and
32 provided further that there shall be deducted from any amounts payable
33 under the provisions of section two hundred five of this [~~chapter~~] arti-
34 cle to volunteer [~~firemen~~] firefighters of such other states or of the
35 Dominion of Canada, any amounts recoverable by or payable to such volun-
36 teer [~~firemen~~] firefighters under the laws of the state served by such
37 volunteer [~~firemen~~] firefighters or of the Dominion of Canada, as the
38 case may be.

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

44 § 73. Paragraph a of subdivision 1 and subdivision 4 of section 209-b
45 of the general municipal law, paragraph a of subdivision 1 as amended by
46 chapter 843 of the laws of 1980, and subdivision 4 as amended by chapter
47 718 of the laws of 1958, are amended to read as follows:

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

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

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

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

27 § 209-c. Fire police squads of fire departments and fire companies.
28 The authorities having control of fire departments and fire companies
29 may organize within such departments or companies fire police squads
30 composed of volunteer [~~firemen~~ firefighters who are members of such
31 departments or companies. Members of fire police squads, so organized,
32 at such times as the fire department, fire company or an emergency
33 rescue and first aid squad of the fire department or fire company are on
34 duty, or when, on orders of the chief of the fire department or fire
35 company of which they are members, they are separately engaged in
36 response to a call for assistance pursuant to the provisions of section
37 two hundred nine of [~~the general municipal law~~ this article, shall have
38 the powers of and render service as peace officers. A member of a fire
39 police squad shall take an oath of office as a fire [~~policeman~~ police
40 officer in the following form: "I do solemnly swear (or affirm) that I
41 will support the constitution of the United States, and the constitution
42 of the State of New York, and that I will faithfully discharge the
43 duties of the office of fire [~~policeman~~ police officer of the
44 fire company (or fire department), according to
45 the best of my ability." Such oath shall be filed in the office of the
46 city clerk in the case of a [~~fireman~~ firefighter of a fire company or
47 fire department in a city, in the office of the village clerk in the
48 case of a [~~fireman~~ firefighter of a fire company or fire department in
49 a village, and in the office of the town clerk in all other cases.
50 Notwithstanding any other provision of law to the contrary, a member of
51 a fire police squad shall have satisfied any requirement for training as
52 provided by any general or local law if the person has satisfactorily
53 completed a training course offered by the state office of fire
54 prevention and control, or an equivalent course as approved by the state
55 office of fire prevention and control.

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

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

25 § 76. The section heading and subdivisions 1, 2 and 3 of section 209-i
26 of the general municipal law, as amended by chapter 967 of the laws of
27 1965, are amended to read as follows:

28 Emergency service by volunteer [~~firemen~~] firefighters. 1. Whenever a
29 volunteer [~~fireman~~] firefighter is within this state, but outside the
30 area regularly served by the fire company or fire department of which he
31 or she is a member and has knowledge of a fire or other emergency at or
32 near the place where he or she is for the time being, such volunteer
33 [~~fireman~~] firefighter may report to the officer in command of the paid
34 or volunteer fire company or paid or volunteer fire department, or in
35 command of one of the paid or volunteer fire companies or one of the
36 paid or volunteer fire departments, engaged in the handling of any such
37 fire or other emergency and, on an individual basis, offer his or her
38 services to assist such fire company or fire department. After his or
39 her services are so accepted, the volunteer [~~fireman~~] firefighter shall
40 then be entitled to all powers, rights, privileges and immunities grant-
41 ed by law to volunteer [~~firemen~~] firefighters during the time such
42 services are rendered, in the same manner and to the same extent as if
43 he or she were a volunteer member of the fire company or fire department
44 which he or she is assisting, including benefits under the volunteer
45 [~~firemen's~~] firefighters' benefit law. Any such commanding officer
46 shall have power, in his or her discretion, to so accept the services of
47 a volunteer [~~fireman~~] firefighter unless the legislative body of the
48 city or the village, the board of fire commissioners or other governing
49 board of the fire district, or the town board of the town in relation to
50 (a) the fire companies serving territory outside villages and fire
51 districts or (b) a town fire department, as the case may be, by resol-
52 ution heretofore or hereafter adopted, has forbidden the acceptance of
53 any such services pursuant to this section. Any such resolution shall
54 continue in effect until amended or repealed by the adoption of a subse-
55 quent resolution. The officer in charge of any fire company or fire

1 department shall be notified promptly of the adoption of any such resol-
2 ution and of any amendment or repeal thereof.

3 2. The municipal corporation or fire district which would be liable
4 for the negligence of any volunteer members of the fire company or fire
5 department which has accepted the services of the volunteer [~~fireman~~
6 firefighter] pursuant to this section shall be liable for the negligence
7 of such volunteer [~~fireman~~ firefighter] while acting, after such accept-
8 ance and during the time such services were rendered, in the discharge
9 of his or her duties as a volunteer [~~fireman~~ firefighter] in the same
10 manner and to the same extent as if he or she were a volunteer member of
11 the fire company or fire department which he or she assisted. If the
12 fire company or fire department which has so accepted the services of a
13 volunteer [~~fireman~~ firefighter] pursuant to this section is a paid fire
14 company or paid fire department, such paid fire company or paid fire
15 department shall, for the purposes of this subdivision and section two
16 hundred five-b of this [~~chapter~~ article], be deemed to be a "duly organ-
17 ized volunteer fire company" within the meaning of such section two
18 hundred five-b.

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

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

31 § 209-j. Mutual aid programs in counties. The board of supervisors in
32 any county may appropriate and expend such sums as it may deem necessary
33 and proper for the establishment and maintenance of a county mutual aid
34 plan in cases of fire and other emergencies in which the services of
35 [~~firemen~~ firefighters] would be used and may prescribe the method of
36 auditing or approving expenditures under any such appropriation.
37 Expenses incurred by any city, town, village or fire district partic-
38 ipating in such mutual aid plan shall be a lawful municipal or fire
39 district charge to be paid in the same manner as other like charges.

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

42 § 209-p. Relay of fire and emergency calls. The fire department of
43 any city may accept any calls for aid in cases of fire or other emergen-
44 cies made to its fire headquarters from territory outside the city and
45 may relay such calls for aid in fires or other emergencies by such means
46 as may be expedient to the fire department, fire company or fire
47 district serving said territory. This section shall apply only to cities
48 participating in any legally authorized or recognized plan for furnish-
49 ing mutual aid in cases of fire and other emergencies in which the
50 services of [~~firemen~~ firefighters] would be used. Any city, village or
51 fire district, any town which has a town fire department, or any town
52 board on behalf of a fire protection district, fire alarm district or
53 territory outside any such municipal corporation or district, for which
54 aid is to be furnished, may contract with a city to accept and relay
55 such calls, as aforesaid, and the amounts payable under any such
56 contract shall be a lawful charge against and paid as contracted for by

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

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

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

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

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

24 2. If an annexation of territory by a city includes only a part of the
25 area of a fire district, the indebtedness and any contract or other
26 liabilities, and interest thereon, shall be a charge upon and shall be
27 paid by the city, as the same shall become due and payable, to the fire
28 district in the same proportion to the whole of any such indebtedness or
29 any such liability as the full valuation of the taxable real property of
30 the territory which is annexed bears to the full valuation of the taxa-
31 ble real property of the fire district prior to the annexation. Such
32 full valuation shall be determined in the manner provided in subdivision
33 twenty-one-a of section 2.00 of the local finance law. If the fire
34 district owns any real property or rights in real property in the terri-
35 tory which is annexed, the city may purchase any such property, includ-
36 ing any personal property used in connection therewith, from the fire
37 district for a fair and reasonable price to be agreed upon by the
38 governing boards of the city and the fire district and the board of
39 commissioners of the fire district shall have power to execute any
40 necessary instruments in relation thereto. Any such sale shall not be
41 subject to approval at a fire district election. If such real property
42 is a firehouse owned by the fire district, the city shall be required to
43 purchase such real property and any rights in real property appurtenant
44 thereto from the fire district. If the governing boards of the city and
45 the fire district cannot agree on a fair and reasonable price therefor,
46 the city shall proceed to acquire such real property and any such rights
47 by condemnation in the same manner as if the property was owned by an
48 individual. The city shall furnish fire protection, and other emergency
49 service which would require the services of [~~firemen~~] firefighters, in
50 the area so annexed in the same manner as in other similar areas of the
51 city.

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

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

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

11 § 82. Section 57 of the second class cities law, as amended by chapter
12 1068 of the laws of 1974, is amended to read as follows:

13 § 57. Additional powers and duties. The mayor shall have such other
14 powers and perform such other duties as may be prescribed in this chap-
15 ter or by other laws of the state or by ordinance of the common council,
16 not inconsistent with law. In case of riot, conflagration or other
17 public emergency requiring it, the mayor shall have power to call out
18 the police and [~~firemen~~] firefighters; he or she shall also have power
19 to appoint such number of special [~~policemen~~] police officers as he or
20 she may deem necessary to preserve the public peace. Such special
21 [~~policemen~~] police officers shall be under the sole control of the regu-
22 larly appointed and constituted officers of the police department. They
23 have shall have power to make arrests only for disorderly conduct or
24 other offenses against peace or good order. In case of riot or insurrec-
25 tion, he or she may take command of the whole police force, including
26 the chief executive officer thereof.

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

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

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

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

1 workers' compensation law or changes any provision of the multiple resi-
2 dence law or the multiple dwelling law, except that in a city of one
3 million persons or more, the provisions of local law for the enforcement
4 of the housing code which is not less restrictive than the multiple
5 dwelling law may be applied in the enforcement of the multiple dwelling
6 law.

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

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

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

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

24 § 87. Subdivisions 5, 6, 7, 9, paragraph 3 of subdivision 13 and para-
25 graph (a) of subdivision 14 of section 16-a of the general city law,
26 subdivisions 5, 6 and 9 as amended by chapter 523 of the laws of 1958,
27 subdivision 7 as amended by chapter 185 of the laws of 1984, paragraph 3
28 of subdivision 13 as amended by chapter 373 of the laws of 2011, and
29 paragraph (a) of subdivision 14 as amended by chapter 215 of the laws of
30 1978, are amended to read as follows:

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

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

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

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

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

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

1 failure of the board of fire commissioners or governing board to approve
2 such member, or approve the continuance of membership of such member, as
3 provided by the law in force at the time of such election, or contin-
4 uance, and the status of such person as a volunteer [~~fireman~~] firefight-
5 er as of such date is hereby legalized, validated and confirmed. This
6 subdivision shall not apply to a person, if any, whose volunteer member-
7 ship in a fire company was disapproved by the board of fire commission-
8 ers or declared invalid by a court of competent jurisdiction prior to
9 the first day of January, two thousand eleven.

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

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

23 12-a. May appropriate moneys to a fire department to fund an annual
24 [~~fireman's~~] firefighter's inspection dinner for volunteer firefighters
25 and the city of Glen Cove may appropriate moneys to a fire department to
26 fund an annual dinner for installation of fire district officers.

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

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

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

53 § 25-a. Fingerprints of persons before appointment as town [~~policemen~~]
54 police officers, or as constables possessing powers in criminal matters.
55 No person shall be appointed or reappointed a member of the police
56 department, or a special [~~policeman~~] police officer, or a constable not

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

17 § 91. Subdivisions 1 and 3 of section 27 of the town law, subdivision
18 1 as amended by chapter 1097 of the laws of 1971, and subdivision 3 as
19 added by chapter 85 of the laws of 1942, are amended to read as follows:

20 1. The town board of each town shall fix, from time to time, the sala-
21 ries of all officers and employees of said town, whether elected or
22 appointed, and determine when the same shall be payable. The town board
23 shall not fix the salaries of the members of the town board, an elected
24 town clerk or an elected town superintendent of highways at an amount in
25 excess of the amounts respectively specified in the notice of hearing on
26 the preliminary budget published pursuant to section one hundred eight
27 of this chapter. However, the annual salary of any such elected officer
28 may be increased, for not more than one fiscal year, in excess of the
29 amount specified in the notice of hearing on the preliminary budget
30 local law adopted pursuant to the municipal home rule law. Salaries
31 shall be in lieu of all fees, charges or compensation for all services
32 rendered to the town or any district or subdivision thereof, pursuant to
33 law, except that the supervisor shall not be required to account for and
34 pay over such fees, salary or other compensation that he or she may
35 receive or be entitled to from the county in which he or she is elected,
36 for services rendered by him or her as a member of the board of supervi-
37 sors. No town officer or employee shall retain any fees or moneys
38 received by him or her in connection with his or her office but such
39 fees or money shall be the property of the town and be paid to the
40 supervisor not later than the fifteenth day of each month following the
41 receipt thereof, excepting such fees and moneys the application and
42 payment of which are otherwise provided for by law. Every officer or
43 employee, except a town justice, is hereby required to submit monthly to
44 the supervisor a verified statement of all moneys received by him or her
45 and to pay such moneys to the supervisor who shall deliver his or her
46 receipt therefor. Unless such verified statement and payment be made,
47 such officer or employee shall not be paid any further portion of his or
48 her salary until a report be submitted of any moneys paid as herein
49 provided. The said provisions shall not affect a receiver of taxes and
50 assessments who deposits the money collected directly to the credit of
51 the supervisor and whose monthly report is equivalent to a receipt from
52 the supervisor. Provisions of this subdivision shall not preclude the
53 town from hiring laborers, clerical assistants and stenographers, and
54 compensating them upon the hourly or daily basis. Notwithstanding any
55 provision of the penal law, the civil practice law and rules, the crimi-
56 nal procedure law, the uniform justice court act, or any other general,

1 special or local law, no [~~police~~man] police officer, special [~~police-~~
2 ~~man~~] police officer or constable of any such town shall retain for his
3 or her own use fees, per diem or other compensation received by him or
4 her from the state, the county, or any other municipality, or a private
5 corporation or a person, in or for the performance of the duties of his
6 or her office, whether such duties be of an administrative, legislative,
7 judicial or other nature, but all such fees and moneys so received by
8 him or her shall be the property of the town of which he or she is an
9 officer and be paid to the supervisor not later than the fifteenth day
10 of each month following the receipt thereof. No town justice of any town
11 shall retain for his or her own use fees, per diem or other compensation
12 received by him or her from the state, the county, or any other munici-
13 pality or a private corporation or a person, in or for the performance
14 of the duties of his or her office, whether such duties be of an admin-
15 istrative, legislative, judicial, or other nature, but all such fees and
16 moneys so received shall, unless otherwise provided by law, be the prop-
17 erty of the town of which he or she is an officer and shall be paid by
18 such justice to the state comptroller within the first ten days of the
19 month following collection. Each such payment shall be accompanied by a
20 true and complete report in such form and detail as the comptroller
21 shall prescribe. In the event that a justice shall not receive any such
22 fees and moneys during any month he or she shall report this fact to the
23 state comptroller within the first ten days of the succeeding month.
24 Upon receipt of notice from the state comptroller that a justice has not
25 properly reported or properly accounted for any moneys received by such
26 justice, it shall be unlawful for the town to make any further payment
27 of compensation to such justice until receipt of a notice from the comp-
28 troller that a proper accounting has been made. In all towns the sala-
29 ries of all town justices shall be equal except that the town board may
30 determine by a majority vote to pay salaries in different amounts. Fees
31 payable by virtue of the civil practice law and rules and section
32 sixty-eight-a of the public officers law, for taking oaths and acknowl-
33 edgment, shall not be deemed to be fees within the meaning of this
34 section, but may be retained, or the payment thereof waived, by the
35 officer taking the same.

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

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

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

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

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

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

31 1. The town board of any town may establish a police department and
32 appoint a chief of police and such officers [~~and patrolmen~~] as may be
33 needed and fix their compensation. The compensation of such [~~policemen~~]
34 police officers shall be a town charge; providing however, no assessment
35 on property in any village within any town or partially within any town
36 shall be made for the maintenance or operation of a town police depart-
37 ment established after January first, nineteen hundred sixty, pursuant
38 to this section if any such village maintains a police department of
39 four or more [~~policemen~~] police officers on an annual full-time basis,
40 established and maintained under the rules of civil service. The town
41 board may, at its option, determine that the town shall pay all or part
42 of the cost of the uniforms and necessary equipment of its [~~policemen~~]
43 police officers, and may purchase such equipment for use by the police
44 department as it shall deem necessary, including police patrol vehicles,
45 and emergency service vehicles for police use in connection with acci-
46 dents, public calamities or other emergencies. No assessment on property
47 in any village within any town in the county of Suffolk or in any
48 village within the town of Fallsburgh shall be made for the maintenance
49 or operation of such town police department, if any such village main-
50 tains a police department of two or more [~~policemen~~] police officers on
51 an annual basis. In the event that a town has established a police
52 department prior to January first, nineteen hundred sixty, the town
53 board of such town may enter into an agreement with any village within
54 it or partially within it which maintains a police department of four or
55 more [~~policemen~~] police officers on an annual full-time basis, estab-
56 lished and maintained under the rules of civil service and determine

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

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

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

30 § 96. Section 158 of the town law, as amended by chapter 584 of the
31 laws of 1939, subdivision 1 as amended by chapter 308 of the laws of
32 1966, and subdivision 2 as amended by chapter 601 of the laws of 1941,
33 is amended to read as follows:

34 § 158. Special ~~[policemen]~~ police officers. 1. The town board of any
35 town of the first class and the town board of any town of the second
36 class which shall have a population of five thousand or more as shown by
37 the latest federal census, whether there be a police department in and
38 for such town or not, may employ temporary police officers from time to
39 time as the town board may determine their services necessary. Such
40 police officers shall be known as "special ~~[policemen]~~ police officers"
41 and shall have all the power and authority conferred upon constables by
42 the general laws of the state and such additional powers, not inconsis-
43 tent with law, as shall be conferred upon them by the town board. They
44 shall be subject to the general authority and direction of the town
45 board and to such orders and regulations as the town board may
46 prescribe, not inconsistent with law. Such special ~~[policemen]~~ police
47 officers shall serve at the pleasure of the town board and the town
48 board shall fix their compensation and may purchase uniforms and equip-
49 ment therefor but no such special ~~[policemen]~~ police officers shall be
50 appointed nor any expense incurred by reason thereof unless said town
51 board shall have provided therefor in its annual budget, previously
52 adopted, and no expenditure shall be made in excess of the budget appro-
53 priation therefor. Such special police shall be appointed in accordance
54 with the civil service law and rules. Provided, however, and notwith-
55 standing the foregoing provisions of this section, the town board of any
56 such town may, when in their judgment necessary for the preservation of

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

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

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

33 § 97. Subdivisions 4-a and 14, paragraphs 4, 5, 7, and 8 and the
34 eighth undesignated paragraph of subdivision 18, subdivision 18-a, the
35 first undesignated paragraph of subdivision 22, and subdivision 33 of
36 section 176 of the town law, subdivision 4-a as amended by chapter 550
37 of the laws of 1983, subdivision 14 as amended by chapter 645 of the
38 laws of 1935, paragraphs 4, 5 and 7 of subdivision 18 as amended by
39 chapter 28 of the laws of 1969, paragraph 8 of subdivision 18 as amended
40 by chapter 805 of the laws of 1984, the eighth undesignated paragraph of
41 subdivision 18 as added by chapter 109 of the laws of 1978, subdivision
42 18-a as amended by chapter 831 of the laws of 1980, the first undesign-
43 ated paragraph of subdivision 22 as amended by chapter 705 of the laws
44 of 1967, and subdivision 33 as added by chapter 571 of the laws of 1983,
45 are amended to read as follows:

46 4-a. Shall audit all claims against the fire district and shall, by
47 resolution, order the payment thereof by the fire district treasurer in
48 the amounts allowed. Except as otherwise provided by this subdivision,
49 no such claim shall be audited or ordered paid by the board of fire
50 commissioners unless an itemized voucher therefor, in such form as the
51 board of fire commissioners shall prescribe, shall have been presented
52 to the board of fire commissioners for audit and allowance. The board of
53 fire commissioners may provide by resolution that no such claims may be
54 presented, audited or paid unless they be either verified under oath,
55 or, in lieu of such verification, certified, to be true and correct in a
56 statement signed by or on behalf of the claimant. The provisions of this

1 subdivision shall not be applicable to claims for the payment of fixed
2 salaries, compensation for services of officers or employees regularly
3 engaged by the fire district at agreed wages by the hour, day, week,
4 month or year unless so required by resolution of the board of fire
5 commissioners adopted at the organization meeting in the month of Janu-
6 ary, the principal of or interest on obligations issued by the fire
7 district, fixed amounts becoming due on lawful contracts for the
8 purchase of water for fire protection, and amounts which the fire
9 district may be required to pay to the state employees' retirement
10 system on account of contributions for past and current services of
11 [~~firemen~~] firefighters. The board of fire commissioners may, further,
12 by resolution authorize the payment in advance of audit of claims for
13 light, telephone, postage, freight and express charges. All such claims
14 shall be presented at the next regular meeting for audit, and the claim-
15 ant and the officer incurring or approving the same shall be jointly and
16 severally liable for any amount disallowed by the board of fire commis-
17 sioners.

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

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

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

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

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

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

1 18-a. May employ such persons as may be necessary to effectuate the
2 objects and purposes of the district. Persons may be employed as paid
3 [~~firemen~~] firefighters, however, only after a public hearing in relation
4 to such employment. Any such hearing shall be held by the board of fire
5 commissioners and the notice of the hearing shall state the time when
6 and place in the district where the hearing will be held, the number of
7 paid [~~firemen~~] firefighters to be employed and the total annual amount
8 to be spent for the salaries or other compensation of such [~~firemen~~]
9 firefighters. The notice shall be published in the official newspaper of
10 the district at least once not more than twenty nor less than ten days
11 before the hearing.

12 May contract for the furnishing of fire protection within the fire
13 district with any city, village, fire district, or incorporated fire
14 company having its headquarters outside such fire district and maintain-
15 ing adequate and suitable apparatus and appliances for the furnishing of
16 fire protection in such district; provided there is no fire company
17 maintaining its headquarters in said district or provided the fire
18 department of said district is, in the judgment of such fire commission-
19 ers, unable to render adequate and prompt fire protection to such
20 district or any area thereof. The contract also may provide for the
21 furnishing of (1) emergency service in case of accidents, calamities or
22 other emergencies in connection with which the services of [~~firemen~~]
23 firefighters would be required and (2) general ambulance service
24 subject, however, to the provisions of section two hundred nine-b of the
25 general municipal law. In the event that the fire department or fire
26 company furnishing fire protection within the district pursuant to
27 contract does not maintain and operate an ambulance and provision has
28 not otherwise been made for ambulance service for the area of the
29 district pursuant to section one hundred twenty two-b of the general
30 municipal law then a separate contract may be made for the furnishing
31 within the district of emergency ambulance service or general ambulance
32 service, or both, with any city, village or fire district the fire
33 department of which, or with an incorporated fire company having its
34 headquarters outside the district which, maintains and operates an ambu-
35 lance subject, however, in the case of general ambulance service, to the
36 provisions of section two hundred nine-b of the general municipal law.

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

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

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

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

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

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

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

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

18 9. Residents of outside territory which is protected pursuant to a
19 contract for fire protection who have been elected to volunteer member-
20 ship, and non-residents whose volunteer memberships have been continued
21 or authorized pursuant to subdivision five or six of this section may be
22 elected or appointed to any office in the fire company or fire depart-
23 ment and, shall have all the powers, duties, immunities, and privileges
24 of resident volunteer members, except a non-resident of this state whose
25 membership has been continued pursuant to subdivision five of this
26 section, or a non-resident of this state who was elected to membership
27 pursuant to subdivision six of this section, shall not be considered to
28 be performing any firemanic duty, or to be engaged in any firemanic
29 activity, as a member of the fire company while he or she is outside of
30 this state unless and until he or she has first reported to the officer
31 or [~~fireman~~ firefighter in command of his or her fire department, or
32 any company, squad or other unit thereof, engaged or to be engaged in
33 rendering service outside this state, or has received orders or authori-
34 zation from an officer of the fire department or fire company to partic-
35 ipate in or attend authorized activities outside of this state in the
36 same manner as resident members of the fire company.

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

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

1 power of appointment of volunteer [~~firemen~~] firefighters in any fire
2 department or fire company pursuant to this section, because of the
3 race, creed, color, national origin, sex or marital status of any indi-
4 vidual, to exclude or to expel from its volunteer membership such indi-
5 vidual, or to discriminate against any of its members because of the
6 race, creed, color, national origin, sex or marital status of such
7 volunteer members.

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

10 § 176-d. Funding of fire districts. Notwithstanding any other
11 provision of law to the contrary, a fire district may include as part of
12 its budget an appropriation to fund an annual [~~fireman's~~] firefighters'
13 inspection-dinner for each fire company within the fire district.

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

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

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

44 (c) To lease, purchase, construct, reconstruct, alter, repair or equip
45 suitable buildings for the preservation, protection and storing of vehi-
46 cles, apparatus and equipment of the fire district and for the social
47 and recreational use of the [~~firemen~~] firefighters and residents of the
48 district, and purchase the necessary lands therefor.

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

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

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

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

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

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

16 (g) Establishment and maintenance of fire training schools for train-
17 ing [~~firemen~~] firefighters.

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

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

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

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

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

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

6 Time during which a member is absent on military duty shall not
7 constitute an interruption of continuous employment, but such time shall
8 not be counted or included in determining the length of total service
9 unless such member contributes to the retirement system the amount he or
10 she would have been required to contribute if he or she had been contin-
11 uously employed during such period. Such contribution, or any part ther-
12 eof, may be paid at any time and from time to time, while in military
13 duty, or within five years after the date of his or her restoration to
14 his or her position or before December thirty-first, nineteen hundred
15 sixty-two, whichever date is later, or in the event of the death of the
16 member while in military duty such contribution, or any part thereof,
17 may be paid by the named beneficiary or the legal representative of the
18 member's estate within one year following proof of such death. A member
19 of the New York state employees' retirement system or of the New York
20 state [~~police~~ and local police] and [~~fire~~ fire] retirement
21 system, other than a member of the state police in a collective negoti-
22 ating unit established pursuant to article fourteen of the civil service
23 law, who is in the employ of the state on March thirty-first, nineteen
24 hundred seventy, who failed to make such contributions during the
25 prescribed period of time may nonetheless obtain credit for time during
26 which he or she was on military duty by depositing with such retirement
27 system an amount equal to the contribution he or she would have made had
28 he or she made a timely election, with regular interest, on or before
29 March thirty-first, nineteen hundred seventy-two, provided, however,
30 such member may elect to deposit such amount over a period of time no
31 greater than the period for which credit is being claimed, in which case
32 such payments must commence no later than March thirty-first, nineteen
33 hundred seventy-two. If the full amount of such payments is not paid to
34 the retirement system, the amount of service credited shall be propor-
35 tional to the total amount of the payments made. A member of the New
36 York state [~~police~~ and local police] and [~~fire~~ fire] retire-
37 ment system who is a member of the state police in a collective negoti-
38 ating unit established pursuant to article fourteen of the civil service
39 law, who is in the employ of the state on March thirty-first, nineteen
40 hundred seventy-one, who failed to make such contributions during the
41 prescribed period of time may nonetheless obtain credit for time during
42 which he or she was on military duty by depositing with such retirement
43 system an amount equal to the contribution he or she would have made had
44 he or she made a timely election, with regular interest, on or before
45 March thirty-first, nineteen hundred seventy-two, provided, however,
46 such member may elect to deposit such amount over a period of time no
47 greater than the period for which credit is being claimed, in which case
48 such payments must commence no later than March thirty-first, nineteen
49 hundred seventy-two. If the full amount of such payments is not paid to
50 the retirement system, the amount of service credited shall be propor-
51 tional to the total amount of the payments made.

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

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

1 village, fire district, or incorporated fire company having its head-
2 quarters outside such village and maintaining adequate and suitable
3 apparatus and appliances for the furnishing of fire protection in such
4 village. The contract also may provide for the furnishing of emergency
5 service in case of accidents, calamities or other emergencies in
6 connection with which the services of [~~firemen~~ firefighters] would be
7 required, as well as in case of alarms of fire. The contract also may
8 provide for the furnishing of general ambulance service subject, howev-
9 er, to the provisions of section two hundred nine-b of the general
10 municipal law. In the event that the fire department or fire company
11 furnishing fire protection within the village pursuant to contract does
12 not maintain and operate an ambulance then a separate contract may be
13 made for the furnishing within the village of emergency ambulance
14 service or general ambulance service, or both, with any city, village or
15 fire district the fire department of which, or with an incorporated fire
16 company having its headquarters outside the village which, maintains and
17 operates an ambulance subject, however, in the case of general ambulance
18 service, to the provisions of section two hundred nine-b of the general
19 municipal law.

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

21 § 8-802 Powers and duties of [~~police officers~~ police officers]. The
22 [~~police officers~~ police officers] so appointed shall have all the powers and
23 be subject to the duties and liabilities of constables of towns in serv-
24 ing process in any civil action or proceeding. In addition to other
25 powers conferred by law, said [~~police officers~~ police officers] shall have
26 power to execute any warrant or process issued by a court of the county
27 or counties in which such village is situated.

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

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

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

52 § 111. Subdivisions 5, 6, 7, and 9, paragraph 3 of subdivision 15,
53 paragraph 3 of subdivision 16, and paragraph (a) of subdivision 17 of
54 section 10-1006 of the village law, subdivision 7 as separately amended
55 by chapters 117 and 215 of the laws of 2014, paragraph 3 of subdivision
56 16 as amended by chapter 373 of the laws of 2011, and paragraph (a) of

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

3 5. Any fire company may authorize the continued membership of any
4 volunteer member where such member notifies the secretary of his or her
5 fire company (a) that he or she plans to change his or her residence to
6 territory which is not in the village and is not protected by the fire
7 department of the village, or any fire company thereof, pursuant to a
8 contract for fire protection, and (b) that by reason of his or her resi-
9 dence in the vicinity or his or her usual occupation he or she will be
10 available to render active service as a volunteer [~~fireman~~] firefighter
11 in the village or in territory outside the village which is afforded
12 fire protection pursuant to a contract for fire protection by the fire
13 department of the village, or a fire company thereof. Such authorization
14 shall be pursuant to the by-laws, if any, of the fire company of which
15 he or she is a member, otherwise by a three-fourths vote of the members
16 of such fire company present and voting at a regular or special meeting
17 thereof. Such authorization shall not become effective unless approved
18 by resolution of the board of fire commissioners. Such authorization
19 shall be deemed to have been approved pursuant to this subdivision in
20 the event that no action is taken by the board of fire commissioners,
21 either approving or disapproving, within forty days after service of
22 written notice of such authorization shall have been made by the secre-
23 tary of the fire company upon the village clerk, either personally or by
24 mail. Any membership continued pursuant to the provisions of this subdivi-
25 sion shall terminate when the member cannot meet either the require-
26 ments of this subdivision or the residence requirements of subdivision
27 three of this section. In the case of a village which adjoins another
28 state, the term "vicinity", as used in this subdivision, includes terri-
29 tory in this state and territory in the adjoining state.

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

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

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

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

29 (3) who was, at the time of his or her nomination for membership, a
30 resident of the village or of territory outside of the village which was
31 afforded fire protection by the fire department of the village, or any
32 fire company thereof, pursuant to a contract for fire protection, shall
33 for all purposes in law be considered to have been duly nominated and
34 appointed to membership in such fire company as of the date of such
35 appointment, if any, and, if none, then as of the date of such nomi-
36 nation; notwithstanding that there may have been some legal defect in
37 such nomination, or the proceedings precedent thereto, or a failure of
38 the board of fire commissioners or board of trustees to appoint such
39 member, as provided by law in force at the time of such nomination, and
40 the status of such person as a volunteer [~~fireman~~] firefighter as of the
41 date of such appointment or nomination is hereby legalized, validated
42 and confirmed. An election to membership in a fire company shall be
43 deemed equivalent to a nomination for membership for the purposes of
44 this subdivision in the event that a formal nomination for membership
45 was never presented to a board of fire commissioners or board of trus-
46 tees as provided by the law in force prior to the first day of July,
47 nineteen hundred fifty-four, and, for the purposes of this subdivision,
48 such election, and the proceedings precedent thereto, shall be consid-
49 ered to have been held and conducted in the manner required by law. This
50 subdivision shall not apply to a person, if any, whose volunteer member-
51 ship in a fire company was declared invalid by a court of competent
52 jurisdiction prior to the first day of January, nineteen hundred fifty-
53 five.

54 (3) who was, at the time of his or her election to membership, a resi-
55 dent of the village or of territory outside the village which was
56 afforded fire protection by the fire department of the village, or any

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

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

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

33 § 10-1020 Abolition of fire department; employment of paid [~~firemen~~
34 firefighters]. The board of trustees of any village may, by resolution,
35 abolish, in whole or in part, the fire department in such village, which
36 action of the board of trustees shall be subject to a permissive refer-
37 endum as defined in this chapter; if such fire department is abolished,
38 all the money and property of such department shall be turned over by
39 the officers of such department or by the fire commissioners to the
40 board of trustees within ten days after service of notice on such offi-
41 cers or commissioners of the action of the board of trustees. Or, the
42 board of trustees may, by resolution, determine that one or more [~~fire-~~
43 ~~men~~] firefighters shall be employed to act with such voluntary depart-
44 ment and may fix the salary of such [~~firemen~~ firefighters]; the board of
45 trustees may also determine that such paid [~~firemen~~ firefighters] shall
46 have charge of all apparatus and other equipment and that the voluntary
47 department shall act under the orders of such paid [~~fireman or firemen~~
48 firefighter or firefighters].

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

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

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

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

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

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

16 b. A person may receive concurrently a tuition assistance program
17 award, a regents award for children of deceased and disabled veterans
18 and a regents award for children of deceased police officers, [~~firemen~~]
19 firefighters and volunteer firefighters, and correction officers of the
20 state or any political subdivision thereof, and may also receive bene-
21 fits under one or all of these awards concurrently with an academic
22 performance award or federal or other awards. However, in the case of
23 the regents awards for children of deceased state correction officers
24 and state civilian employees of a correctional facility received pursu-
25 ant to the provisions of section six hundred sixty-nine of this article,
26 no person shall receive benefits under this award concurrently with any
27 other general or academic performance award under this chapter, or with
28 any scholarship, grant, or educational assistance under federal law
29 that, in the judgment of the commissioner would duplicate the purposes
30 of such award.

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

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

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

46 § 2103-a. [~~Policemen and firemen~~] Police officers and firefighters on
47 boards of education. Notwithstanding any general, special or local law,
48 ordinance or charter provision to the contrary, or any rule or regu-
49 lation, [~~policemen and firemen~~] police officers and firefighters
50 employed by any municipal subdivision of the state or police district
51 provided they are otherwise eligible, may be candidates for election and
52 serve as members of boards of education in school districts located: (1)
53 other than in the municipality where they perform their duties as
54 [~~policemen or firemen~~] police officers and firefighters on a regular
55 basis, or (2) unless prohibited by the legislative body for whom they
56 are employed, in school districts located in the locality where they

1 perform their duties as [~~police men or fire men~~] police officers and fire-
2 fighters.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 (i) Credit for service as a member or officer of the state police, or
20 as a paid [~~fireman, policeman~~] firefighter, police officer or officer of
21 any organized fire department or police force or department of any coun-
22 ty, city, village, town, fire district or police district or as a crimi-
23 nal investigator in the office of a district attorney, provided that
24 service as such investigator shall have been rendered prior to January
25 first, nineteen hundred sixty and that credit therefor shall not exceed
26 five years, shall also be deemed to be creditable service and shall be
27 included in computing years of total service for retirement pursuant to
28 this section, provided such service was performed by the member while
29 contributing to the retirement system pursuant to this article or arti-
30 cle eight of this chapter.

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

34 (i) Credit for service as a member or officer of the state police, or
35 as a paid [~~fireman, policeman~~] firefighter, police officer or officer of
36 any organized fire department or police force or department of any coun-
37 ty, city, village, town, fire district or police district or as a sher-
38 iff, undersheriff or regular deputy sheriff or as a criminal investi-
39 gator in the office of a district attorney, shall also be deemed to be
40 creditable service and shall be included in computing years of total
41 service for retirement pursuant to this section, provided such service
42 was performed by the member while contributing to the retirement system
43 pursuant to this article or article eight of this chapter.

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

47 e. Credit for service as a member or officer of the state police or as
48 a paid firefighter, [~~policeman~~] police officer or officer of any organ-
49 ized fire department or police force or department of any county, city,
50 village, town, fire district or police district, or as a criminal inves-
51 tigator in the office of a district attorney, provided that service as
52 such investigator shall have been rendered prior to January first, nine-
53 teen hundred sixty and that credit therefor shall not exceed five years,
54 shall also be deemed to be creditable service and shall be included in
55 computing years of total service for retirement pursuant to this
56 section, provided such service was performed by the member while

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

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

6 f. Credit for service as a member or officer of the state police or as
7 a paid [~~fireman, policeman~~] firefighter, police officer or officer of
8 any organized fire department or police force or department of any coun-
9 ty, city, village, town, fire district or police district, or as a crim-
10 inal investigator in the office of a district attorney, provided that
11 service as such investigator shall have been rendered prior to January
12 first, nineteen hundred sixty and that credit therefor shall not exceed
13 five years, shall also be deemed to be creditable service and shall be
14 included in computing years of total service for retirement pursuant to
15 this section, provided such service was performed by the member while
16 contributing to the retirement system pursuant to the provisions of this
17 article or article eight of this chapter.

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

22 e. Credit for service as a member or officer of the state police or as
23 a paid [~~fireman, policeman~~] firefighter, police officer or officer of
24 any organized fire department or police force or department of any coun-
25 ty, city, village, town, fire district or police district, or as a crim-
26 inal investigator in the office of a district attorney, provided that
27 service as such investigator shall have been rendered prior to January
28 first, nineteen hundred sixty and that credit therefor shall not exceed
29 five years, shall also be deemed to be creditable service and shall be
30 included in computing years of total service for retirement pursuant to
31 this section, provided such service was performed by the member while
32 contributing to the retirement system pursuant to the provisions of this
33 article or article eight of this chapter.

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

37 e. Credit for service as a member or officer of the state police or as
38 a paid [~~fireman, policeman~~] firefighter, police officer or officer of
39 any organized fire department or police force or department of any coun-
40 ty, city, village, town, fire district or police district, or as a crim-
41 inal investigator in the office of a district attorney, provided that
42 service as such investigator shall have been rendered prior to January
43 first, nineteen hundred sixty and that credit therefor shall not exceed
44 five years, shall also be deemed to be creditable service and shall be
45 included in computing years of total service for retirement pursuant to
46 this section, provided such service was performed by the member while
47 contributing to the retirement system pursuant to the provisions of this
48 article or article eight of this chapter.

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

52 e. Credit for service as a member or officer of the state police or as
53 a paid [~~fireman, policeman~~] firefighter, police officer or officer of
54 any organized fire department or police force or department of any coun-
55 ty, city, village, town, fire district or police district, or as a crim-
56 inal investigator in the office of a district attorney, provided that

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

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

11 e. Credit for service as a member or officer of the state police or as
12 a paid [~~fireman, policeman~~] firefighter, police officer or officer of
13 any organized fire department or police force or department of any coun-
14 ty, city, village, town, fire district or police district, or as a crim-
15 inal investigator in the office of a district attorney, provided that
16 service as such investigator shall have been rendered prior to January
17 first, nineteen hundred sixty and that credit therefor shall not exceed
18 five years, shall also be deemed to be creditable service and shall be
19 included in computing years of total service for retirement pursuant to
20 this section, provided such service was performed by the member while
21 contributing to the retirement system pursuant to the provisions of this
22 article or article eight of this chapter.

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

26 e. Credit for service as a member or officer of the state police or as
27 a paid [~~fireman, policeman~~] firefighter, police officer or officer of
28 any organized fire department or police force or department of any coun-
29 ty, city, village, town, fire district or police district, or as a crim-
30 inal investigator in the office of a district attorney, provided that
31 service as such investigator shall have been rendered prior to January
32 first, nineteen hundred sixty and that credit therefor shall not exceed
33 five years, shall also be deemed to be creditable service and shall be
34 included in computing years of total service for retirement pursuant to
35 this section, provided such service was performed by the member while
36 contributing to the retirement system pursuant to the provisions of this
37 article or article eight of this chapter.

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

41 e. Credit for service as a member or officer of the state police or as
42 a paid [~~fireman, policeman~~] firefighter, police officer or officer of
43 any organized fire department or police force or department of any coun-
44 ty, city, village, town, fire district or police district, or as a crim-
45 inal investigator in the office of a district attorney, provided that
46 service as such investigator shall have been rendered prior to January
47 first, nineteen hundred sixty and that credit therefor shall not exceed
48 five years, shall also be deemed to be creditable service and shall be
49 included in computing years of total service for retirement pursuant to
50 this section, provided such service was performed by the member while
51 contributing to the retirement system pursuant to the provisions of this
52 article or article eight of this chapter.

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

1 e. Credit for service as a member or officer of the state police or as
2 a paid [~~firemen, policeman~~ firefighter, police officer or officer of
3 any organized fire department or police force or department of any coun-
4 ty, city, village, town, fire district or police district, or as a crim-
5 inal investigator in the office of a district attorney, provided that
6 service as such investigator shall have been rendered prior to January
7 first, nineteen hundred sixty and that credit therefor shall not exceed
8 five years, shall also be deemed to be creditable service and shall be
9 included in computing years of total service for retirement pursuant to
10 this section, provided such service was performed by the member while
11 contributing to the retirement system pursuant to the provisions of this
12 article or article eight of this chapter.

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

16 e. Credit for service as a member or officer of the state police or as
17 a paid [~~fireman, policeman~~ firefighter, police officer or officer of
18 any organized fire department or police force or department of any coun-
19 ty, city, village, town, fire district or police district, or as a crim-
20 inal investigator in the office of a district attorney, provided that
21 service as such investigator shall have been rendered prior to January
22 first, nineteen hundred sixty and that credit therefor shall not exceed
23 five years, shall also be deemed to be creditable service and shall be
24 included in computing years of total service for retirement pursuant to
25 this section, provided such service was performed by the member while
26 contributing to the retirement system pursuant to the provisions of this
27 article or article eight of this chapter.

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

31 e. Credit for service as a member or officer of the state police or as
32 a paid [~~fireman, policeman~~ firefighter, police officer or officer of
33 any organized fire department or police force or department of any coun-
34 ty, city, village, town, fire district or police district, or as a crim-
35 inal investigator in the office of a district attorney, provided that
36 service as such investigator shall have been rendered prior to January
37 first, nineteen hundred sixty and that credit therefor shall not exceed
38 five years, shall also be deemed to be creditable service and shall be
39 included in computing years of total service for retirement pursuant to
40 this section, provided such service was performed by the member while
41 contributing to the retirement system pursuant to the provisions of this
42 article or article eight of this chapter.

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

46 e. Credit for service as a member or officer of the state police or as
47 a paid [~~fireman, policeman~~ firefighter, police officer or officer of
48 any organized fire department or police force or department of any coun-
49 ty, city, village, town, fire district or police district, or as a crim-
50 inal investigator in the office of a district attorney, provided that
51 service as such investigator shall have been rendered prior to January
52 first, nineteen hundred sixty and that credit therefor shall not exceed
53 five years, shall also be deemed to be creditable service and shall be
54 included in computing years of total service for retirement pursuant to
55 this section, provided such service was performed by the member while

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

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

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

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

18 e. Credit for service as a member or officer of the state police or as
19 a paid [~~fireman, policeman~~] firefighter, police officer or officer of
20 any organized fire department or police force or department of any coun-
21 ty, city, village, town, fire district or police district, or as a crim-
22 inal investigator in the office of a district attorney, provided that
23 service as such investigator shall have been rendered prior to January
24 first, nineteen hundred sixty and that credit therefor shall not exceed
25 five years, shall also be deemed to be creditable service and shall be
26 included in computing years of total service for retirement pursuant to
27 this section, provided such service was performed by the member while
28 contributing to the retirement system pursuant to the provisions of this
29 article or article eight of this chapter.

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

33 e. Credit for service as a member or officer of the state police or as
34 a paid [~~fireman, policeman~~] firefighter, police officer or officer of
35 any organized fire department or police force or department of any coun-
36 ty, city, village, town, fire district or police district, or as a crim-
37 inal investigator in the office of a district attorney, shall also be
38 deemed to be creditable service and shall be included in computing years
39 of total service for retirement pursuant to this section.

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

43 e. Credit for service as a member or officer of the state police or as
44 a paid [~~fireman, policeman~~] firefighter, police officer or officer of
45 any organized fire department or police force or department of any coun-
46 ty, city, village, town, fire district or police district, or as a crim-
47 inal investigator in the office of a district attorney, shall also be
48 deemed to be creditable service and shall be included in computing years
49 of total service for retirement pursuant to this section.

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

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

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

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

7 e. Credit for service as a member or officer of the state police or as
8 a paid [~~fireman, policeman~~] firefighter, police officer or officer of
9 any organized fire department or police force or department of any coun-
10 ty, city, village, town, fire district or police district, or as a crim-
11 inal investigator in the office of a district attorney, or as a
12 probation assistant in a county probation department, shall also be
13 deemed to be creditable service and shall be included in computing years
14 of total service for retirement pursuant to this section.

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

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

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

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

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

38 e. Credit for service as a member or officer of the state police or as
39 a paid [~~fireman, policeman~~] firefighter, police officer or officer of
40 any organized fire department or police force or department of any coun-
41 ty, city, village, town, fire district or police district, or as a crim-
42 inal investigator in the office of a district attorney, provided that
43 service as such investigator shall have been rendered prior to January
44 first, nineteen hundred sixty and that credit therefor shall not exceed
45 five years, shall also be deemed to be creditable service and shall be
46 included in computing years of total service for retirement pursuant to
47 this section, provided such service was performed by the member while
48 contributing to the retirement system pursuant to the provisions of this
49 article or article eight of this chapter.

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

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

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

4 § 151. Paragraphs a, b, and d of subdivision 1, subdivision 2, and
5 paragraph a of subdivision 10 of section 138-a of the retirement and
6 social security law, paragraph a of subdivision 1 as amended by chapter
7 1049 of the laws of 1957, paragraph b of subdivision 1 and subdivision 2
8 as added by chapter 776 of the laws of 1957, paragraph d of subdivision
9 1 as amended by chapter 1184 of the laws of 1971, paragraph c of subdivi-
10 sion 2 as amended by chapter 73 of the laws of 1958, and paragraph a
11 of subdivision 10 as amended by chapter 397 of the laws of 1958, are
12 amended to read as follows:

13 a. One referendum among all eligible employees of the state (exclusive
14 of those in [~~police~~men's or firemen's] police officer or firefighter
15 positions) who are members of the New York state employees' retirement
16 system, a second referendum among all eligible employees of political
17 subdivisions of the state (exclusive of those in [~~police~~men's or fire-
18 men's] police officer or firefighter positions) who are members of such
19 retirement system, which subdivisions elected to provide seven calendar
20 quarters of retroactive coverage for such employees pursuant to subdivi-
21 sion seven of this section, a third referendum among all eligible
22 employees of political subdivisions of the state (exclusive of those in
23 [~~police~~men's or firemen's] police officer or firefighter positions) who
24 are members of such retirement system, which subdivisions elected to
25 provide six calendar quarters of retroactive coverage for such employees
26 pursuant to subdivision seven of this section, a fourth referendum among
27 all eligible employees of political subdivisions of the state (exclusive
28 of those in [~~police~~men's or firemen's] police officer or firefighter
29 positions) who are members of such retirement system, which subdivisions
30 elected to provide four calendar quarters of retroactive coverage for
31 such employees pursuant to subdivision seven of this section, and a
32 fifth referendum among all eligible employees of the remaining political
33 subdivisions of the state (exclusive of those in [~~police~~men's or fire-
34 men's] police officer or firefighter positions) who are members of such
35 retirement system, on the question of whether service in positions
36 (exclusive of [~~police~~men's or firemen's] police officer or firefighter
37 positions) in the employ of the state or of such political subdivisions,
38 as the case may be, and covered by such system also shall be covered by
39 old-age and survivors insurance.

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

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

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

10 2. In the event the federal social security act is amended to author-
11 ize the extension of old-age and survivors insurance coverage to service
12 performed in this state in [~~police officers or firemen's~~] police officer or
13 firefighter positions, the governor or the state agency or officer
14 designated by him or her shall, as soon as practicable after the enact-
15 ment of such amendment and in accordance with the applicable provisions
16 of such federal act and subdivision thirteen of this section, to the
17 extent then applicable, shall take such action as may be necessary to
18 extend old-age and survivors insurance coverage to such positions,
19 including, to the extent applicable, referenda as follows:

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

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

29 c. One referendum among all eligible employees of political subdivi-
30 sions of the state serving in [~~police officers or firemen's~~] police officer
31 or firefighter positions who are members of the New York state and local
32 employees' retirement system, which political subdivisions elected to
33 provide retroactive coverage to or about March sixteenth, nineteen
34 hundred fifty-six, to such employees pursuant to subdivision seven of
35 this section, a second referendum among all eligible employees of poli-
36 tical subdivisions of the state serving in [~~police officers or firemen's~~]
37 police officer or firefighter positions who are members of such retire-
38 ment system, which subdivisions elected to provide retroactive coverage
39 to or about June sixteenth, nineteen hundred fifty-six, to such employ-
40 ees pursuant to subdivision seven of this section, a third referendum
41 among all eligible employees of political subdivisions of the state
42 serving in [~~police officers or firemen's~~] police officer or firefighter
43 positions who are members of such retirement system, which political
44 subdivisions elected to provide retroactive coverage to or about Decem-
45 ber sixteenth, nineteen hundred fifty-six, to such employees pursuant to
46 subdivision seven of this section, and a fourth referendum among all
47 eligible employees of the remaining political subdivisions of the state
48 serving in [~~police officers or firemen's~~] police officer or firefighter
49 positions who are members of such system, which eligible employees shall
50 have retroactive coverage to or about December sixteenth, nineteen
51 hundred fifty-seven.

52 d. Separate referenda among eligible employees of each political
53 subdivision serving in [~~police officers or firemen's~~] police officer or
54 firefighter positions whose positions are covered by a separate retire-
55 ment system or plan maintained by such political subdivision and who are
56 members of such system or plan. Each such referendum shall be on the

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

4 a. In the event that the referenda among eligible employees of poli-
5 tical subdivisions of the state (exclusive of those in [~~police~~~~men's~~~~or~~
6 ~~fire~~~~men's~~] police officer or firefighter positions) who are members of
7 the New York state and local employees' retirement system favor the
8 extension of old-age and survivors insurance coverage to their posi-
9 tions, all positions in the employ of each political subdivision of the
10 state, except those covered by a retirement system or plan of the state
11 or the political subdivision and subject to separate referenda here-
12 under, and except those excluded from coverage pursuant to paragraph b
13 of subdivision two of section one hundred thirty-six of this article,
14 also shall be covered by old-age and survivors insurance at or about the
15 same time that the director modifies the agreement with the federal
16 secretary to effectuate the result of such referenda as to the political
17 subdivisions affected thereby. Each political subdivision to which old-
18 age and survivors insurance is extended pursuant to this subdivision
19 shall have the option, within a reasonable period of time fixed by the
20 director, to file a certificate with the director fixing the effective
21 date of its coverage (which may include retroactive coverage for such
22 period as its governing body shall determine subject to the federal
23 social security act and which effective date shall be not later than its
24 last payroll date in December nineteen hundred fifty-seven) and exclud-
25 ing from coverage classes of employment as authorized by paragraph b of
26 subdivision two of section one hundred thirty-six of this article.

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

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

35 6. "Public retirement system of the state" shall mean the New York
36 state and local employees' retirement system, New York state [~~police~~
37 ~~men's~~~~and~~~~fire~~~~men's~~] and local police and fire retirement system, New
38 York state teachers' retirement system, New York city employees' retire-
39 ment system, New York city teachers' retirement system, New York city
40 police pension fund, New York city fire department pension fund and the
41 New York city board of education retirement system.

42 § 153. Subdivision 3 of section 162 of the retirement and social secu-
43 rity law, as amended by chapter 832 of the laws of 1964, is amended to
44 read as follows:

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

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

6 § 154. Subdivision 1 of section 176 of the retirement and social secu-
 7 rity law, as amended by chapter 473 of the laws of 1967, is amended to
 8 read as follows:

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

17 § 155. Subdivision a of section 185 of the retirement and social secu-
 18 rity law, as added by chapter 581 of the laws of 1970, is amended to
 19 read as follows:

20 a. The term "fund" shall mean any public retirement system or pension
 21 fund which grants retirement or pension benefits to employees of the
 22 city of New York, employees of the state of New York, employees of any
 23 department or agency of the city of New York or of the state of New
 24 York, employees of any municipality or other participating employer
 25 participating in the New York state and local employees' retirement
 26 system or the New York state [~~police~~men's and ~~fire~~men's] and local
 27 police and fire retirement system, and employees of school districts
 28 participating in the New York state teachers' retirement system.

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

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

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

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

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

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

54 § 159. Subdivision b of section 293 of the retirement and social secu-
 55 rity law, as added by chapter 1000 of the laws of 1966 and as further

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

3 b. After the annual valuation of the assets and liabilities of the
4 funds of the employees' retirement system required by subdivision d of
5 section eleven of this chapter and on the basis of the actuarial infor-
6 mation available to him or her on March thirty-first, nineteen hundred
7 sixty-seven, the comptroller shall determine the total amount of the
8 assets and liabilities of the employees' retirement system and the
9 percentage of such assets and the amount of such liabilities attribut-
10 able to [~~policemen and firemen~~] police officers and firefighters and all
11 other persons transferred. After such determination, and subject to the
12 approval of the superintendent of financial services, the comptroller
13 shall transfer such percentage of the total assets and the amount of
14 such liabilities of the employees' retirement system to the retirement
15 system established by this article. Each category of such assets,
16 including but not limited to such categories as government bonds, corpo-
17 rate bonds, common stocks, mortgages insured under the National Housing
18 Act, conventional mortgages, etc. so transferred, shall constitute as
19 nearly as possible the percentage of the total assets of the employees'
20 retirement system which are attributable to [~~policemen and firemen~~]
21 police officers and firefighters and other persons transferred deter-
22 mined from the actuarial valuation as of March thirty-first, nineteen
23 hundred sixty-seven. The assets so transferred shall include a propor-
24 tionate share of contributions from participating employers to be
25 received by the employees' retirement system after April first, nineteen
26 hundred sixty-seven, based on valuations prior to that date. The comp-
27 troller is hereby authorized and directed to invoice for and to collect
28 such contributions for the employees' retirement system in the same
29 manner and to the same extent as if the members transferred to the
30 system established by this article had continued as members of the
31 employees' retirement system.

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

35 Transfer of retirement membership, contributions, reserves and other
36 credits of [~~policemen and firemen~~] police officers and firefighters, and
37 certain other persons. a. The membership in the employees' retirement
38 system of [~~policemen and firemen~~] police officers and firefighters on
39 the effective date of this article, and of all persons who are members
40 of such system on such date and contributing pursuant to the provisions
41 of sections eighty-one [~~to~~] through eighty-eight, inclusive, of this
42 chapter as in force and effect immediately prior to the effective date
43 of this article, shall be transferred to the retirement system estab-
44 lished by this article on the effective date thereof. All such persons
45 transferred to the retirement system established pursuant to the
46 provisions of this article shall be entitled to all prior service cred-
47 its and member service credits and to all the rights, privileges, immu-
48 nities, benefits, refunds, increases, advances, insurance, pensions,
49 annuities, retirement allowances, death benefits and options and shall
50 be subject to all obligations, dues, duties and requirements to which
51 they were entitled or were subject, as the case may be, pursuant to the
52 provisions of article two of this chapter. Persons becoming members of
53 the retirement system established by this article subsequent to March
54 thirty-first, nineteen hundred sixty-seven, and who are entitled to
55 credit for service rendered as a member of the employees' retirement

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

3 § 161. Subdivision a of section 295 of the retirement and social secu-
4 rity law, as added by chapter 1000 of the laws of 1966, is amended to
5 read as follows:

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

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

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

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

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

34 § 164. Subdivisions 7 and 8, subparagraph 3 of paragraph c of subdivi-
35 sion 9, paragraph g of subdivision 11, subdivision 20, paragraph b of
36 subdivision 26, subdivision 28, paragraph c of subdivision 29, paragraph
37 b of subdivision 29-a, subparagraph c of paragraph 1 of subdivision 31,
38 and subdivision 34 of section 302 of the retirement and social security
39 law, subdivisions 7, 8, 20, 28, 34, paragraph c of subdivision 29, and
40 paragraph b of subdivision 29-a as added by chapter 1000 of the laws of
41 1966, subparagraph 3 of paragraph c of subdivision 9 as amended by chap-
42 ter 950 of the laws of 1970, paragraph g of subdivision 11 as added by
43 chapter 228 of the laws of 1996, paragraph b of subdivision 26 as added
44 by chapter 423 of the laws of 1968 and relettered by chapter 178 of the
45 laws of 1986, and subparagraph c of paragraph 1 of subdivision 31 as
46 amended by chapter 616 of the laws of 1995, are amended to read as
47 follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

32 1. Maintain all necessary accounting records, and

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

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

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

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

52 1. Adopt for the [~~police~~
53 ~~and firemen's~~] police and fire retire-
54 ment system such mortality and other tables as shall be deemed neces-
55 sary, and

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

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

1 4. From time to time, but at least once in every five years, promul-
2 gate a rate or rates of regular interest.

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

5 1. The actuary shall make an annual valuation of the assets and
6 liabilities of the funds of the [~~police and fire~~] police and
7 fire retirement system, and

8 2. The comptroller shall certify annually the rates expressed as
9 proportions of payroll of members, which shall be used in computing the
10 contributions required to be made by employers to the pension accumu-
11 lation fund.

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

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

22 f. The records of the [~~police and fire~~] police and fire
23 retirement system shall be open to public inspection.

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

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

29 § 312. Statement of services. a. It shall be the duty of the head of
30 each department or agency of the state government employing [~~police~~
31 ~~and/or firemen~~] police officers and/or firefighters, and of the chief
32 fiscal officer of each participating employer, at the request of the
33 comptroller, to submit to him or her a statement showing the name,
34 title, compensation, duties, date of birth and length of service of each
35 [~~police and/or fireman~~] police officer and/or firefighter: (exclu-
36 sive of members of a local system), and such other information as the
37 comptroller may require. If any such [~~police or fireman~~] police offi-
38 cer or firefighter be principally engaged upon duties differing from
39 those specified by the appropriate civil service commission for the
40 title held by him or her, such head of department or agency, or chief
41 fiscal officer, shall certify the reasons therefor and the probable
42 duration of the duties being so performed by such [~~police or fireman~~]
43 police officer or firefighter.

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

47 § 167. Section 313 of the retirement and social security law, as added
48 by chapter 1000 of the laws of 1966, subdivision d as amended by chapter
49 460 of the laws of 1971, paragraph 2 of subdivision f as amended by
50 chapter 908 of the laws of 1971, and subdivision i as amended by chapter
51 1046 of the laws of 1973, is amended to read as follows:

52 § 313. Management of funds. a. The funds of the [~~police and~~
53 ~~firemen's~~] police and fire retirement system shall be managed in accord-
54 ance with this section.

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

1 funds shall be invested by the comptroller in securities in which he or
2 she is authorized by law to invest the funds of the state, except that
3 he or she may invest in obligations consisting of notes, bonds, debentures
4 or equipment trust certificates issued under an indenture, which
5 are the direct obligations of, or in the case of equipment trust certificates
6 are secured by direct obligations of, a railroad or industrial
7 corporation, or a corporation engaged directly and primarily in the
8 production, transportation, distribution, or sale of electricity, or
9 gas, or the operation of telephone or telegraph systems or waterworks,
10 or in some combination of them; provided the obligor corporation is one
11 which is incorporated under the laws of the United States, or any state
12 thereof, or of the District of Columbia, and said obligations shall be
13 rated at the time of purchase within the three highest classifications
14 established by at least two standard rating services. The maximum
15 amount that the comptroller may invest in such obligations shall not
16 exceed thirty per centum of the assets of the New York state [~~police-~~
17 ~~men's and firemen's~~] police and fire retirement system's funds; and
18 provided further that not more than two and one-half per centum of the
19 assets of the New York state [~~policemen's and firemen's~~] police and fire
20 retirement system's funds shall be invested in the obligations of any
21 one corporation of the highest classification and subsidiary or subsidi-
22 aries thereof, that not more than two per centum of the assets of the
23 New York state [~~policemen's and firemen's~~] police and fire retirement
24 system's funds shall be invested in the obligations of any one corpo-
25 ration of the second highest classification and subsidiary or subsidi-
26 aries thereof, that not more than one and one-half per centum of the
27 assets of the New York state [~~policemen's and firemen's~~] police and fire
28 retirement system's funds shall be invested in the obligations of any
29 one corporation of the third highest classification and subsidiary or
30 subsidiaries thereof. He or she shall, however, be subject to all
31 terms, conditions, limitations and restrictions imposed by this article
32 and by law upon the making of such investments. The comptroller shall
33 have full power:

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

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

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

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

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

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

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

5 1. All pensions, annuities and other benefits, and

6 2. Such expenses as may necessarily be incurred in acquiring, servic-
7 ing and foreclosing mortgages and in acquiring, managing and protecting
8 investments, and

9 3. Such special expenditures for which the [~~police~~ ~~and~~ ~~fire~~ ~~men's~~]
10 police and fire retirement system will be paid by the state or a partic-
11 ipating employer. Such fund shall be reimbursed from time to time by the
12 head of such division on the warrant of the comptroller.

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

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

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

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

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

27 h. The [~~police~~ ~~and~~ ~~fire~~ ~~men's~~] police and fire retirement system
28 may use a part of its funds, not exceeding ten per centum of its assets,

29 (1) for purchasing or leasing of land in the city of Albany and the
30 construction thereon of a suitable office building or buildings for the
31 transaction of the business of the retirement system, (2) for purchasing
32 or leasing of land in the cities of Albany, Syracuse, Buffalo, Bingham-
33 ton, New York, Rochester and Utica and the construction thereon of a
34 suitable office building or buildings for purposes of lease or sale to
35 the state, (3) for purchasing or leasing of land in the city of Albany
36 on the north and south sides of Washington avenue commonly known as the
37 "Campus Site" acquired by the state for a state building site pursuant
38 to the provisions of chapter five hundred seventy-two of the laws of
39 nineteen hundred forty-seven and the construction thereon of power
40 plants including service connections, electric substations including
41 service connections, garages, warehouses and restaurant facilities
42 deemed necessary for the efficient and economical operation of the
43 office building or buildings constructed on such land and (4) for
44 purchasing or leasing of land in the city of Albany acquired by the
45 state for suitable parking facilities for the use primarily of employees
46 of the state and persons having business with state departments and
47 state agencies and the construction thereon of such structures, appurte-
48 nances and facilities deemed necessary for the efficient and economical
49 operation of the parking facilities constructed on such land and (5) for
50 purchasing or leasing of land in locations approved by the state univer-
51 sity trustees and the construction, acquisition, reconstruction, reha-
52 bilitation or improvement of suitable buildings or facilities thereon
53 for purposes of lease or sale to the state university construction fund,
54 such buildings or facilities to be used by the state university or by
55 state-operated institutions or statutory or contract colleges under the
56 jurisdiction of the state university or by the students, faculty and

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

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

9 Real property of the [~~police and fire~~] police and fire
10 retirement system acquired or constructed pursuant to this subdivision
11 shall be exempt from taxation.

12 i. At the close of each fiscal year, the average rate of investment
13 earnings of the retirement system shall be computed by the actuary and
14 certified to the comptroller. This rate shall be determined from the
15 investment earnings during the calendar year which ended three months
16 prior to the close of the fiscal year. For any year that such average
17 rate of earnings is in excess of three per centum but not in excess of
18 four per centum, the comptroller shall declare a rate of special inter-
19 est, for members earning regular interest of three per centum, equal to
20 the difference between such average rate of earnings and three per
21 centum, expressed to the lower one-tenth of one per centum, but not in
22 excess of one per centum. For any year, commencing with the fiscal year
23 the first day of which is April first, nineteen hundred seventy, that
24 such average rate of earnings is in excess of four per centum, the
25 special rate of interest for members earning regular interest of three
26 per centum shall be equal to the difference between such average rate of
27 earnings and three per centum, expressed to the lower one-tenth of one
28 per centum, but not in excess of two per centum, and for members earning
29 regular interest of four per centum, it shall be the difference between
30 such average rate of earnings and four per centum, expressed to the
31 lower one-tenth of one per centum, but not in excess of one per centum.
32 Special interest at such rates, shall be credited, by the comptroller at
33 the same time that regular interest is credited, to the individual annu-
34 ity savings accounts of persons who are members as of the close of the
35 fiscal year. Special interest shall not be considered in determining
36 rates of contribution of members. In the case of persons who last became
37 members on or after July first, nineteen hundred seventy-three, the
38 provisions of this subdivision shall apply only to the fiscal years
39 beginning April first, nineteen hundred seventy-two and ending March
40 thirty-first, nineteen hundred seventy-three.

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

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

51 § 314. Legal adviser. The [~~attorney general~~] attorney general of the
52 state shall be the legal adviser of the [~~police and fire~~]
53 police and fire retirement system.

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

1 104 of part A of chapter 62 of the laws of 2011, is amended to read as
2 follows:

3 § 315. State supervision. The [~~police~~ ~~and~~ ~~fire~~ ~~men~~ ~~'s~~] police and
4 fire retirement system established by this article shall be subject to
5 the supervision of the superintendent of financial services. Such super-
6 vision shall be in accordance with the provisions of the insurance law
7 to the extent that such provisions are applicable to the [~~police~~ ~~and~~ ~~fire~~ ~~men~~ ~~'s~~]
8 police and fire retirement system and are not inconsis-
9 tent with the provisions of this article.

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

13 § 316. Annual appropriation by state. a. Upon the basis of each annual
14 actuarial valuation and appraisal provided for in this article, the
15 comptroller, on or before the fifteenth day of October of each year,
16 shall prepare and file with the director of the budget an itemized esti-
17 mate of the amounts necessary to be appropriated by the state to the
18 pension accumulation fund and the New York state public employees group
19 life insurance plan, as appropriate. Such itemized estimate may be
20 revised on or before December thirtieth of each such year. Such amounts
21 shall be sufficient to provide for payment in full for (i) the succeed-
22 ing fiscal year of all estimated obligations of the state to the
23 [~~police~~ ~~and~~ ~~fire~~ ~~men~~ ~~'s~~] police and fire retirement system; and (ii)
24 any actual obligations of the state to such retirement system, remaining
25 unpaid, plus interest on such amount, for the fiscal year ending on the
26 March thirty-first preceding such date; provided, however, that such
27 estimate of actual obligations shall be made commencing with the filings
28 due on October fifteenth, nineteen hundred eighty-seven and thereafter.
29 If, as a result of the estimate required to be made pursuant to clause
30 (i) of the preceding sentence, the state overpaid its actual obligation
31 to the retirement system in any year, the amount estimated in the filing
32 required by this subdivision next succeeding such overpayment shall
33 reflect the amount of such overpayment, plus interest on such amount, as
34 a reduction in amounts that would otherwise be estimated to be due the
35 retirement system from the state. An item of appropriation which shall
36 be sufficient to provide for such obligations shall be included in the
37 next annual appropriation bill when it is presented to the legislature
38 for passage. The amounts so appropriated or so much thereof as may be
39 required shall be paid from the state treasury on warrant of the comp-
40 troller into the pension accumulation fund and the New York state public
41 employees group life insurance plan, as appropriate, on March first of
42 each state fiscal year. For the purposes of this section, interest shall
43 mean the rate or rates of interest used in the actuarial valuations
44 covering the period of time over which such interest is computed.

45 b. On or before the fifteenth day of October of each year the comp-
46 troller shall file with the director of the budget an itemized estimate
47 of the expenses of the [~~police~~ ~~and~~ ~~fire~~ ~~men~~ ~~'s~~] police and fire
48 retirement system for the ensuing year. The director of the budget may
49 revise and amend such estimate. After such revision and amendment, if
50 any, such director shall approve the same for inclusion in the executive
51 budget. No monies shall be paid out of the pension accumulation fund
52 for such expenses unless expenditures therefor shall have been author-
53 ized by law.

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

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

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

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

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

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

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

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

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

50 § 320. The funds of the [~~police and fire~~] police and fire
51 retirement system. The funds hereby created are as follows:

52 (a) the [~~police and fire~~] police and fire annuity savings
53 fund, hereinafter referred to as the annuity savings fund;

54 (b) the [~~police and fire~~] police and fire annuity reserve
55 fund, hereinafter referred to as the annuity reserve fund;

1 (c) the [~~police~~men's and firemen's] fire and police pension accumu-
2 lation fund, hereinafter referred to as the pension accumulation fund;

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

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

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

19 1. Any member of the [~~police~~men's and firemen's] police and fire
20 retirement system, upon forms prescribed and furnished by the comp-
21 troller, may elect to make additional contributions at the rate of fifty
22 per centum of his or her rate of normal contribution for the purpose of
23 purchasing additional annuity.

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

35 1. Any member of the [~~police~~men's and firemen's] police and fire
36 retirement system who is not otherwise required by law to make contrib-
37 utions may elect to make voluntary contributions for the purpose of
38 purchasing additional annuity.

39 § 176. Subdivision d of section 322 of the retirement and social secu-
40 rity law, as added by chapter 1000 of the laws of 1966, is amended to
41 read as follows:

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

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

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

52 § 178. Subdivision e of section 324 of the retirement and social secu-
53 rity law, as added by chapter 1000 of the laws of 1966, is amended to
54 read as follows:

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

1 ~~men's~~] police and fire retirement system, his or her pension reserve
2 shall be transferred from the pension reserve fund to the pension accu-
3 mulation fund.

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

7 a. Every municipality (exclusive of those maintaining a local pension
8 system for all its [~~police~~ ~~men and fire~~ ~~men~~] police officers and fire-
9 fighters) employing [~~police~~ ~~men and fire~~ ~~men~~] police officers and fire-
10 fighters must participate in the [~~police~~ ~~men's and fire~~ ~~men's~~] police and
11 fire retirement system, and such participation shall be irrevocable.

12 b. A municipality maintaining a local pension system for its [~~police~~
13 ~~men and fire~~ ~~men~~] police officers and firefighters may elect to partic-
14 ipate in the [~~police~~ ~~men's and fire~~ ~~men's~~] police and fire retirement
15 system upon the petition of sixty per centum of the members of the local
16 pension system for [~~police~~ ~~men and fire~~ ~~men~~] police officers and fire-
17 fighters. Such election shall be exercised by the adoption of a resol-
18 ution approved by its local legislative body and any other body or offi-
19 cer required by law to approve resolution of such local legislative
20 body. Upon the filing of a certified copy of such resolution with the
21 comptroller, such election shall be irrevocable, and the municipality
22 shall become a participating employer. As of the date such participation
23 is approved:

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

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

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

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

43 § 180. Section 331 of the retirement and social security law, as added
44 by chapter 1000 of the laws of 1966, subdivision b as amended by chapter
45 628 of the laws of 1991, and subdivision d as further amended by section
46 104 of part A of chapter 62 of the laws of 2011, is amended to read as
47 follows:

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

1 b. On and after April first, nineteen hundred sixty-seven, any public
2 or quasi-public organization created wholly or partly or deriving its
3 powers by the legislature of the state and which organization employs
4 [~~police~~ ~~and~~ ~~firemen~~] police officers and firefighters engaged in
5 service to the public, by resolution legally adopted by its governing
6 body and approved by the comptroller, may elect to have its [~~police~~
7 ~~and~~ ~~firemen~~] police officers and firefighters become eligible to partic-
8 ipate in the New York state and local police and fire retirement system.
9 Acceptance of the officers and employees of such an employer for member-
10 ship in the New York state and local police and fire retirement system
11 shall be optional with the comptroller. If he or she shall approve their
12 participation, such organization, except as specifically provided in
13 this article to the contrary, shall thereafter be treated as a partic-
14 ipating employer. Notwithstanding the foregoing provisions of this
15 subdivision, The Long Island Rail Road Company, upon its election filed
16 with the comptroller, shall participate in the New York state and local
17 police and fire retirement system with respect to LIRR police officers
18 as defined in paragraph two of subdivision a of section three hundred
19 eighty-nine of this article who are referred to in paragraph three of
20 subdivision b or in paragraph one of subdivision c of section three
21 hundred forty of this article, their benefits to be as provided in or
22 pursuant to such section three hundred eighty-nine, provided that such
23 election may only be made subsequent to the latest date of the enactment
24 of federal legislation or receipt of assurance or relief from the rele-
25 vant federal agency or agencies for all of the following: removal of
26 such LIRR police officers from coverage under the Federal Employers'
27 Liability Act and the federal Railway Labor Act, removal of such LIRR
28 police officers from coverage under the federal Railroad Retirement Act
29 and the federal Railroad Unemployment Insurance Act and exemption for
30 such LIRR police officers and The Long Island Railroad Company from
31 liability either for taxes under the federal Railroad Retirement Tax Act
32 or the federal Railroad Unemployment Repayment Tax, and further provided
33 that the authority for such election shall expire and be null and void
34 if each such enactment or receipt is not effected on or before June
35 fifteenth, nineteen hundred ninety-six.

36 c. The officers and employees of such organization shall be credited
37 with such periods of prior service as shall be certified by their
38 employer for service rendered to it, or its predecessor, or the state,
39 or in any other capacity approved by such employer and the comptroller.
40 Service for such employer after the date on which it commences to
41 participate in the [~~police~~ ~~and~~ ~~firemen~~'] police and fire retire-
42 ment system and on account of which such employer pays contributions
43 shall be considered as member service. An officer or employee of such
44 employer who, as of the date he or she is so approved for membership in
45 the [~~police~~ ~~and~~ ~~firemen~~'] police and fire retirement system, is
46 already a member thereof, shall not have his or her total credit reduced
47 by such approval. Any reserve held on account of any such officer or
48 employee in the pension accumulation fund shall be used as an offset
49 against the deficiency contribution payable thereafter by such employer
50 on account of such officer or employee for any prior service credit and
51 any such previous credit. Except as otherwise provided in this article,
52 a [~~police~~ ~~man~~ ~~or~~ ~~fire~~ ~~man~~] police officer or firefighter of such employer
53 who, by reason of his or her service, is a member of any other govern-
54 mental retirement system shall not participate in the [~~police~~ ~~and~~ ~~fire~~
55 ~~men~~'] police and fire retirement system on that part of his or her
56 compensation so covered. The term "governmental retirement system," as

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

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

17 d. An agreement, made by such an employer pursuant to this section, to
18 contribute on account of its officers and employees shall be irrev-
19 ocable. In the event that such employer for any reason becomes finan-
20 cially unable to make the contributions required on account of its offi-
21 cers and employees, it shall be deemed to be in default. A certificate
22 to such effect thereupon shall be sent by the comptroller to the employ-
23 er and to the state superintendent of financial services. Every member
24 of the [~~policemen's and firemen's~~] police and fire retirement system,
25 who was an officer or employee of such employer at the time of default,
26 upon demand made within ninety days thereafter, shall be entitled to
27 discontinue his or her membership in the [~~policemen's and firemen's~~]
28 police and fire retirement system and to a refund of his or her accumu-
29 lated contributions. As of a date ninety days following the date of such
30 certificate of default, the actuary of the [~~policemen's and firemen's~~]
31 police and fire retirement system, by actuarial valuation, shall deter-
32 mine the amount of the reserves held on account of each active member
33 and pensioner of such employer. He or she shall credit to each such
34 member and pensioner the amount of reserve so held. In the event such an
35 active member does not discontinue his or her membership and thus become
36 entitled to the refund of his or her accumulated contributions, the
37 reserve so credited, together with the amount of his or her accumulated
38 contributions shall be used to provide him or her a paid up deferred
39 annuity beginning at age sixty. The reserve of each pensioner shall be
40 used in providing such part of his or her existing pension as the
41 reserve so held will provide, which pension, together with his or her
42 annuity, shall thereafter be payable to him or her. The rights and priv-
43 ileges of both active members and pensioners of such employer shall
44 thereupon terminate except as to the payment of the deferred annuities
45 so provided for the previous active members and the annuities and the
46 pensions, or parts thereof provided for the pensioners.

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

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

9 Membership of the [~~police~~men's and firemen's] police and fire retire-
10 ment system.

11 Membership in the [~~police~~men's and firemen's] police and fire retire-
12 ment system shall be mandatory for the following:

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

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

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

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

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

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

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

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

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

8 1. Affect the membership of any person who was a member of the New
9 York state and local employees' retirement system on April first, nine-
10 teen hundred sixty-seven and who became a member of the [~~police~~ ~~men's~~ ~~and~~ ~~fire~~ ~~men's~~] police and fire
11 retirement system after such date.

12 Membership in the [~~police~~ ~~men's~~ ~~and~~ ~~fire~~ ~~men's~~] police and fire retire-
13 ment system shall cease upon the occurrence of any one of the following
14 conditions:

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

18 1. [~~Police~~ ~~men~~ ~~and~~ ~~fire~~ ~~men~~] Police officers and firefighters in the
19 service of a public or quasi-public organization, if their employer has
20 elected to participate as provided in section three hundred thirty-one
21 of this article, including each LIRR police officer as defined in para-
22 graph two of subdivision a of section three hundred eighty-nine of this
23 article who is such on the effective date of such section three hundred
24 eighty-nine and who files an election with the comptroller in accordance
25 with subdivision a of this section within ninety days after the effec-
26 tive date of section three hundred eighty-nine of this article. Such an
27 election by a LIRR police officer shall be effective as of such effec-
28 tive date and shall be a waiver of any and all rights such officer may
29 have had to benefits under any pension plan sponsored by The Long Island
30 Rail Road Company other than the retirement plan provided for in section
31 three hundred eighty-nine of this article.

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

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

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

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

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

8 2. Upon such return to service, such member shall contribute to the
9 [~~police~~ ~~men's~~ ~~and~~ ~~fire~~ ~~men's~~] police and fire retirement system as a new
10 member.

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

18 § 184. The opening paragraph of subdivision a, paragraph 1 of subdivi-
19 sion b, the opening paragraph and paragraph 6 of subdivision g, and
20 subdivision h of section 350 of the retirement and social security law,
21 as added by chapter 1000 of the laws of 1966, and paragraph 1 of subdivi-
22 sion b and the opening paragraph of subdivision g as amended by chap-
23 ter 454 of the laws of 1991, are amended to read as follows:

24 The following may borrow from the [~~police~~ ~~men's~~ ~~and~~ ~~fire~~ ~~men's~~] police
25 and fire retirement system:

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

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

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

42 h. Loans made to certain [~~police~~ ~~men~~ ~~and~~ ~~fire~~ ~~men~~] police officers and
43 firefighters. Each loan made to [~~police~~ ~~men~~ ~~and~~ ~~fire~~ ~~men~~] police officers
44 and firefighters while such persons were members of the New York state
45 and local employees' retirement system shall be repaid according to the
46 provisions of subdivision b of this section.

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

50 2. Last became a member of the state employees' retirement system
51 before April sixth, nineteen hundred forty-three, and subsequently
52 became a member of the [~~police~~ ~~men's~~ ~~and~~ ~~fire~~ ~~men's~~] police and fire
53 retirement system, or

54 § 186. The second undesignated paragraph of subdivision b of section
55 360 of the retirement and social security law, as amended by chapter
56 1046 of the laws of 1973, is amended to read as follows:

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

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

15 3. At the time of such accident was actually a member of the [~~police-~~
16 ~~men's and firemen's~~] police and fire retirement system.

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

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

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

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

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

42 § 190. Subparagraph (a) of paragraph 2 of subdivision b of section
43 363-b of the retirement and social security law, as amended by chapter
44 489 of the laws of 2008, is amended to read as follows:

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

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

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

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

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

9 § 193. Subdivision b of section 364 of the retirement and social secu-
10 rity law, as amended by chapter 661 of the laws of 1984, is amended to
11 read as follows:

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

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

23 Beginning with a payroll period commencing as specified by a partic-
24 ipating employer electing to contribute pursuant to the provisions of
25 this section the contribution of each member of the [~~police and fire~~
26 ~~firemen's~~] police and fire retirement system in the employ of such a
27 participating employer, exclusive of any increase thereof pursuant to
28 subdivision i of section three hundred twenty-one of this chapter or of
29 any reduction thereof pursuant to subdivision one of section one hundred
30 thirty-eight-b of article three of this chapter, shall be reduced by
31 five per centum of the compensation of such member. Beginning with a
32 payroll period commencing as specified by a participating employer,
33 specifically electing, as provided in subdivision c of this section, to
34 contribute at the higher rate pursuant to the provisions of this section
35 the contribution of each member of the retirement system in the employ
36 of such a participating employer, exclusive of any increase thereof
37 pursuant to subdivision i of section twenty-one of this chapter or of
38 any reduction thereof pursuant to subdivision one of section one hundred
39 thirty-eight-b of this chapter, shall be reduced by an additional three
40 per centum of the compensation of such member. Where a member's rate of
41 contribution as so qualified is less than the per centum by which his
42 contribution is reduced, such rate shall be discontinued. Such a
43 reduction or discontinuance, as the case may be, shall:

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

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

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

4 Any member of the [~~police and fire~~ police and fire retire-
5 ment system, who has not by voluntary election on or after April first,
6 nineteen hundred sixty-seven withdrawn the excess contributions author-
7 ized by subdivision d of this section, by written notice duly acknowl-
8 edged and filed with the comptroller on or before December thirty-first,
9 nineteen hundred sixty-seven or within one year after he or she last
10 became a member, whichever is later, may elect to contribute pursuant to
11 this section on the basis of retirement at age fifty-five. After such
12 election the member shall contribute pursuant to this section at the
13 higher rate determined in accordance with this subdivision [a]. Such
14 higher rate shall be determined by the actuary upon the basis of tables
15 adopted by the comptroller and regular interest. Such higher rate shall
16 consist of the member's rate of normal contribution plus an additional
17 rate. Such higher rate shall be computed as the constant proportion of
18 annual compensation which, when deducted from each payment of such
19 member's prospective earnable compensation from the time when he or she
20 last became a member until he or she shall attain age fifty-five, would
21 provide, at such latter time, an annuity equal to one-one hundred twen-
22 tieth of his or her final average salary for each year of member service
23 rendered or which he or she will have rendered prior to his or her
24 attainment of age fifty-five and for which he or she shall be entitled
25 to credit. Such higher rate of contribution of a member who is over age
26 fifty-four, at the time of his or her last becoming a member, shall be
27 the same as if his or her age were fifty-four. Where a member elects to
28 contribute pursuant to this section, contributions at such higher rate
29 shall be made from May fifteenth, nineteen hundred sixty-seven or from
30 the date he or she last became a member, whichever is later.

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

33 § 372. Optional retirement at age fifty-five; closed plan. a. Any
34 member of the [~~police and fire~~ police and fire retirement
35 system who, while a member of the state employees' retirement system,
36 elected to contribute on a basis of retirement at age fifty-five pursu-
37 ant to the provisions of section seventy-two of this chapter and who did
38 not withdraw his or her election as therein provided shall contribute to
39 the [~~police and fire~~ police and fire retirement system at the
40 rate prescribed by such section, and if such member retires his or her
41 retirement allowance shall be computed according to the provisions of
42 such section.

43 § 198. The opening paragraph of subdivision a and the opening para-
44 graph of subdivision b of section 373 of the retirement and social secu-
45 rity law, as added by chapter 1000 of the laws of 1966, are amended to
46 read as follows:

47 Persons who last became members of the New York state and local
48 employees' retirement system before April eighth, nineteen hundred
49 forty-three and became members of the [~~police and fire~~ police
50 and fire retirement system on or after April first, nineteen hundred
51 sixty-seven, and who as members of state system became members of this
52 system:

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

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

3 § 199. The opening paragraph of subdivision c and the opening para-
4 graph of subdivision d of section 375 of the retirement and social secu-
5 rity law, as amended by chapter 559 of the laws of 1967, are amended to
6 read as follows:

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

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

19 § 200. Subdivision f of section 378 of the retirement and social secu-
20 rity law, as amended by chapter 343 of the laws of 1978, is amended to
21 read as follows:

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

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

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

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

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

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

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

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

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

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

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

1 special benefits provided under this section. Such additional contrib-
2 utions shall be computed on the basis of contributions during the
3 prospective service of such member which will cover the liability of the
4 [~~police and fire~~] police and fire retirement system for such
5 extra pensions. Upon approval by the comptroller, such additional
6 contributions shall be certified by him or her to the superintendent of
7 state police. The amount thereof shall be included in the annual appro-
8 priation of the state for the division of state police. Such amount
9 shall be paid on the warrant of the comptroller to the pension accumu-
10 lation fund of the [~~police and fire~~] police and fire retire-
11 ment system.

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

15 Any member of the [~~police and fire~~] police and fire retire-
16 ment system in regional state park police service may elect to contrib-
17 ute to the [~~police and fire~~] police and fire retirement system
18 on the basis of retirement upon his or her

19 f. The increased pensions to any member in regional state park police
20 service, as provided by this section, shall be paid from additional
21 contributions made by the state on account of such members. The actuary
22 of the [~~police and fire~~] police and fire retirement system
23 shall compute the additional contribution for each member who elects the
24 special benefits provided under this section. Such additional contrib-
25 utions shall be computed on the basis of contributions during the
26 prospective service of such member which will cover the liability of the
27 [~~police and fire~~] police and fire retirement system for such
28 extra pensions, and upon approval by the comptroller, the additional
29 contributions shall be certified by the comptroller and shall be
30 included in the annual appropriation to the pension accumulation fund of
31 the [~~police and fire~~] police and fire retirement system in the
32 manner provided in section three hundred sixteen of this article.

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

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

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

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

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

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

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

30 Optional retirement of certain [~~police~~ ~~men~~ ~~and~~ ~~fire~~ ~~men~~] police officers
31 and firefighters.

32 Any member of the [~~police~~ ~~men's~~ ~~and~~ ~~fire~~ ~~men's~~] police and fire retire-
33 ment system who is an officer or member of any organized fire department
34 or organized police force or police department of any county, city,
35 town, village, fire district, police district or participating employer
36 may elect to contribute to the [~~police~~ ~~men's~~ ~~and~~ ~~fire~~ ~~men's~~] police and
37 fire retirement system on the basis of retirement upon his or her
38 completion of twenty-five years of service as an officer or member of
39 any such force or department on an allowance of:

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

49 bb. On and after April first, nineteen hundred sixty-seven only [~~fire-~~
50 ~~men,~~ ~~police~~ ~~men~~] firefighters, police officers or officers of such a fire
51 department or police force may elect to contribute to the [~~police~~ ~~men's~~
52 ~~and~~ ~~fire~~ ~~men's~~] police and fire retirement system on the basis of retire-
53 ment pursuant to this section and, as to members so electing, in addi-
54 tion to service in war after world war I, as defined in section three
55 hundred two of this article, only credit for service:

1 1. As such a [~~fireman, policeman~~] firefighter, police officer or offi-
2 cer, or

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

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

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

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

33 5. For actuarial purposes relative to rates or amounts of contrib-
34 utions to the funds of the [~~policemen's and firemen's~~] police and fire
35 retirement system, service of a member making an election pursuant to
36 this section shall, as to his or her service and status subsequent ther-
37 eto, be deemed continuous and constant. If the continuity of such
38 service be interrupted or such status be changed, however, appropriate
39 changes as may be necessary for actuarial purposes shall be made in such
40 rates and amounts.

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

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

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

5 § 208. The section heading and subdivision a of section 384-c of the
6 retirement and social security law, as added by chapter 144 of the laws
7 of 1966 and such section as renumbered by chapter 559 of the laws of
8 1967, are amended to read as follows:

9 Additional pension benefits for certain [~~police~~men] police officers
10 after twenty-five years of service. a. In the event a member of the
11 police force of the city of Glen Cove, in the county of Nassau, who is
12 contributing to the retirement system [~~under section eighty-four of this~~
13 ~~chapter~~], shall continue in service after twenty-five years of total
14 creditable police service under such section in such force, he or she
15 shall receive, upon retirement, in addition to the amount of any retire-
16 ment allowance he or she would otherwise be entitled to receive, pursu-
17 ant to the applicable provisions of this chapter, an additional pension
18 for such service of one-sixtieth of his or her final average salary for
19 each completed additional year of service after twenty-five years. The
20 participating employer in the case of any [~~police~~man] police officer
21 eligible for the additional pension benefit prescribed by this section
22 shall make additional contributions to the appropriate fund of the
23 retirement system necessary to pay the difference between the amounts
24 prescribed by this section and the amount the member would otherwise be
25 entitled to receive at the time of his or her retirement.

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

32 Optional twenty year retirement plan for certain [~~firemen and police-~~
33 ~~men~~] firefighters and police officers whose employer elects to provide
34 same.

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

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

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

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

11 (1) Any member of the [~~police~~ ~~men's~~ ~~and~~ ~~fire~~ ~~men's~~] police and fire
12 retirement system, who was a member of the New York state and local
13 employees' retirement system while employed as a police department cadet
14 and whose membership therein was terminated by his or her attaining
15 membership in the [~~police~~ ~~men's~~ ~~and~~ ~~fire~~ ~~men's~~] police and fire retirement
16 system, may purchase credit in the said [~~police~~ ~~men's~~ ~~and~~ ~~fire~~ ~~men's~~]
17 police and fire retirement system for prior creditable service in the
18 New York state employees' retirement system earned as a police depart-
19 ment cadet and shall have the period of such prior service credit count-
20 ed as police service for the purpose of determining the amount of his or
21 her pension and retirement allowance and period of service needed for
22 retirement. In order to purchase credit pursuant to this subdivision a
23 member shall deposit in the pension accumulation fund a sum equal to the
24 product of the participating employers' normal contribution rate at the
25 time of the member's entry into such police department cadet service,
26 his or her annual rate of compensation at that time, and the period of
27 police department cadet service being claimed, with regular interest.
28 Such deposit must be made within one year of the date of election by the
29 participating employer, provided however, such member may elect to
30 deposit such amount over a period of time no greater than the period for
31 which credit is being claimed, in which case such payments must commence
32 within one year of the date of election by the participating employer.
33 If the full amount of such payments is not paid to the retirement
34 system, the amount of service credited shall be proportional to the
35 total amount of the payments made.

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

39 Any member in the department, including the commissioner of police,
40 who so elected, on or before January first, nineteen hundred forty-
41 eight, to contribute to the New York state and local employees' retire-
42 ment system pursuant to the provisions of former section eighty-five of
43 this chapter in effect prior to April first, nineteen hundred sixty-sev-
44 en, shall contribute to the [~~police~~ ~~men's~~ ~~and~~ ~~fire~~ ~~men's~~] police and fire
45 retirement system on the basis of retirement upon his or her:

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

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

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

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

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

42 f. The increased pensions to members of such department, as provided
43 by this section, shall be paid from additional contributions made by the
44 county on account of such members. The actuary of the [~~police~~~~men's~~~~and~~
45 ~~fire~~~~men's~~] police and fire retirement system shall compute the addi-
46 tional contribution for each member who elects the special benefits
47 provided under this section. Such additional contributions shall be
48 computed on the basis of contributions during the prospective service of
49 such member which will cover the liability of the [~~police~~~~men's~~~~and~~~~fire~~
50 ~~men's~~] police and fire retirement system for such extra pensions. Upon
51 the approval by the comptroller, such additional contributions shall be
52 certified by him or her to the county executive of the county. The
53 amount thereof shall be included in the annual appropriation of the
54 county for the Westchester county parkway police force. Such amount
55 shall be paid on the warrant of the county department of finance to the

1 pension accumulation fund of the [~~police~~ ~~men's~~ ~~and~~ ~~fire~~ ~~men's~~] police and
2 fire retirement system.

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

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

14 f. The increased pensions to members of such department, as provided
15 by this section, shall be paid from additional contributions made by the
16 county on account of such members. The actuary of the [~~police~~ ~~men's~~ ~~and~~
17 ~~fire~~ ~~men's~~] police and fire retirement system shall compute the addi-
18 tional contribution for each member who elects the special benefits
19 provided under this section. Such additional contributions shall be
20 computed on the basis of contributions during the prospective service of
21 such member which will cover the liability of the [~~police~~ ~~men's~~ ~~and~~ ~~fire~~
22 ~~men's~~] police and fire retirement system for such extra pensions. Upon
23 approval by the comptroller, such additional contributions shall be
24 certified by him or her to the county executive of the county. The
25 amount thereof shall be included in the annual appropriation of the
26 county for the Suffolk county police department. Such amount shall be
27 paid on the warrant of the comptroller of the county to the pension
28 accumulation fund of the [~~police~~ ~~men's~~ ~~and~~ ~~fire~~ ~~men's~~] police and fire
29 retirement system.

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

33 3. "Service in such department." Full time duty as a [~~police~~ ~~man,~~ ~~fire-~~
34 ~~man~~] police officer, firefighter or police, fire officer or commissioner
35 of the department.

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

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

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

52 2. Received a retirement allowance which shall consist of:

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

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

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

6 Where such member shall have earned at least two years of member
7 service credit after restoration to active service, the total service
8 credit to which he or she was entitled at the time of his or her earlier
9 retirement may, at his or her option, again be credited to him or her
10 and upon his or her subsequent retirement he or she shall be credited in
11 addition with all member service earned by him or her subsequent to his
12 or her last restoration to membership. Such total service credit to
13 which he or she was entitled at the time of his or her earlier retire-
14 ment shall be so credited only in the event that such member returns to
15 the [~~police~~men's and firemen's] police and fire retirement system with
16 regular interest the actuarial equivalent of the amount of the retire-
17 ment allowance he or she received, or in the event that such amount is
18 not so repaid the actuarial equivalent thereof shall be deducted from
19 his or her subsequent retirement allowance.

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

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

41 (b) For service pursuant to subdivision c of this section where the
42 retired member continues as a beneficiary of the [~~police~~men's and fire-
43 men's] police and fire retirement system.

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

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

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

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

9 In the case where an optional benefit has been selected, such
10 reduction shall be the same as the reduction would have been without
11 optional modification. Where such reduction is greater than the pension,
12 including the pension-providing-for-increased-take-home-pay, payable
13 under the option selected, the excess may be paid by the pensioner into
14 the funds of the [~~police~~men's and firemen's] police and fire retirement
15 system, in which case the benefit due under the option shall be paid as
16 if no reduction had occurred. If such excess is not paid by the pension-
17 er, the benefit otherwise due under the option shall be reduced by the
18 actuarial equivalent of such excess. In no event shall the payment to
19 the funds be greater than the difference between the pension, including
20 the pension-providing-for-increased-take-home-pay, without optional
21 modification and the pension, including the pension-providing-for-in-
22 creased-take-home-pay, under the option selected. The pension, including
23 the pension-providing-for-increased-take-home-pay of a disability
24 pensioner, shall not be reduced after he or she has attained the manda-
25 tory retirement age applicable to him or her or shall have attained the
26 age or performed the period of service specified by applicable law for
27 eligibility for a service retirement benefit.

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

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

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

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

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

20 a. No other provision of law in any other statute which provides whol-
21 ly or partly at the expense of the state or of a participating employer
22 for pensions, retirement benefits, emoluments or awards for employees in
23 police or fire service, their widows or widowers or other dependents,
24 shall apply to members or beneficiaries of the [~~police~~men's and ~~fire~~-
25 ~~men's~~] police and fire retirement system established by this article,
26 their [~~widows~~] widows, widowers or other dependents.

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

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

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

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

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

54 2. The term "~~police~~men's and ~~fire~~men's] police and fire retirement
55 system" shall mean the New York state [~~police~~men's and ~~fire~~men's] and
56 local police and fire retirement system.

1 5. The term "actuary" shall mean the actuary of the employees' retire-
2 ment system acting jointly with the actuary of the [~~police~~ and
3 ~~firemen's~~] police and fire retirement system.

4 § 219. Subdivision 1 of section 422 of the retirement and social secu-
5 rity law, as added by chapter 306 of the laws of 1967, is amended to
6 read as follows:

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

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

17 § 425. Separability of retirement systems. No provision of this arti-
18 cle shall be construed as an impairment of the separability of or of the
19 corporate powers and privileges of the employees' retirement system or
20 the [~~police~~ and ~~firemen's~~] police and fire retirement system. The
21 comptroller shall establish or continue separate funds and accounts for
22 each retirement system, consistent with the common retirement fund here-
23 in provided for, as may be required to carry out the separate purposes
24 and privileges of each retirement system.

25 § 221. Subdivision c of section 443 of the retirement and social secu-
26 rity law, as added by chapter 784 of the laws of 1987, is amended to
27 read as follows:

28 c. Notwithstanding the provisions of subdivisions a and b of this
29 section, with respect to [~~police~~ and ~~firemen~~] police officers and
30 firefighters as defined in section four hundred fifty of this chapter,
31 the final average salary of an employee who has been a member of a
32 retirement system for less than one year shall be the projected one year
33 salary, with the calculation based upon a twelve month projection of the
34 sums earned in the portion of the year worked. If a member has been
35 employed for more than one year but less than two years, then the
36 member's final average salary shall be the average of the first year and
37 projected second year earnings based upon the calculation above, and if
38 more than two years, but less than three years, then one-third the total
39 of the first two years of employment plus the projected third year's
40 earnings, calculated as indicated above.

41 § 222. Subdivision a of section 445 of the retirement and social secu-
42 rity law, as amended by chapter 295 of the laws of 2007, is amended to
43 read as follows:

44 a. No member of a retirement system who is subject to the provisions
45 of this article shall retire without regard to age, exclusive of retire-
46 ment for disability, unless he or she is a [~~police~~ man] police officer,
47 an investigator member of the New York city employees' retirement
48 system, [~~fire~~ man] firefighter, correction officer, a qualifying member
49 as defined in section eighty-nine-t, as added by chapter six hundred
50 fifty-seven of the laws of nineteen hundred ninety-eight, of this chap-
51 ter, sanitation [~~man~~] worker, a special officer (including persons
52 employed by the city of New York in the title urban park ranger or asso-
53 ciate urban park ranger), school safety agent, campus peace officer or a
54 taxi and limousine commission inspector member of the New York city
55 employees' retirement system or the New York city board of education
56 retirement system, a dispatcher member of the New York city employees'

1 retirement system, a police communications member of the New York city
2 employees' retirement system, an EMT member of the New York city employ-
3 ees' retirement system, a deputy sheriff member of the New York city
4 employees' retirement system, a correction officer of the Westchester
5 county correction department as defined in section eighty-nine-e of this
6 chapter or employed in Suffolk county as a peace officer, as defined in
7 section eighty-nine-s, as added by chapter five hundred eighty-eight of
8 the laws of nineteen hundred ninety-seven, of this chapter, employed in
9 Suffolk county as a correction officer, as defined in section eighty-
10 nine-f of this chapter, or employed in Nassau county as a correction
11 officer, uniformed correction division personnel, sheriff, undersheriff
12 or deputy sheriff, as defined in section eighty-nine-g of this chapter,
13 or employed in Nassau county as an ambulance medical technician, an
14 ambulance medical technician/supervisor or a member who performs ambu-
15 lance medical technician related services, as defined in section eight-
16 y-nine-s, as amended by chapter five hundred seventy-eight of the laws
17 of nineteen hundred ninety-eight, of this chapter, or employed in Nassau
18 county as a peace officer, as defined in section eighty-nine-s, as added
19 by chapter five hundred ninety-five of the laws of nineteen hundred
20 ninety-seven, of this chapter, or employed in Albany county as a sher-
21 iff, undersheriff, deputy sheriff, correction officer or identification
22 officer, as defined in section eighty-nine-h of this chapter or is
23 employed in St. Lawrence county as a sheriff, undersheriff, deputy sher-
24 iff or correction officer, as defined in section eighty-nine-i of this
25 chapter or is employed in Orleans county as a sheriff, undersheriff,
26 deputy sheriff or correction officer, as defined in section
27 eighty-nine-l of this chapter or is employed in Jefferson county as a
28 sheriff, undersheriff, deputy sheriff or correction officer, as defined
29 in section eighty-nine-j of this chapter or is employed in Onondaga
30 county as a deputy sheriff-jail division competitively appointed or as a
31 correction officer, as defined in section eighty-nine-k of this chapter
32 or is employed in a county which makes an election under subdivision j
33 of section eighty-nine-p of this chapter as a sheriff, undersheriff,
34 deputy sheriff or correction officer as defined in such section eighty-
35 nine-p or is employed in Broome County as a sheriff, undersheriff, depu-
36 ty sheriff or correction officer, as defined in section eighty-nine-m of
37 this chapter or is a Monroe county deputy sheriff-court security, or
38 deputy sheriff-jailor as defined in section eighty-nine-n, as added by
39 chapter five hundred ninety-seven of the laws of nineteen hundred nine-
40 ty-one, of this chapter or is employed in Greene county as a sheriff,
41 undersheriff, deputy sheriff or correction officer, as defined in
42 section eighty-nine-o of this chapter or is a traffic officer with the
43 town of Elmira as defined in section eighty-nine-q of this chapter or is
44 employed by Suffolk county as a park police officer, as defined in
45 section eighty-nine-r of this chapter or is a peace officer employed by
46 a county probation department as defined in section eighty-nine-t, as
47 added by chapter six hundred three of the laws of nineteen hundred nine-
48 ty-eight, of this chapter or is employed in Rockland county as a deputy
49 sheriff-civil as defined in section eighty-nine-v of this chapter as
50 added by chapter four hundred forty-one of the laws of two thousand one,
51 or is employed in Rockland county as a superior correction officer as
52 defined in section eighty-nine-v of this chapter as added by chapter
53 five hundred fifty-six of the laws of two thousand one or is a paramedic
54 employed by the police department in the town of Tonawanda and retires
55 under the provisions of section eighty-nine-v of this chapter, as added
56 by chapter four hundred seventy-two of the laws of two thousand one, or

1 is a county fire marshal, supervising fire marshal, fire marshal,
2 assistant fire marshal, assistant chief fire marshal or chief fire
3 marshal employed by the county of Nassau as defined in section eighty-
4 nine-w of this chapter and is in a plan which permits immediate retire-
5 ment upon completion of a specified period of service without regard to
6 age. Except as provided in subdivision c of section four hundred forty-
7 five-a of this article, subdivision c of section four hundred forty-
8 five-b of this article, subdivision c of section four hundred forty-
9 five-c of this article, subdivision c of section four hundred
10 forty-five-d of this article, subdivision c of section four hundred
11 forty-five-e of this article, subdivision c of section four hundred
12 forty-five-f of this article and subdivision c of section four hundred
13 forty-five-h of this article, a member in such a plan and such an occu-
14 pation, other than a [~~police~~man] police officer or investigator member
15 of the New York city employees' retirement system or a [~~fire~~man] fire-
16 fighter, shall not be permitted to retire prior to the completion of
17 twenty-five years of credited service; provided, however, if such a
18 member in such an occupation is in a plan which permits retirement upon
19 completion of twenty years of service regardless of age, he or she may
20 retire upon completion of twenty years of credited service and prior to
21 the completion of twenty-five years of service, but in such event the
22 benefit provided from funds other than those based on such a member's
23 own contributions shall not exceed two per centum of final average sala-
24 ry per each year of credited service.

25 § 223. Paragraph 3 of subdivision b of section 500 of the retirement
26 and social security law, as amended by chapter 42 of the laws of 1977,
27 is amended to read as follows:

28 3. Enter the employment of a public employer which participates for
29 such employees in the New York state [~~police~~men's and ~~fire~~men's] and
30 local police and fire retirement system shall be required to become
31 members or shall be eligible or ineligible for membership in such
32 retirement system in the manner provided for by the relevant provisions
33 of this chapter.

34 § 224. Subdivisions 13, 21 and 23 of section 501 of the retirement and
35 social security law, as added by chapter 890 of the laws of 1976, are
36 amended to read as follows:

37 13. "Head of the retirement system" shall mean the comptroller, with
38 respect to the state employees' retirement system and the state [~~police-~~
39 ~~men's and fire~~men's] and local police and fire retirement system, and
40 the retirement board of the other public retirement systems of the
41 state.

42 21. "Police/fire member" shall mean a member subject to the provisions
43 of this article who, if employed in the same capacity on June thirtieth,
44 nineteen hundred seventy-six, would have been eligible for membership in
45 the New York state [~~police~~men's and ~~fire~~men's] and local police and fire
46 retirement system, the New York city police pension fund or the New York
47 city fire department pension fund, or for participation in the uniformed
48 transit police force plan or housing police force plan in the New York
49 city employees' retirement system.

50 23. "Public retirement system of the state" shall mean the New York
51 state employees' retirement system, New York state [~~police~~men's and
52 ~~fire~~men's] and local police and fire retirement system, New York state
53 teacher's retirement system, New York city employees' retirement system,
54 New York city teacher's retirement system, New York city police pension
55 fund, New York city fire department pension fund and the New York city
56 board of education retirement system.

1 § 225. Subdivision b of section 508 of the retirement and social secu-
2 rity law, as amended by chapter 18 of the laws of 2012, is amended to
3 read as follows:

4 b. A member of a retirement system subject to the provisions of this
5 article who is a [~~policeman, fireman~~] police officer, firefighter,
6 correction officer, investigator revised plan member or sanitation [man]
7 worker and is in a plan which permits immediate retirement upon
8 completion of a specified period of service without regard to age or who
9 is subject to the provisions of section five hundred four or five
10 hundred five of this article, shall upon completion of ninety days of
11 service be covered for financial protection in the event of death in
12 service pursuant to this subdivision. Such death benefit shall be equal
13 to three times the member's salary raised to the next highest multiple
14 of one thousand dollars, but in no event shall it exceed three times the
15 maximum salary specified in section one hundred thirty of the civil
16 service law or, in the case of a member of a retirement system other
17 than the New York city employees' retirement system, or in the case of a
18 member of the New York city employees' retirement system who is a New
19 York city uniformed correction/sanitation revised plan member or an
20 investigator revised plan member, the specific limitations specified for
21 age of entrance into service contained in subparagraphs (b), (c), (d),
22 (e) and (f) of paragraph two of subdivision a of this section.

23 § 226. Paragraph 1 of subdivision h of section 551 of the retirement
24 and social security law, as amended by chapter 542 of the laws of 2015,
25 is amended to read as follows:

26 1. As used in this section "creditable service" shall include, any and
27 all services performed as a sheriff, undersheriff or deputy sheriff,
28 provided, however, that criminal law enforcement service shall only be
29 creditable when it aggregates fifty per centum or more of his or her
30 service as a deputy sheriff. Credit for service as a member or officer
31 of the state police or as a paid [~~fireman, policeman~~] firefighter,
32 police officer or officer of any organized fire department or police
33 force or department of any county, city, village, town, fire district or
34 police district, or as a criminal investigator in the office of a
35 district attorney, provided that service as such investigator shall have
36 been rendered prior to January first, nineteen hundred sixty and that
37 credit therefor shall not exceed five years, shall also be deemed to be
38 creditable service and shall be included in computing years of total
39 service for retirement pursuant to this section, provided such service
40 was performed by the member while contributing to the retirement system
41 pursuant to the provisions of this article or article eight of this
42 chapter.

43 § 227. Paragraph 3 of subdivision j of section 552 of the retirement
44 and social security law, as amended by chapter 542 of the laws of 2015,
45 is amended to read as follows:

46 3. Credit for service as a member or officer of the state police or as
47 a paid [~~fireman, policeman~~] firefighter, police officer or officer of
48 any organized fire department or police force or department of any coun-
49 ty, city, village, town, fire district or police district, or as a crim-
50 inal investigator in the office of a district attorney, provided that
51 service as such investigator shall have been rendered prior to January
52 first, nineteen hundred sixty and that credit therefor shall not exceed
53 five years, shall also be deemed to be creditable service and shall be
54 included in computing years of total service for retirement pursuant to
55 this section, provided such service was performed by the member while

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

3 § 228. Subdivision b of section 606 of the retirement and social secu-
4 rity law, as amended by chapter 601 of the laws of 1997, is amended to
5 read as follows:

6 b. A member of a retirement system subject to the provisions of this
7 article who is a [~~policeman, fireman~~] police officer, firefighter,
8 correction officer or sanitation [~~man~~] worker and is in a plan which
9 permits immediate retirement upon completion of a specified period of
10 service without regard to age or who is subject to the provisions of
11 section six hundred four of this article, shall upon completion of nine-
12 ty days of service be covered for financial protection in the event of
13 death in service pursuant to this subdivision. Such death benefit shall
14 be equal to three times the member's salary raised to the next highest
15 multiple of one thousand dollars, but in no event shall it exceed three
16 times the maximum salary specified in section one hundred thirty of the
17 civil service law or, in the case of a member of a retirement system
18 other than the New York city employees' retirement system, the specific
19 limitations specified for age of entrance into service contained in
20 subparagraphs (b), (c), (d), (e) and (f) of paragraph two of subdivision
21 a of this section.

22 § 229. Subsection (j) of section 3221 of the insurance law is amended
23 to read as follows:

24 (j) No policy of group or blanket accident and health insurance shall
25 be issued as excess coverage for volunteer [~~firemen~~] firefighters over
26 and above the coverage provided for pursuant to the volunteer [~~fire-~~
27 ~~men's~~] firefighters' benefit law unless such excess policy provides for
28 each of the types of coverages set forth in subdivision one of section
29 five of such law. Any excess policy which does not contain such
30 provisions shall be construed as if such coverages were embodied there-
31 in.

32 § 230. Subparagraph (C) of paragraph 2 of subsection (a) of section
33 4208 of the insurance law is amended to read as follows:

34 (C) "Applications" means individual applications for policies of life
35 insurance, except that in the case of volunteer [~~firemen~~] firefighters,
36 it shall also mean applications for enrollment for coverage to be issued
37 under group life insurance policies applied for by not less than twen-
38 ty-five associations or organizations of volunteer [~~firemen~~] firefight-
39 ers in accordance with the provisions of paragraph seven of subsection
40 (b) of section four thousand two hundred sixteen of this article.

41 § 231. Paragraph 7 of subsection (b) of section 4216 of the insurance
42 law, as amended by chapter 24 of the laws of 1988, is amended to read as
43 follows:

44 (7) A policy insuring the members of one or more troops or units of
45 the state troopers or state police of any state, issued to the command-
46 ing officer of the state troopers or state police, who shall be deemed
47 the policyholder, the premium on which is to be paid by the members
48 insured; or a policy covering the members of one or more duly incorpo-
49 rated [~~policemen's~~] police officers' benevolent associations or of one
50 or more associations or organizations of uniformed [~~firemen~~] firefight-
51 ers or volunteer firefighters or volunteer ambulance workers which asso-
52 ciation or organization shall have been in existence for at least two
53 years prior to the issuance of such policy and which shall have twenty-
54 five members at the time of the issuance of such policy, which shall be
55 issued to such association or to a trustee or trustees of a fund estab-
56 lished, or participated in, by one or more of such associations or

1 organizations as the policyholder. If the opportunity to take such
2 insurance is offered to all eligible members of a unit of such state
3 troopers or state police, or to all eligible members of such incorpo-
4 rated [~~policemen's~~] police officers' benevolent association or of an
5 association or organization of uniformed [~~firemen~~] firefighters, volun-
6 teer firefighters, then not less than fifty percent of such members or,
7 if less, fifty or more of such members may be so insured. If the insur-
8 ance is limited to those eligible members who are employed as state
9 troopers, [~~policemen, firemen~~] police officers, firefighters or volun-
10 teer ambulance workers, then not less than sixty percent or five hundred
11 of such members, whichever is less, may be so insured. Such policy shall
12 provide for the payment of benefits, except policy dividends, to the
13 person insured or to some beneficiary or beneficiaries, other than such
14 commanding officer or such association or any of its officials, as such,
15 and shall also provide for the issuance of a certificate to the policy-
16 holder for delivery to the person insured or to such beneficiary, as
17 evidence of such insurance. For the purposes of this paragraph any asso-
18 ciation currently holding premium dividends as a result of policies
19 issued under this section shall be permitted to maintain said dividends
20 for the general purposes of the entire membership. For the purposes of
21 this paragraph the term "eligible members of an association of volunteer
22 firefighters or volunteer ambulance workers" means members who perform
23 services in fire-fighting duties or members of a volunteer exempt fire
24 benevolent association who are entitled to benefits from the expendi-
25 tures of foreign fire insurance tax moneys, including, inactive exempt
26 volunteer firefighters as defined by section two hundred of the general
27 municipal law or in ambulance-related duties, respectively. The amounts
28 of insurance may be based upon a plan which permits a limited number of
29 selections by the members if the selections offered utilize a consistent
30 pattern of grading the amounts of insurance for individual group members
31 so that the resulting pattern of coverage is reasonable.

32 § 232. Clause (iii) of subparagraph (D) of paragraph 3 of subsection
33 (a) of section 4237 of the insurance law is amended to read as follows:

34 (iii) any fire corporation incorporated under or subject to the
35 provisions of section one thousand four hundred two of the not-for-pro-
36 fit corporation law, or any general or special law, if such corporation
37 is by law under the general control of, or recognized as a fire corpo-
38 ration by, the governing board of a city, town, village or fire
39 district, which municipal corporation, fire district, fire department,
40 fire company or fire corporation, as the case may be, shall be deemed
41 the policyholder, covering all, but not less than twenty-five, volunteer
42 members of such department, company or corporation. A district corpo-
43 ration which has the general powers of and operates as a fire district
44 shall be considered a fire district for the purposes of this paragraph.
45 A volunteer [~~fireman~~] firefighter whose services are offered and
46 accepted pursuant to the provisions of section two hundred nine-i of the
47 general municipal law shall be deemed a volunteer member of any such
48 fire department, fire company or fire corporation except for the purpose
49 of determining the minimum number of twenty-five volunteer members for
50 which any such policy or contract must provide coverage. Any such policy
51 or contract issued to a municipal corporation or a fire district shall
52 be subject to any limitations on the amount, coverage or benefits as are
53 set forth in any applicable general, special or local law or city or
54 village charter.

1 § 233. Paragraph (d) of section 202 of the not-for-profit corporation
 2 law, as amended by chapter 843 of the laws of 1980, is amended to read
 3 as follows:

4 (d) A corporation formed under general or special law to provide
 5 parks, playgrounds or cemeteries, or buildings and grounds for camp or
 6 grove meetings. Sunday school assemblies, cemetery purposes, temperance,
 7 missionary, educational, scientific, musical and other meetings, subject
 8 to the ordinances and police regulations of the county, city, town, or
 9 village in which such parks, playgrounds, cemeteries, buildings and
 10 grounds are situated, may appoint from time to time one or more special
 11 [~~police~~men] police officers, with power to remove the same at pleasure.
 12 Such special [~~police~~men] police officers shall preserve order in and
 13 about such parks, playgrounds, cemeteries, buildings and grounds, and
 14 the approaches thereto, and to protect the same from injury, and shall
 15 enforce the established rules and regulations of the corporation. Every
 16 [~~police~~man] police officer so appointed shall within fifteen days after
 17 his or her appointment and before entering upon the duties of his or her
 18 office, take and subscribe the oath of office prescribed in the thir-
 19 teenth article of the constitution of the state of New York, which oath
 20 shall be filed in the office of the county clerk of the county where
 21 such grounds are situated. A [~~police~~man] police officer appointed under
 22 this section when on duty shall wear conspicuously a metallic shield
 23 with the name of the corporation which appointed him or her inscribed
 24 thereon. The compensation of [~~police~~men] police officers appointed under
 25 this section shall be paid by the corporation by which they are
 26 appointed.

27 § 234. Clause (B) of subparagraph 5 of paragraph (a) of section 301 of
 28 the not-for-profit corporation law, as amended by chapter 155 of the
 29 laws of 2012, is amended to read as follows:

30 (B) Shall not contain any of the following words, or any abbreviation
 31 or derivative thereof:

32 acceptance	fidelity	mortgage
33 annuity	finance	savings
34 assurance	guaranty	surety
35 bank	indemnity	title
36 bond	insurance	trust
37 casualty	investment	underwriter
38 doctor	lawyer	
39 endowment	loan	

40 unless the approval of the superintendent of financial services is
 41 attached to the certificate of incorporation, or application for author-
 42 ity or amendment thereof; or that the word "doctor", "lawyer", or the
 43 phrase "state police" or "state trooper" or an abbreviation or deriva-
 44 tion thereof, may be used in the name of a corporation the membership of
 45 which is composed exclusively of doctors, lawyers, state [~~police~~men]
 46 police officers or state troopers, respectively.

1 § 235. The paragraph heading of paragraph (c), paragraphs (d) and (g),
2 clause (C) of subparagraph 1 and clause (C) of subparagraph 2 of para-
3 graph (h), and subparagraph 1 of paragraph (i) of section 1402 of the
4 not-for-profit corporation law, clause (C) of subparagraph 2 of para-
5 graph (h) as amended by chapter 373 of the laws of 2011, and subpara-
6 graph 1 of paragraph (i) as amended by chapter 215 of the laws of 1978,
7 are amended to read as follows:

8 Appointment of [~~firemen~~] firefighters.

9 (d) Incorporation of fire corporations in towns legalized.

10 Any fire, hose, protective or hook and ladder corporation heretofore
11 organized under any general law with the consent of the town board in
12 the territory served by such corporation is hereby legalized and
13 confirmed, notwithstanding the omission of any town board to appoint or
14 confirm the members of such corporations as town [~~firemen~~] firefighters.
15 Any such corporation shall hereafter be subject to the provisions of
16 this section.

17 (g) [~~Firemen's~~] Firefighters' exemption.

18 Every active [~~fireman~~] firefighter who shall be a member of a corpo-
19 ration subject to the provisions of this section shall be entitled to
20 all the rights granted by law to volunteer [~~firemen~~] firefighters and
21 every such active [~~fireman~~] firefighter who shall meet the requirements
22 of section two hundred of the general municipal law shall be entitled to
23 the additional rights granted by law to exempt volunteer [~~firemen~~] fire-
24 fighters.

25 (C) who was, at the time of his or her election to membership, a resi-
26 dent of the territory specified in the certificate of incorporation or
27 of territory outside such boundaries which was afforded fire protection
28 by the fire corporation pursuant to a contract for fire protection,
29 shall for all purposes in law be considered to have been duly elected
30 and confirmed as a member in such fire corporation as of the date of
31 such confirmation, if any, and, if none, then as of the date of such
32 election; notwithstanding that there may have been some legal defect in
33 such election, or the proceedings precedent thereto, or a failure of the
34 town board to confirm such member, as provided by the law in force at
35 the time of such election, and the status of such person as a volunteer
36 [~~fireman~~] firefighter as of the date of such confirmation or election is
37 hereby legalized, validated and confirmed. This subparagraph shall not
38 apply to a person, if any, whose volunteer membership in a fire corpo-
39 ration was declared invalid by a court of competent jurisdiction prior
40 to the first day of January, nineteen hundred fifty-five.

41 (C) who was, at the time of his or her election to membership, a resi-
42 dent of the territory specified in the certificate of incorporation or
43 of territory outside such boundaries which was afforded fire protection
44 by the fire corporation pursuant to a contract for fire protection, or
45 who was a nonresident elected to membership or who was continued as a
46 member, pursuant to the provisions of subparagraph (A) shall for all
47 purposes in law be considered to have been duly elected and confirmed,
48 or continued, as a member in such fire corporation as of the date of
49 such confirmation, if any, and, if none, then as of the date of such
50 election or, in the case of a continuance, as of the date of approval,
51 if any, by the town board and, if none, as of the date of authorization
52 of continuance by the fire corporation; notwithstanding that there may
53 have been some legal defect in such election, or the proceedings there-
54 to, or a failure of the town board to confirm the election, or approve
55 the continuance of membership, of such member, as provided by the law in
56 force at the time of such election or continuance, and the status of

1 such person as a volunteer [~~fireman~~ firefighter] as of such date is
2 hereby legalized, validated and confirmed. This subparagraph shall not
3 apply to a person, if any, whose volunteer membership in a fire corpo-
4 ration was declared invalid by a court of competent jurisdiction prior
5 to the first day of January, two thousand eleven.

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

16 § 236. Subdivision 6 of section 504 of the tax law, as added by chap-
17 ter 534 of the laws of 1975, is amended to read as follows:

18 6. Owned and operated by any fire company or fire department as
19 defined in section three of the volunteer [~~firemen's~~ firefighters']
20 benefit law.

21 § 237. Section 274 of the general business law is amended to read as
22 follows:

23 § 274. Assistance of [~~policeman~~ police officer] or constable. Any
24 person authorized by this article to seize and take into his or her
25 possession any such cans may, in case of resistance, call to his or her
26 aid any police officer or constable of the town, village or city who
27 shall when so called on assist him or her in seizing or taking
28 possession of such cans.

29 § 238. The closing paragraph of section 104-b of the social services
30 law, as added by chapter 382 of the laws of 1964 and such section as
31 renumbered by chapter 550 of the laws of 1971, is amended to read as
32 follows:

33 This section shall not apply to any claim or award which is or may be
34 allowed pursuant to the provisions of the [~~workmen's~~ workers'] compen-
35 sation law or the volunteer [~~firemen's~~ firefighters'] benefit law.

36 § 239. Paragraph (b) of subdivision 1 of section 70.02 of the penal
37 law, as amended by chapter 1 of the laws of 2013, is amended to read as
38 follows:

39 (b) Class C violent felony offenses: an attempt to commit any of the
40 class B felonies set forth in paragraph (a) of this subdivision; aggra-
41 vated criminally negligent homicide as defined in section 125.11, aggra-
42 vated manslaughter in the second degree as defined in section 125.21,
43 aggravated sexual abuse in the second degree as defined in section
44 130.67, assault on a peace officer, police officer, [~~fireman~~ firefight-
45 er] or emergency medical services professional as defined in section
46 120.08, assault on a judge as defined in section 120.09, gang assault in
47 the second degree as defined in section 120.06, strangulation in the
48 first degree as defined in section 121.13, burglary in the second degree
49 as defined in section 140.25, robbery in the second degree as defined in
50 section 160.10, criminal possession of a weapon in the second degree as
51 defined in section 265.03, criminal use of a firearm in the second
52 degree as defined in section 265.08, criminal sale of a firearm in the
53 second degree as defined in section 265.12, criminal sale of a firearm
54 with the aid of a minor as defined in section 265.14, aggravated crimi-
55 nal possession of a weapon as defined in section 265.19, soliciting or
56 providing support for an act of terrorism in the first degree as defined

1 in section 490.15, hindering prosecution of terrorism in the second
2 degree as defined in section 490.30, and criminal possession of a chemi-
3 cal weapon or biological weapon in the third degree as defined in
4 section 490.37.

5 § 240. Section 120.08 of the penal law, as added by chapter 632 of the
6 laws of 1996, is amended to read as follows:

7 § 120.08 Assault on a peace officer, police officer, [~~fireman~~] fire-
8 fighter or emergency medical services professional.

9 A person is guilty of assault on a peace officer, police officer,
10 [~~fireman~~] firefighter or emergency medical services professional when,
11 with intent to prevent a peace officer, police officer, a [~~fireman~~]
12 firefighter, including a [~~fireman~~] firefighter acting as a paramedic or
13 emergency medical technician administering first aid in the course of
14 performance of duty as such [~~fireman~~] firefighter, or an emergency
15 medical service paramedic or emergency medical service technician, from
16 performing a lawful duty, he or she causes serious physical injury to
17 such peace officer, police officer, [~~fireman~~] firefighter, paramedic or
18 technician.

19 Assault on a peace officer, police officer, [~~fireman~~] firefighter or
20 emergency medical services professional is a class C felony.

21 § 241. Section 195.15 of the penal law, as amended by chapter 731 of
22 the laws of 1981, is amended to read as follows:

23 § 195.15 Obstructing firefighting operations.

24 A person is guilty of obstructing firefighting operations when he or
25 she intentionally and unreasonably obstructs the efforts of any:

- 26 1. [~~fireman~~] firefighter in extinguishing a fire, or prevents or
27 dissuades another from extinguishing or helping to extinguish a fire; or
- 28 2. [~~fireman~~] firefighter, police officer or peace officer in perform-
29 ing his or her duties in circumstances involving an imminent danger
30 created by an explosion, threat of explosion or the presence of toxic
31 fumes or gases.

32 Obstructing firefighting operations is a class A misdemeanor.

33 § 242. Paragraph 8 of subdivision a of section 265.20 of the penal
34 law, as amended by chapter 61 of the laws of 2010, is amended to read as
35 follows:

36 8. The manufacturer of machine-guns, firearm silencers, assault weap-
37 ons, large capacity ammunition feeding devices, disguised guns, pilum
38 ballistic knives, switchblade or gravity knives, billies or blackjacks
39 as merchandise, or as a transferee recipient of the same for repair,
40 lawful distribution or research and development, and the disposal and
41 shipment thereof direct to a regularly constituted or appointed state or
42 municipal police department, sheriff, [~~policeman~~] police officer or
43 other peace officer, or to a state prison, penitentiary, workhouse,
44 county jail or other institution for the detention of persons convicted
45 or accused of crime or held as witnesses in criminal cases, or to the
46 military service of this state or of the United States; or for the
47 repair and return of the same to the lawful possessor or for research
48 and development.

49 § 243. Section 30 of the transportation corporations law is amended to
50 read as follows:

51 § 30. Special [~~policemen~~] police officers of corporation operating
52 signal systems. The police department or board of police of any city
53 may, in addition to the police force now authorized by law, appoint a
54 number of persons, not exceeding two hundred, who may be designated by
55 any corporation operating a system of signaling by telegraph to a
56 central office for police assistance, to act as special [~~patrolmen~~]

1 patrol officer in connection with such telegraph system. And the persons
2 so appointed shall, in and about such service, have all the powers
3 possessed by the members of the regular force, except as they may be
4 limited by and subject to the supervision and control of the police
5 department or board of police of such city. No person shall be
6 appointed such special [~~police~~man] police officer who does not possess
7 the qualifications required by such police department or board of police
8 for such special service; and persons so appointed shall be subject, in
9 case of emergency, to do duty as part of the regular police force of the
10 city. The police department or board of police shall have power to
11 revoke any such appointment at any time, and every person appointed
12 shall wear a badge and uniform, to be furnished by such corporation and
13 approved by the police department or board of police; such uniform shall
14 be designated at the time of the first appointment and shall be the
15 permanent uniform to be worn by such special police, and the pay of such
16 special [~~patrol~~men] patrol officer and all expenses connected with their
17 service shall be wholly paid by such corporation, and no expense or
18 liability shall at any time be incurred or paid by the police department
19 or board of police of any city, for or by reason of the services of such
20 persons so appointed.

21 § 244. Subdivision 4 of section 303 of the multiple residence law, as
22 added by chapter 355 of the laws of 1958, is amended to read as follows:

23 4. The fire department of any city, village or fire district, the fire
24 department of any town which as such has a fire department, and any fire
25 company located in the area of a town outside villages and fire
26 districts, may, with the approval of the chief executive officer or, if
27 there be none, the chief administrative body or board of the city,
28 village or town, respectively, assign to one or more members of the fire
29 department or company, as the case may be, the duty of making
30 inspections of buildings and properties which are subject to the
31 provisions of this chapter and are located in the area regularly served
32 and protected by such fire department or company including areas
33 protected pursuant to a contract. The purpose of any such inspection
34 shall be to determine whether the provisions of this chapter and the
35 rules and regulations adopted and promulgated pursuant thereto in
36 relation to fire protection and safety are being complied with. [~~Fire-~~
37 ~~men~~] Firefighters assigned to such duty shall have full power and
38 authority to enter, examine and inspect any such building or property at
39 such times and hours as are reasonably convenient. It shall be the duty
40 of any [~~fire~~man] firefighter so assigned to report any violations of
41 such provisions of this chapter or of such rules and regulations to the
42 person or department charged with the duty of enforcing the provisions
43 of this chapter in the city, town or village in which the building or
44 property is located and also to the chief of his or her fire department
45 or fire company, as the case may be. In the event that an area is served
46 pursuant to a fire protection contract by more than one fire department
47 or fire company, the [~~fireman or firemen~~] firefighter or firefighters
48 assigned to perform such duty in such area shall report violations to
49 the chief of each fire department and fire company serving such area.
50 The failure of any such [~~fireman~~] firefighter to discover and properly
51 report any such violations or his neglect or omission to perform such
52 duties, shall not subject him or her, his or her fire department, fire
53 company, or the city, village, fire district or town in which or of
54 which he or she is a [~~fireman~~] firefighter to any civil or other liabil-
55 ity. Any such [~~fireman~~] firefighter shall not be liable civilly for any
56 act or acts done by him or her as a [~~fireman~~] firefighter in the

1 performance of such duties, except for wilful negligence or malfeasance,
2 but the provisions of this subdivision shall not relieve any such city,
3 village, fire district, town, or fire company from liability, if any,
4 for the negligent or wrongful acts of the [~~fireman~~] firefighter in the
5 actual performance of such duty. [~~Firemen~~] Firefighters assigned to any
6 such duty may be known as fire inspectors but shall not, by reason of
7 this law, be an officer of any city, village, fire district or town or
8 of any fire department or fire company. Unless otherwise provided by
9 some other law, general, special or local, any such assignment of duty
10 and the termination of any such assignment shall be made by the chief of
11 the fire department or the fire company, as the case may be. Before any
12 such inspection is made, the [~~fireman~~] firefighter assigned to perform
13 such duty must be approved by the chief executive officer or, if there
14 be none, the chief administrative body or board of the city, village or
15 town, respectively, in which the inspection will be made.

16 § 245. Section 25 of the correction law, as amended by chapter 396 of
17 the laws of 1952 and renumbered by chapter 475 of the laws of 1970, is
18 amended to read as follows:

19 § 25. Mutual assistance by institutional and local fire fighting
20 facilities. In cooperation with the development and operation of plans
21 for mutual aid in cases of fire and other public emergencies, the warden
22 or superintendent of any state institution in the department, with the
23 approval of the commissioner, may authorize the fire department of the
24 institution to furnish aid to such territory surrounding the institution
25 as may be practical in cases of fire and such emergencies, having due
26 regard to the safety of the inmates and property of the institution and
27 to engage in practice and training programs in connection with the
28 development and operation of such mutual aid plans. Any lawfully organ-
29 ized fire-fighting forces or [~~firemen~~] firefighters from such surround-
30 ing territory may enter upon the grounds of the institution to furnish
31 aid in cases of fire and such emergencies.

32 § 246. Paragraph (p) of subdivision 34 of section 1.20 of the criminal
33 procedure law, as added by chapter 969 of the laws of 1983, is amended
34 to read as follows:

35 (p) Persons appointed as railroad [~~policemen~~] police officers pursuant
36 to section eighty-eight of the railroad law.

37 § 247. Subdivisions 12, 13, 29, 49 and 54 of section 2.10 of the crim-
38 inal procedure law, as added by chapter 843 of the laws of 1980, subdi-
39 vision 49 as amended by chapter 141 of the laws of 1988, and subdivision
40 54 as added by chapter 969 of the laws of 1983, are amended to read as
41 follows:

42 12. Special [~~policemen~~] police officers designated by the commissioner
43 and the directors of in-patient facilities in the office of mental
44 health pursuant to section 7.25 of the mental hygiene law, and special
45 [~~policemen~~] police officers designated by the commissioner and the
46 directors of facilities under his or her jurisdiction in the office [~~of~~
47 ~~mental-retardation-and~~] for people with developmental disabilities
48 pursuant to section 13.25 of the mental hygiene law; provided, however,
49 that nothing in this subdivision shall be deemed to authorize such offi-
50 cers to carry, possess, repair or dispose of a firearm unless the appro-
51 priate license therefor has been issued pursuant to section 400.00 of
52 the penal law.

53 13. Persons designated as special [~~policemen~~] police officers by the
54 director of a hospital in the department of health pursuant to section
55 four hundred fifty-five of the public health law; provided, however,
56 that nothing in this subdivision shall be deemed to authorize such offi-

1 cer to carry, possess, repair or dispose of a firearm unless the appro-
2 priate license therefor has been issued pursuant to section 400.00 of
3 the penal law.

4 29. Special [~~police~~ police officers] for horse racing, appointed
5 pursuant to the provisions of the pari-mutuel revenue law as set forth
6 in chapter two hundred fifty-four of the laws of nineteen hundred forty,
7 as amended; provided, however, that nothing in this subdivision shall be
8 deemed to authorize such officer to carry, possess, repair or dispose of
9 a firearm unless the appropriate license therefor has been issued pursu-
10 ant to section 400.00 of the penal law.

11 49. Members of the army national guard military police and air
12 national guard security personnel belonging to the organized militia of
13 the state of New York when they are designated as peace officers under
14 military regulations promulgated by the adjutant general and when
15 performing their duties as military [~~police~~ police officers] or air
16 security personnel pursuant to orders issued by appropriate military
17 authority; provided, however, that nothing in this subdivision shall be
18 deemed to authorize such military police or air security personnel to
19 carry, possess, repair or dispose of a firearm unless the appropriate
20 license therefor has been issued pursuant to section 400.00 of the penal
21 law.

22 54. Special [~~police~~ police officers] appointed pursuant to section
23 one hundred fifty-eight of the town law; provided, however, that nothing
24 in this subdivision shall be deemed to authorize such officer to carry,
25 possess, repair or dispose of a firearm unless the appropriate license
26 therefor has been issued pursuant to section 400.00 of the penal law.

27 § 248. Section 464 of the real property tax law, as amended by chapter
28 807 of the laws of 1965, is amended to read as follows:

29 § 464. Incorporated associations of volunteer [~~firemen~~ firefighters].
30 1. Except as [~~otherwise~~ otherwise] provided in subdivision two of this
31 section, real property owned by an incorporated association of present
32 or former volunteer [~~firemen~~ firefighters], other than a business corpo-
33 ration, which is (a) actually and exclusively used and occupied by such
34 incorporated association or (b) leased to the city, town, village or
35 fire district in which the real property is located and is actually and
36 exclusively used and occupied by such city, town, village or fire
37 district for fire department purposes or for the social and recreational
38 use of the [~~firemen~~ firefighters] and residents of the city, town,
39 village or fire district, provided the rent under any such lease does
40 not exceed the amount of carrying, maintenance and depreciation charges
41 or (c) leased to the school district in which the real property is
42 located and is actually and exclusively used and occupied by such school
43 district for school district purposes, provided the rent under any such
44 lease does not exceed the amount of carrying, maintenance and depreci-
45 ation charges, shall be exempt from taxation, but the total amount of
46 the exemption to any one incorporated association shall not exceed twenty
47 thousand dollars.

48 2. Notwithstanding the provisions of subdivision one of this section,
49 real property owned by an incorporated volunteer fire company or fire
50 department created for the purpose of furnishing fire protection which
51 is (a) actually and exclusively used and occupied by such fire company
52 or fire department for public purposes or (b) leased to the city, town,
53 village or fire district in which the real property is located and is
54 actually and exclusively used and occupied by such city, town, village
55 or fire district for governmental purposes including but not limited to
56 the social and recreational use of the [~~firemen~~ firefighters] and resi-

1 dents of the city, town, village or fire district provided the rent
2 under any such lease does not exceed the amount of carrying, maintenance
3 and depreciation charges or (c) leased to the school district in which
4 the real property is located and is actually and exclusively used and
5 occupied by such school district for school district purposes, provided
6 the rent under any such lease does not exceed the amount of carrying,
7 maintenance and depreciation charges, shall be exempt from taxation and
8 exempt from special ad valorem levies and special assessments to the
9 extent provided in section four hundred ninety of this chapter. In the
10 event that not all of the real property shall be used and occupied for
11 such purposes then exemption of the portion not so used shall be limited
12 to the exemption provided in subdivision one of this section.

13 3. The term "public purpose", as used in this section, shall mean land
14 and buildings, or portions thereof, used for

15 (a) housing, storage, repair and testing of fire department vehicles
16 and of equipment, appliances, devices, tools, protective clothing,
17 uniforms and supplies,

18 (b) receipt and dispatch of alarms,

19 (c) training, drills and instruction,

20 (d) generators, lockers, showers, custodial quarters,

21 (e) offices, company meetings, ready room,

22 (f) social and recreational use, other than for income producing or
23 business purposes, of both the [~~firemen~~] firefighters and residents of
24 the city, town, village or fire district in which the real property is
25 located.

26 § 249. Section 466 of the real property tax law is amended to read as
27 follows:

28 § 466. Volunteer [~~firemen~~] firefighters and fire companies in
29 villages. Upon the adoption of a proposition therefor by the qualified
30 voters of a village, the real property owned by a volunteer member of
31 the village fire department and the real property owned by any volunteer
32 fire company in the village shall be exempt from taxation for village
33 purposes to the extent of five hundred dollars in addition to any other
34 exemption authorized by law.

35 § 250. Section 223 of the racing, pari-mutuel wagering and breeding
36 law, as amended by chapter 18 of the laws of 2008, is amended to read as
37 follows:

38 § 223. Special [~~policemen~~] police officers. For the purpose of
39 preserving order and preventing offenses against the laws prohibiting
40 gambling, the trustees or directors of any corporation created under or
41 subject to the provisions of this article are hereby authorized to
42 appoint from time to time, five or more special [~~policemen~~] police offi-
43 cers, and the same to remove at pleasure, who, when appointed, shall be
44 peace officers with the same powers within and about such grounds as are
45 set forth in section 2.20 of the criminal procedure law, whose duty,
46 when appointed, shall be to preserve order within and around the grounds
47 and racetracks of such corporation, to protect the property within such
48 grounds, to eject or arrest all persons who shall be improperly within
49 the grounds of such corporation or who shall be guilty of disorderly
50 conduct, or who shall neglect or refuse to pay the fees or to observe
51 the rules prescribed by such corporation; and it shall be the further
52 duty of such [~~policemen~~] police officers, when appointed, to prevent all
53 violations of law with reference to pool-selling, bookmaking and other
54 gambling, and to arrest any and all persons violating such provisions,
55 and to convey such person or persons so arrested, with a statement of
56 the cause of such arrest, before a court having jurisdiction of such

1 offense, to be dealt with according to the law. The appointment of
2 [~~police~~men] police officers in pursuance of this section shall not be
3 deemed to supersede in any way on the grounds and racetrack of such
4 corporation the authority of peace officers or police officers of the
5 jurisdiction within which such grounds and racetrack are located.

6 § 251. Section 312 of the racing, pari-mutuel wagering and breeding
7 law is amended to read as follows:

8 § 312. Special [~~police~~men] police officers. 1. For the purpose of
9 preserving order and preventing offenses against the laws prohibiting
10 gambling, the officers or directors of any corporation or association
11 created under or subject to the provisions of sections two hundred twen-
12 ty-two through seven hundred five of this chapter are hereby authorized
13 to appoint from time to time, special [~~police~~men] police officers, and
14 the same to remove at pleasure, who, when appointed, shall be peace
15 officers with the same powers within and about such grounds as are vest-
16 ed in peace officers as set forth in section 2.20 of the criminal proce-
17 dure law, whose duty and powers, when appointed, shall be to preserve
18 order within and around the grounds and racetracks of said corporation
19 or association, to protect the property within said grounds, to eject or
20 arrest all persons who shall be improperly within the grounds of such
21 corporation or association or who shall be guilty of disorderly conduct,
22 or who shall neglect or refuse to pay the fees or to observe the rules
23 prescribed by said corporation or association; and it shall be the
24 further duty of said [~~police~~men] police officers, when appointed to
25 prevent all violations of law with reference to pool-selling, bookmak-
26 ing, and other gambling, and to arrest any and all persons violating
27 such provisions, and to convey such person or persons so arrested, with
28 a statement of the cause of such arrest, before a court having jurisdic-
29 tion of such offense, to be dealt with according to the law. The
30 appointment of [~~police~~men] police officers in pursuance of this section
31 shall not be deemed to supersede in any wise on the grounds and race-
32 track of such corporation or association the authority of peace officers
33 or police officers of the jurisdiction within which such grounds and
34 racetrack are located.

35 2. Any appointment of a special [~~police~~man] police officer under this
36 section shall only be made with the approval of the state racing and
37 wagering board. Application for such approval shall be in such form as
38 may be prescribed by the board and shall contain such other information
39 or material or evidence as the board shall require. In acting on an
40 application for such approval the board shall consider the background,
41 experience, integrity, and competence of the candidate for appointment,
42 the public interest, convenience or necessity and the interests of
43 harness racing generally. The board in its discretion may set the term
44 of any such appointment, terminate any existing appointment at any time
45 and prescribe conditions and rules for the conduct of such office.

46 § 252. Section 412 of the racing, pari-mutuel wagering and breeding
47 law is amended to read as follows:

48 § 412. Special [~~police~~men] police officers. 1. For the purpose of
49 preserving order and preventing offenses against the laws prohibiting
50 gambling, the officers or directors of any corporation or association
51 created under or subject to the provisions of this article are hereby
52 authorized to appoint from time to time, special [~~police~~men] police
53 officers, and the same to remove at pleasure, who, when appointed, shall
54 be peace officers with the same powers within and about such grounds as
55 are set forth in section 2.20 of the criminal procedure law whose duty,
56 when appointed, shall be to preserve order within and around the grounds

1 and racetracks of said corporation or association, to protect the prop-
2 erty within said grounds, to eject or arrest all persons who shall be
3 improperly within the grounds of such corporation or association or who
4 shall be guilty of disorderly conduct, or who shall neglect or refuse to
5 pay the fees or to observe the rules prescribed by said corporation or
6 association; and it shall be the further duty of said [~~police~~ police
7 officers], when appointed to prevent all violations of law with reference
8 to pool-selling, bookmaking, and other gambling, and to arrest any and
9 all persons violating such provisions, and to convey such person or
10 persons so arrested, with a statement of the cause of such arrest,
11 before a magistrate having jurisdiction of such offense, to be dealt
12 with according to law. The appointment of [~~police~~ police officers] in
13 pursuance of this section shall not be deemed to supersede in any way on
14 the grounds and racetrack of such corporation or association the author-
15 ity of peace officers or police officers of the jurisdiction within
16 which such grounds and racetrack are located.

17 2. Any appointment of a special [~~police~~ police officer] under this
18 section, shall only be made with the approval of the state racing and
19 wagering board. Application for such approval shall be in such form as
20 may be prescribed by the board and shall contain such other information
21 or material or evidence as the board shall require. In acting on an
22 application for such approval the board shall consider the background,
23 experience, integrity, and competence of the candidate for appointment,
24 the public interest, convenience or necessity and the interests of quar-
25 ter horse racing generally. The board in its discretion may set the term
26 of any such appointment, terminate any existing appointment at any time
27 and prescribe conditions and rules for the conduct of such office.

28 § 253. Section 504 of the racing, pari-mutuel wagering and breeding
29 law is amended to read as follows:

30 § 504. Policing off-track betting. 1. For the purpose of preserving
31 order and preventing offenses against the laws prohibiting gambling and
32 the rules and regulations promulgated pursuant to sections two hundred
33 twenty-two through seven hundred five of this chapter, the officers or
34 directors of each corporation subject to the provisions of this article
35 are hereby authorized to appoint from time to time, special [~~police~~
36 police officers], and the same to remove at pleasure, who, when
37 appointed, shall within any office of a corporation and within five
38 hundred feet therefrom be vested with the powers of peace officers, as
39 set forth in section 2.20 of the criminal procedure law, whose duty,
40 when appointed, shall be to preserve order within and around the offices
41 of said corporation, to protect the property within, to eject or arrest
42 all persons who shall be improperly within the office of such corpo-
43 ration or who shall be guilty of disorderly conduct, or who shall
44 neglect or refuse to observe the rules prescribed by said corporation;
45 and it shall be the further duty of said [~~police~~ police officers],
46 when appointed to prevent all violations of law with reference to pool-
47 selling, bookmaking and other gambling and all violations of the rules
48 and regulations promulgated pursuant to sections two hundred twenty-two
49 through seven hundred five of this chapter having the force of law and
50 to arrest any and all persons violating such provisions, and to convey
51 such person or persons so arrested, with a statement of the cause of
52 such arrest, before a magistrate having jurisdiction of such offense, to
53 be dealt with according to law. The appointment of special [~~police~~
54 police officers] in pursuance of this section shall not be deemed to
55 supersede in any way the authority of peace officers or police officers

1 of the jurisdiction within which the offices of the corporation are
2 located.

3 2. Any appointment of a special [~~police~~man] police officer under this
4 section, shall only be made with the approval of the state racing and
5 wagering board. Application for such approval shall be in such form as
6 may be prescribed by the board and shall contain such other information
7 or material or evidence as it shall require. In acting on an applica-
8 tion for such approval the board shall consider the background, experi-
9 ence, integrity, and competence of the candidate for appointment, the
10 public interest, convenience or necessity and the interests of legalized
11 wagering generally. The board in its discretion may set the term of any
12 such appointment, terminate any existing appointment at any time and
13 prescribe conditions and rules for the conduct of such office.

14 § 254. The opening paragraph of subdivision 2 of section 605 of the
15 racing, pari-mutuel wagering and breeding law, as amended by chapter 115
16 of the laws of 2008, is amended to read as follows:

17 Such policing shall be provided through employees of the corporation
18 designated as: (i) special [~~patrol~~men] patrol officer by the police
19 commissioner of the city and serving pursuant to the provisions of
20 section 14-106 of the administrative code of the city of New York, or
21 (ii) special [~~police~~men] police officers designated in a manner consist-
22 ent with section five hundred four of this chapter. When so designated,
23 such special [~~patrol~~men] patrol officers or special [~~police~~men] police
24 officers shall, in the branch offices and the other facilities and prem-
25 ises of the corporation, and in the areas within five hundred feet ther-
26 efrom:

27 § 255. Paragraph 2 of subdivision (a) of section 110 of the uniform
28 justice court act, as amended by chapter 236 of the laws of 1971, is
29 amended to read as follows:

30 2. a village court, the [~~police~~men] police officers, marshals and
31 constables of the village and the sheriff of the county;

32 § 256. Subdivision 18 of section 58 of the New York city criminal
33 court act, as amended by chapter 843 of the laws of 1980, is amended to
34 read as follows:

35 (18) Where an appearance ticket has been served by a special [~~police-~~
36 ~~man~~] police officer pursuant to sections 7.25 and 13.25 of the mental
37 hygiene law in lieu of arrest in cases authorized by article one hundred
38 fifty of the criminal procedure law, the commissioner of mental hygiene
39 or director of hospitals, schools and institutes operated by the depart-
40 ment of mental hygiene are hereby authorized to administer to such
41 special [~~police~~men] police officers all necessary oaths in connection
42 with the execution of the accusatory instrument to be presented in court
43 by such special [~~police~~men] police officers in the prosecution of such
44 offense.

45 § 257. Paragraph 1 of subdivision d of section 13-145.1 of the admin-
46 istrative code of the city of New York, as added by chapter 823 of the
47 laws of 1985, is amended to read as follows:

48 (1) he or she had been appointed a [~~fire~~man] firefighter on the earli-
49 est date on which, after last becoming a member of the retirement
50 system, he or she began service in one of the positions in the fire
51 department mentioned in subdivision a of this section; and

52 § 258. Subdivision f of section 13-155 of the administrative code of
53 the city of New York is amended to read as follows:

54 f. Notwithstanding any other provision of this section, the provisions
55 of section two hundred seven-d of the general municipal law shall apply
56 to any correction member in the same manner and to the same extent as if

1 the definition of [~~"policeman"~~] "police officer" in such section
2 included a paid officer or member of the uniformed correction force;
3 provided, however, that any such member shall not be entitled to any
4 rights or benefits under such section two hundred seven-d in the event
5 that, if a member of the police force of the city and of the police
6 pension fund maintained pursuant to subchapter two of chapter two of
7 this title, who had elected a minimum period of service as a prerequi-
8 site for eligibility for retirement for service and who had served in
9 the city police force beyond such minimum period of service, were to
10 retire for any cause whatsoever on the same date as that on which such
11 correction member retires for any cause whatsoever, the provisions of
12 such section two hundred seven-d would not be applicable, operative or
13 effective for determining the rights or benefits of such member of the
14 city police force.

15 § 259. Subdivision f of section 13-156 of the administrative code of
16 the city of New York is amended to read as follows:

17 f. Notwithstanding any other provision of this section, the provisions
18 of section two hundred seven-d of the general municipal law shall apply
19 to any housing police member in the same manner and to the same extent
20 as if the definition of [~~"policeman"~~] "police officer" in such section
21 included a paid officer or member of the housing police service;
22 provided, however, that any such member shall not be entitled to any
23 rights or benefits under such section two hundred seven-d in the event
24 that, if a member of the police force of the city and of the police
25 pension fund maintained pursuant to subchapter two of chapter two of
26 this title, who had elected a minimum period of service as a prerequi-
27 site for eligibility for retirement for service and who had served in
28 the city police force beyond such minimum period of service, were to
29 retire for any cause whatsoever on the same date as that on which such
30 housing police member retires for any cause whatsoever, the provisions
31 of such section two hundred seven-d would not be applicable, operative
32 or effective for determining the rights or benefits of such member of
33 the city police force.

34 § 260. Subdivision f of section 13-157 of the administrative code of
35 the city of New York is amended to read as follows:

36 f. Notwithstanding any other provision of this section, the provisions
37 of section two hundred seven-d of the general municipal law shall apply
38 to any transit police member in the same manner and to the same extent
39 as if the definition of [~~"policeman"~~] "police officer" in such section
40 included a paid officer or member of the uniformed transit police force;
41 provided, however, that any such member shall not be entitled to any
42 rights or benefits under such section two hundred seven-d in the event
43 that, if a member of the police force of the city and of the police
44 pension fund maintained pursuant to subchapter two of chapter two of
45 this title; who had elected a minimum period of service as a prerequi-
46 site for eligibility for retirement for service and who had served in
47 the city police force beyond such minimum period of service, were to
48 retire for any cause whatsoever on the same date as that on which such
49 transit police member retires for any cause whatsoever, the provisions
50 of such section two hundred seven-d would not be applicable, operative
51 or effective for determining the rights or benefits of such member of
52 the city police force.

53 § 261. Paragraphs 5, 6, 7 and 8 of subdivision a of section 13-302 of
54 the administrative code of the city of New York are amended to read as
55 follows:

1 5. The president of the uniformed [~~firemen's~~] firefighters' associ-
2 ation of greater New York who shall be entitled to cast two votes.

3 6. The vice-president of the uniformed [~~firemen's~~] firefighters' asso-
4 ciation of greater New York who shall be entitled to cast two votes.

5 7. The treasurer of the uniformed [~~firemen's~~] firefighters' associ-
6 ation of greater New York who shall be entitled to cast two votes.

7 8. The chairperson of the board of trustees of the uniformed [~~fire-~~
8 ~~men's~~] firefighters' association of greater New York who shall be enti-
9 tled to cast two votes.

10 § 262. Subdivision a of section 13-305 of the administrative code of
11 the city of New York is amended to read as follows:

12 a. Notwithstanding the provisions of section 13-304 of this chapter,
13 in any case where a pension was awarded under the provisions of such
14 section, or any predecessor section, by reason of the retirement of a
15 member for disability caused or induced by the actual performance of the
16 duties of his or her position, prior to July first, nineteen hundred
17 sixty-five, such member shall be entitled to a pension of not less than
18 three-fourths the annual salary or compensation payable to a first grade
19 [~~fireman~~] firefighter as of July first, nineteen hundred sixty-five. In
20 the case of any member receiving a pension less than three-fourths the
21 annual salary or compensation of a first grade firefighter as of July
22 first, nineteen hundred sixty-five, his or her pension will be increased
23 to an amount which will equal three-fourths the annual salary or compen-
24 sation of a first grade [~~fireman~~] firefighter as of July first, nineteen
25 hundred sixty-five.

26 § 263. Section 2 of the volunteer firefighters' benefit law, as
27 amended by chapter 751 of the laws of 1957, is amended to read as
28 follows:

29 § 2. Purpose. One of the finest traditions of American community life
30 is the service which people render to others without remuneration.
31 Volunteer [~~firemen~~] firefighters have long been in the forefront of this
32 group. In recognition of the unselfish service by these volunteers,
33 government has undertaken to provide for them and their families some
34 measure of protection against loss from death or injuries in line of
35 duty. Over the years there has developed a dual system of benefits when
36 volunteer [~~firemen~~] firefighters are killed or injured. The dual system
37 has caused uncertainty and confusion. This law establishes a new single
38 system of benefits for volunteer [~~firemen~~] firefighters and provides for
39 the administration of such system by the [~~workmen's~~] workers' compen-
40 sation board and the chairman of such board.

41 It is hereby declared that this chapter is intended to effectuate the
42 objects and purposes of section eighteen of article one of the state
43 constitution and that the relationship between the political subdivision
44 liable for benefits under this chapter and a volunteer [~~fireman~~] fire-
45 fighter entitled to such benefits is that of employer and employee with-
46 in the meaning of such provision of the state constitution.

47 § 264. Subdivisions 1, 4, 5, 7 and 8 of section 3 of the volunteer
48 firefighters' benefit law, subdivision 4 as amended by chapter 751 of
49 the laws of 1957, subdivision 5 as amended by chapter 67 of the laws of
50 1981, and subdivision 8 as amended by chapter 697 of the laws of 1956,
51 are amended to read as follows:

52 1. "Volunteer [~~fireman~~] firefighter" means an active volunteer member
53 of a fire company.

54 4. "Injury" includes any disablement of a volunteer [~~fireman~~] fire-
55 fighter that results from services performed in line of duty and such

1 disease or infection as may naturally and unavoidably result from an
2 injury.

3 5. "Child" includes a posthumous child, a child legally adopted prior
4 to the injury of the volunteer [~~fireman~~] firefighter; and a step-child
5 or acknowledged child born out of wedlock dependent upon the deceased
6 volunteer [~~fireman~~] firefighter.

7 7. "Dependent" includes a surviving spouse entitled to receive bene-
8 fits under this chapter, whether or not actually dependent upon a volun-
9 teer [~~fireman~~] firefighter, unless a contrary meaning is clearly
10 intended.

11 8. "Earning capacity", except as herein provided, means:

12 a. The ability of a volunteer [~~fireman~~] firefighter to perform on a
13 five-day or six-day basis either the work usually and ordinarily
14 performed by him or her in his or her remunerated employment or other
15 work which for any such worker would be a reasonable substitute for the
16 remunerated employment in which he or she was employed at the time of
17 his or her injury, or

18 b. The ability of a volunteer [~~fireman~~] firefighter to perform on a
19 five-day or six-day basis either the work usually and ordinarily
20 performed by him or her in the practice of his or her profession or in
21 the conduct of his or her trade or business, including farming, and from
22 which he or she could derive earned income or other work which for any
23 such person would be a reasonable substitute for the profession, trade
24 or business in which he or she was engaged at the time of his or her
25 injury.

26 Every volunteer [~~fireman~~] firefighter shall be considered to have
27 earning capacity and, if the provisions of paragraphs a and b above are
28 not applicable in any given case, the [~~workmen's~~] workers' compensation
29 board, in the interest of justice, shall determine the reasonable earn-
30 ing capacity of the volunteer [~~fireman~~] firefighter with due regard to
31 the provisions of such paragraphs and the work he or she reasonably
32 could be expected to obtain and for which he or she is qualified by age,
33 education, training and experience. The ability of a volunteer [~~fireman~~]
34 firefighter to perform the duties of a volunteer [~~fireman~~] firefighter,
35 or to engage in activities incidental thereto, may be considered in
36 determining loss of earning capacity, but the inability of a volunteer
37 [~~fireman~~] firefighter to perform such duties or to engage in such activ-
38 ities shall not be a basis of determining loss of earning capacity.

39 § 265. Paragraphs d, l and m of subdivision 1, and subdivision 2 of
40 section 5 of the volunteer firefighters' benefit law, paragraphs d and m
41 of subdivision 1 as amended by chapter 161 of the laws of 1983, para-
42 graph 1 of subdivision 1 as amended by chapter 735 of the laws of 1984,
43 subdivision 2 as amended by chapter 313 of the laws of 1963, paragraph a
44 of subdivision 2 as amended by chapter 341 of the laws of 2005 and the
45 closing paragraph of subdivision 2 as amended by chapter 805 of the laws
46 of 1984, are amended to read as follows:

47 d. While, within this country or in Canada and pursuant to orders or
48 authorization, instructing or being instructed in fire duties, attending
49 a training school or course of instruction for [~~firemen~~] firefighters,
50 or attending or participating in any noncompetitive training program,
51 including necessary travel directly connected therewith, as well as
52 necessary travel to and necessary travel returning from such activity.

53 l. While, within this country or Canada and pursuant to orders or
54 authorization, attending a convention or conference of [~~firemen~~] fire-
55 fighters or fire officers or fire district officers as the authorized
56 delegate or representative of his or her fire department, fire company

1 or any unit thereof, including necessary travel directly connected therewith, as well as necessary travel to and necessary travel returning from such activity.

4 m. While, within the state and pursuant to orders or authorization, 5 working in connection with a fund raising activity of his or her fire 6 company, as defined in subdivision fifteen of section three of this 7 chapter including necessary travel directly connected therewith, as well 8 as necessary travel to and necessary travel returning from such activity, 9 but shall not include competitive events in which volunteer [~~fire-~~ 10 ~~men~~] firefighters are competitors, such as baseball, basketball, football, 11 bowling, tugs of war, water-ball fights, donkey baseball, boxing, 12 wrestling, contests between bands or drum corps, or other competitive 13 events in which volunteer [~~firemen~~] firefighters are competitors and 14 which involve physical exertion on the part of the competitors.

15 2. Benefits shall not be paid and provided pursuant to this chapter in 16 the following instances:

17 a. Work or service rendered by a volunteer firefighter while on a 18 leave of absence pursuant to either section two hundred-b or section two 19 hundred-c of the general municipal law, unless such work or service is 20 performed pursuant to subdivision one-a of section two hundred-b or 21 subdivision one-a of section two hundred-c of the general municipal law, 22 or pursuant to any other general, special or local law, charter or ordinance 23 or pursuant to the constitution, by-laws, rules or regulations 24 applicable to the fire company or fire department of which he or she is 25 a member.

26 b. Practice for and participation in any recreational, social, or fund 27 raising activity other than a fund raising activity for which coverage 28 is provided under paragraph m of subdivision one of this section.

29 c. Work or service rendered by a volunteer [~~fireman~~] firefighter while 30 suspended from duty pursuant to section two hundred nine-1 of the general 31 municipal law, article eight of the village law or pursuant to any 32 other general, special or local law, charter or ordinance or pursuant to 33 the constitution, by-laws, rules or regulations applicable to the fire 34 company or fire department of which he or she is a member.

35 d. Work or service not rendered as a volunteer [~~fireman~~] firefighter, 36 but rendered as an officer, official or employee of a public corporation 37 or any special district thereof, whether with or without remuneration, 38 even though by law a requirement for such office, position or employment 39 shall be that such officer, official or employee shall have been or must 40 be a volunteer [~~fireman~~] firefighter.

41 e. Work or service not rendered as a volunteer [~~fireman~~] firefighter, 42 but rendered in the course of his or her employment for a private 43 employer.

44 f. Work or service not rendered as a volunteer [~~fireman~~] firefighter, 45 but rendered as a civil defense volunteer.

46 g. Work, service or activities in which the volunteer [~~fireman~~] fire- 47 fighter has been ordered not to participate.

48 This subdivision shall not be deemed to enumerate all of the activities 49 engaged in by volunteer [~~firemen~~] firefighters for which mandatory 50 coverage is not provided by this chapter, or to prohibit any of the 51 activities described in this subdivision, or to prevent the securing of 52 insurance pursuant to section four thousand two hundred thirty-seven of 53 the insurance law to cover volunteer [~~firemen~~] firefighters when engaged 54 in activities other than those for which mandatory coverage is provided 55 by this chapter.

1 § 266. Section 6 of the volunteer firefighters' benefit law, as
2 amended by chapter 751 of the laws of 1957, is amended to read as
3 follows:

4 § 6. Volunteer [~~firemen's~~ firefighters' benefits; general. If a
5 volunteer [~~fireman~~ firefighter dies from the effects of injury in line
6 of duty, or if such a [~~fireman~~ firefighter shall be injured in line of
7 duty, benefits shall be paid and provided pursuant to this chapter,
8 except that there shall be no liability for such benefits when the inju-
9 ry has been solely occasioned by intoxication of the volunteer [~~fireman~~
10 firefighter while acting in line of duty or by the wilful intention of
11 the volunteer [~~fireman~~ firefighter to bring about the injury or death
12 of himself or herself or another.

13 § 267. Subdivisions 2, 4, 19, 21, 22, 31, 32, 33 and 34 of section 7
14 of the volunteer firefighters' benefit law, as amended by chapter 212 of
15 the laws of 2005, are amended to read as follows:

16 2. If there be a surviving spouse, to such spouse the lump sum of
17 fifty-six thousand dollars, but if there be no surviving spouse, then to
18 the executor or administrator of the estate of the volunteer [~~fireman~~
19 firefighter, the lump sum of fifty-six thousand dollars. Such sum shall
20 be in addition to any other benefits provided in this chapter and shall
21 not be diminished by benefits paid to the volunteer [~~fireman~~ firefight-
22 er during his or her lifetime. Any money paid to an executor or adminis-
23 trator pursuant to the provisions of this subdivision shall be distrib-
24 uted in the manner provided by the laws of this state for the
25 distribution of the personal property of an intestate decedent.
26 Provided, however, that nothing herein shall be construed as affording a
27 greater benefit for those volunteer [~~firemen~~ firefighters injured prior
28 to the effective date of this act, however the spouse or estate of such
29 [~~fireman~~ firefighter shall continue to be eligible for a benefit in the
30 sum of eleven thousand eighty-four dollars.

31 4. If there be a surviving spouse and a surviving child or children of
32 the deceased under the age of eighteen years or under the age of twen-
33 ty-five years who is enrolled as a full time student in any accredited
34 educational institution or a surviving child or children of any age
35 dependent blind or physically disabled, to such spouse ninety-five
36 dollars for each week until remarried, and upon such remarriage the lump
37 sum of nine thousand eight hundred fifty-six dollars; and an additional
38 amount of sixty-three dollars for each week for each such child until
39 the age of eighteen years or under the age of twenty-five years who is
40 enrolled as a full time student in any accredited educational institu-
41 tion or until the removal of the dependency of the blind or physically
42 disabled child or children; in the case of the subsequent death or
43 remarriage of such surviving spouse any surviving child of the deceased
44 [~~fireman~~ firefighter, at the time under eighteen years of age or under
45 the age of twenty-five years who is enrolled as a full time student in
46 any accredited educational institution or dependent through mental or
47 physical infirmity, shall have his or her benefit increased to ninety-
48 five dollars for each week, and the same shall be payable until he or
49 she shall reach the age of eighteen years or twenty-five years, as the
50 case may be, or until such dependent blind or physically disabled condi-
51 tion shall have been removed; provided that the total amount payable for
52 each week under this subdivision shall in no case exceed two hundred
53 fifty-three dollars per week. Upon statutory termination of payments to
54 all such children, the payments to the surviving spouse shall be
55 increased to one hundred thirty dollars for each week until such spouse

1 remarries, and upon such remarriage, such spouse shall be paid the lump
2 sum of twelve thousand thirty-three dollars.

3 19. In the case of a death of a volunteer [~~fireman~~ firefighter, on or
4 after January first, nineteen hundred seventy-nine, that results from
5 services performed in the line of duty, if there be a surviving spouse
6 and no surviving child of the deceased under the age of eighteen years
7 or under the age of twenty-five years who is enrolled as a full time
8 student in any accredited educational institution and no surviving child
9 of any age dependent blind or physically disabled, to such spouse four
10 hundred seventy-seven dollars for each week until remarried, and upon
11 such remarriage the lump sum of forty-nine thousand five hundred sixty-
12 eight dollars.

13 21. In the case of a death of a volunteer [~~fireman~~ firefighter, on or
14 after January first, nineteen hundred seventy-nine, that results from
15 services performed in the line of duty, if there be surviving a child or
16 children of the deceased under the age of eighteen years or under the
17 age of twenty-five years who is enrolled as a full time student in any
18 accredited educational institution or a dependent blind or physically
19 disabled child or children of any age, but no surviving spouse, for the
20 support of such child or children until the age of eighteen years or
21 twenty-five years as the case may be, or until the removal of the
22 dependency of such blind or physically disabled child or children, four
23 hundred seventy-seven dollars, share and share alike, for each week;
24 provided that the total amount payable for each week under this subdivi-
25 sion shall not exceed four hundred seventy-seven dollars per week.

26 22. In the case of a death of a volunteer [~~fireman~~ firefighter, on or
27 after January first, nineteen hundred seventy-nine, that results from
28 services performed in the line of duty, if there be no surviving spouse
29 or child of the deceased under the age of eighteen years or under the
30 age of twenty-five years who is enrolled as a full time student in any
31 accredited educational institution or dependent blind or physically
32 disabled child of the deceased of any age, then for the support of
33 grandchildren or brothers and sisters under the age of eighteen years or
34 under the age of twenty-five years who is enrolled as a full time
35 student in any accredited educational institution if dependent upon the
36 deceased at the time of the injury, one hundred seventy-eight dollars
37 and seventy-four cents for each week for the support of each such person
38 until the age of eighteen years or twenty-five years as the case may be,
39 and for the support of each parent or grandparent of the deceased, if
40 dependent upon the deceased at the time of the injury, two hundred
41 eighty-six dollars for each week during such dependency, but in no case
42 shall the aggregate amount payable under this subdivision exceed four
43 hundred seventy-seven dollars per week.

44 31. In the case of a death of a volunteer [~~fireman~~ firefighter on or
45 after July first, nineteen hundred eighty-five, that results from
46 services performed in the line of duty, if there be a surviving spouse
47 and no surviving child of the deceased under the age of eighteen years
48 or under the age of twenty-five years who is enrolled as a full time
49 student in any accredited educational institution and no surviving child
50 of any age dependent blind or physically disabled to such spouse six
51 hundred sixty-five dollars for each week until remarried and upon such
52 remarriage the lump sum of sixty-nine thousand one hundred sixty-four
53 dollars.

54 32. In the case of a death of a volunteer [~~fireman~~ firefighter on or
55 after July first, nineteen hundred eighty-five, that results from
56 services performed in the line of duty, if there be a surviving spouse

1 and a surviving child or children of the deceased under the age of eigh-
2 teen years or under the age of twenty-five years who is enrolled as a
3 full time student in any accredited educational institution or a surviv-
4 ing child or children of any age dependent blind or physically disabled,
5 to such spouse three hundred sixty-six dollars for each week until
6 remarried, and the additional amount of three hundred dollars for each
7 week for such child or children, share and share alike, until the age of
8 eighteen years or under the age of twenty-five years who is enrolled as
9 a full time student in any accredited educational institution or until
10 the removal of the dependency of the blind or physically disabled child
11 or children. In the case of the death of such surviving spouse, the
12 surviving child or children of the deceased [~~fireman~~ firefighter, at
13 the time under eighteen years of age or under the age of twenty-five
14 years who is enrolled as a full time student in any accredited educa-
15 tional institution or dependent through mental or physical infirmity,
16 shall have his or her benefit increased to six hundred sixty-five
17 dollars, for each week, share and share alike, and the same shall be
18 payable until he or she or they shall reach the age of eighteen years or
19 twenty-five years as the case may be, or until such dependent blind or
20 physically disabled condition shall have been removed. Upon the remar-
21 riage of such surviving spouse prior to the statutory termination of
22 benefit to all such children, such spouse shall be paid the lump sum of
23 thirty-eight thousand forty dollars and the surviving child shall
24 continue to receive weekly payments of three hundred dollars; if there
25 be two surviving children, each shall receive two hundred fifty dollars
26 per week; and if there be more than two surviving children, they shall
27 receive six hundred sixty-five dollars per week, share and share alike;
28 and the same shall be payable until he or she or they shall reach the
29 age of eighteen years or twenty-five years, as the case may be, or until
30 such dependent blind or physically disabled condition shall have been
31 removed. Upon statutory termination of payments to all such children,
32 the payments to the surviving spouse shall be increased to six hundred
33 sixty-five dollars for each week until such spouse remarries and upon
34 such remarriage such spouse shall be paid the lump sum of sixty-nine
35 thousand one hundred sixty-four dollars. In no event shall the total
36 amount payable for each week under this subdivision exceed six hundred
37 sixty-five dollars.

38 33. In the case of a death of a volunteer [~~fireman~~ firefighter on or
39 after July first, nineteen hundred eighty-five, that results from
40 services performed in the line of duty, if there be surviving a child or
41 children of the deceased under the age of eighteen years or under the
42 age of twenty-five years who is enrolled as a full time student in any
43 accredited educational institution or a dependent child or physically
44 disabled child or children of any age, but no surviving spouse, for
45 support of such child or children until the age of eighteen years or
46 twenty-five years as the case may be, or until removal of the dependency
47 of such blind or physically disabled child or children, six hundred
48 sixty-five dollars share and share alike, for each week; provided that
49 the total amount payable for each week under this subdivision shall not
50 exceed six hundred sixty-five dollars per week.

51 34. In the case of a death of a volunteer [~~fireman~~ firefighter on or
52 after July first, nineteen hundred eighty-five, that results from
53 services performed in the line of duty, if there be no surviving spouse
54 or child of the deceased under the age of eighteen years or under the
55 age of twenty-five years who is enrolled as a full time student in any
56 accredited educational institution, or dependent blind or physically

1 disabled child of the deceased of any age, then for the support of
2 grandchildren or brothers and sisters under the age of eighteen years or
3 under the age of twenty-five years who is enrolled as a full time
4 student in any accredited educational institution if dependent upon the
5 deceased at the time of the injury, two hundred fifty dollars for each
6 week for the support of each such person until the age of eighteen years
7 or twenty-five years as the case may be, and for the support of each
8 parent or grandparent of the deceased if dependent upon the deceased at
9 the time of the injury, four hundred dollars for each week during such
10 dependency but in no case shall the aggregate amount payable under this
11 subdivision exceed six hundred sixty-five dollars per week.

12 § 268. Section 7-a of the volunteer firefighters' benefit law, as
13 added by chapter 268 of the laws of 1984, is amended to read as follows:

14 § 7-a. Date of death benefits. All weekly benefits payable under
15 section seven of this article shall accrue as of the date of death of
16 the volunteer [~~fireman~~] firefighter. In the event that a person or
17 persons entitled to weekly benefits shall die before a determination is
18 made on the merits of their claim, and such determination on the merits
19 is ultimately in their favor, then all weekly benefits due from the date
20 of death of the volunteer [~~fireman~~] firefighter up to the date of death
21 of the person or persons entitled to such weekly benefits shall be paid
22 to the executor or administrator of the estate of such person or
23 persons.

24 § 269. The opening subparagraph and subparagraph 4 of paragraph (g) of
25 subdivision 1 and subdivision 3 of section 10 of the volunteer fire-
26 fighters' benefit law, paragraph (g) of subdivision 1 as amended by
27 chapter 584 of the laws of 1974, are amended to read as follows:

28 In all other cases of permanent partial disability the volunteer
29 [~~fireman~~] firefighter shall be paid for each week during the continuance
30 thereof, as follows:

31 4. If the percentage of loss of earning capacity is less than twenty-
32 five per centum, he or she shall not be paid any weekly benefit. Perma-
33 nent partial disability, within the meaning of this paragraph, shall
34 exist only if the earning capacity of the volunteer [~~fireman~~] firefight-
35 er has been permanently and partially lost as the result of the injury.
36 The [~~workmen's~~] workers' compensation board shall determine the degree
37 of such disability and such board may reconsider such degree on its own
38 motion or upon application of any party in interest.

39 3. An award for disability may be made after the death of the volun-
40 teer [~~fireman~~] firefighter.

41 § 270. The opening paragraph and subdivision 4 of section 11 of the
42 volunteer firefighters' benefit law, as amended by chapter 584 of the
43 laws of 1974, are amended to read as follows:

44 In the case of temporary partial disability the volunteer [~~fireman~~]
45 firefighter shall be paid for each week during the continuance thereof,
46 as follows:

47 4. If the percentage of loss of earning capacity is less than twen-
48 ty-five per centum, he or she shall not be paid any weekly benefit.
49 Temporary partial disability, within the meaning of this section, shall
50 exist only if the earning capacity of the volunteer [~~fireman~~] firefight-
51 er has been temporarily and partially lost as the result of the injury.
52 The [~~workmen's~~] workers' compensation board shall determine the degree
53 of such disability and such board may reconsider such degree on its own
54 motion or upon application of any party in interest.

55 § 271. Section 11-a of the volunteer firefighters' benefit law, as
56 added by chapter 591 of the laws of 1957, is amended to read as follows:

1 § 11-a. Repair or replacement of prosthetic devices. If, as a result
2 of services performed in line of duty, a volunteer [~~fireman~~ firefighter
3 damages or loses any prosthetic devices required to be worn or used by
4 him or her, whether or not he or she is injured, such prosthetic device
5 shall be repaired, or replaced in the discretion of the [~~workmen's~~
6 workers' compensation board, and necessary medical, surgical or other
7 attendance or treatment, nurse and hospital service, in connection ther-
8 ewith shall be furnished, in the same manner as a prosthetic device
9 would be furnished, replaced or repaired and treatment and care provided
10 under the provisions of section sixteen of this chapter. Damage to or
11 loss of a prosthetic device shall be deemed an injury, except that no
12 disability benefits shall be payable with respect to such injury under
13 sections eight, nine, ten and eleven of this chapter. The term "pros-
14 thetic device" as used in this section includes an artificial limb,
15 artificial eye, eyeglasses, contact lens, hearing aid, denture or dental
16 appliance or any surgical appliance required to be worn or used by the
17 volunteer [~~fireman~~ firefighter, but shall not include shoes or any
18 other article considered as ordinary wearing apparel, whether or not
19 specially constructed.

20 § 272. Section 11-b of the volunteer firefighters' benefit law, as
21 added by chapter 337 of the laws of 1957, is amended to read as follows:

22 § 11-b. Hazardous exposures. If, as a result of services performed in
23 line of duty, a volunteer [~~fireman~~ firefighter is exposed to or comes
24 in contact with any poisons, gases, x-rays, radium, radio-active materi-
25 als or other potentially harmful substances or matter, the chief engi-
26 neer or other executive officer of the fire department or fire company
27 of which he or she is a member may authorize the volunteer [~~fireman~~
28 firefighter to obtain such examinations, tests, treatment and care as
29 are immediately necessary to determine whether he or she is injured. Any
30 such authorization may be granted prior to the giving of a notice of
31 injury under this chapter. In any such case, the volunteer [~~fireman~~
32 firefighter shall be deemed to have been injured and shall be entitled
33 to treatment and care and disability benefits as provided in this chap-
34 ter.

35 § 273. Section 14 of the volunteer firefighters' benefit law is
36 amended to read as follows:

37 § 14. Previous disability. The fact that a volunteer [~~fireman~~ fire-
38 fighter has suffered previous disability or received benefits therefor
39 as provided in section two hundred five of the general municipal law,
40 the [~~workmen's~~ workers' compensation law, or this chapter shall not
41 preclude him or her from benefits for a later injury nor preclude death
42 benefits for death resulting therefrom; provided, however, that a volun-
43 teer [~~fireman~~ firefighter who is suffering from a previous disability
44 shall not receive benefits for a later injury in excess of the benefits
45 allowed for such injury when considered by itself and not in conjunction
46 with the previous disability. Notwithstanding the foregoing provisions
47 of this section, if a volunteer [~~fireman~~ firefighter has previously
48 incurred permanent partial disability through the loss or loss of use of
49 one hand, one arm, one foot, one leg, or one eye, and suffers the loss
50 or loss of use of another such major member or eye, he or she may be
51 adjudged permanently totally disabled and receive benefits for permanent
52 total disability as provided in section eight of this chapter.

53 § 274. Section 15 of the volunteer firefighters' benefit law, as
54 amended by chapter 502 of the laws of 1959, is amended to read as
55 follows:

1 § 15. Expense for rehabilitating injured volunteer [~~firemen~~ fire-
2 fighters]. A volunteer [~~fireman~~ firefighter], who as a result of injury
3 is or may be expected to be totally or partially incapacitated for a
4 remunerative occupation and who, under the direction of the state educa-
5 tion department is being rendered fit to engage in a remunerative occu-
6 pation, may receive such additional financial benefit necessary for his
7 or her rehabilitation as the [~~workmen's~~ workers'] compensation board
8 shall determine. Not more than thirty dollars per week of such addi-
9 tional amount shall be expended for maintenance. Such expense and such
10 of the administrative expenses of the state education department as are
11 properly assignable to the expenses of rehabilitating such volunteer
12 [~~firemen~~ firefighters] shall be paid out of the vocational rehabili-
13 tation fund created pursuant to subdivision nine of section fifteen of
14 the [~~workmen's~~ workers'] compensation law. Any such volunteer [~~fireman~~
15 firefighter] for the purposes of such fund shall be considered an employ-
16 ee of the political subdivision liable for the payment of benefits to
17 such volunteer [~~fireman~~ firefighter] under this chapter and such
18 "employer" or its insurance carrier, as the case may be, shall make the
19 same financial contribution to such fund as required by such subdivision
20 nine in every case of injury causing death of a volunteer [~~fireman~~
21 firefighter] in which there are no persons entitled to financial benefits
22 under this chapter other than (1) funeral expenses and (2) the death
23 benefit provided in subdivision two of section seven of this chapter.

24 § 275. Section 18 of the volunteer firefighters' benefit law is
25 amended to read as follows:

26 § 18. Disposition of accrued benefits upon death. Except as otherwise
27 provided in section ten of this chapter, in the case of the death of an
28 injured volunteer [~~fireman~~ firefighter] to whom there was due at the
29 time of his or her death any benefits under the provisions of this chap-
30 ter, the amount of such benefits shall be payable to the surviving
31 spouse, if there be one, or, if none, to the surviving child or children
32 of the deceased under the age of eighteen years, and if there be no
33 surviving spouse or children, then to the dependents of such deceased or
34 to any of them as the [~~workmen's~~ workers'] compensation board may
35 direct, and if there be no surviving spouse, children or dependents of
36 such deceased, then to his or her estate. An award for disability may be
37 made after the death of an injured volunteer [~~fireman~~ firefighter].

38 § 276. Section 19 of the volunteer firefighters' benefit law, as
39 amended by chapter 751 of the laws of 1957, is amended to read as
40 follows:

41 § 19. Exclusiveness of remedy. The benefits provided by this chapter
42 shall be the exclusive remedy of a volunteer [~~fireman~~ firefighter], or
43 his or her spouse, parents, dependents, next of kin, executor or admin-
44 istrator, or anyone otherwise entitled to recover damages, at common law
45 or otherwise, for or on account of an injury to a volunteer [~~fireman~~
46 firefighter] in line of duty or death resulting from an injury to a
47 volunteer [~~fireman~~ firefighter] in line of duty, as against (1) the
48 political subdivision liable for the payment of such benefits, (2) the
49 political subdivision regularly served by the fire company of which the
50 volunteer [~~fireman~~ firefighter] is a member, whether or not pursuant to
51 a contract for fire protection, even though any such political subdivi-
52 sion is not liable for the payment of such benefits in the circum-
53 stances, and (3) any person or agency acting under governmental or stat-
54 utory authority in furtherance of the duties or activities in relation
55 to which any such injury resulted; provided, however, that the benefits
56 provided by this chapter shall not be the exclusive remedy as against

1 persons who, in the furtherance of the same duties or activities, are
2 not similarly barred from recourse against the volunteer [~~fireman~~] fire-
3 fighter, or his or her executor or administrator.

4 § 277. Section 20 of the volunteer firefighters' benefit law is
5 amended to read as follows:

6 § 20. Other remedies of volunteer [~~firemen~~] firefighters; subrogation.
7 The provisions of section twenty-nine of the [~~workmen's~~] workers'
8 compensation law to the extent that such provisions are not inconsistent
9 with the provisions of this chapter, shall be applicable as fully as if
10 set forth in this chapter.

11 § 278. Section 21 of the volunteer firefighters' benefit law, the
12 section heading as amended by chapter 322 of the laws of 1963, subdivi-
13 sions 1 and 3 as amended by chapter 270 of the laws of 1964, and subdivi-
14 sion 2 as amended by chapter 1004 of the laws of 1963, is amended to
15 read as follows:

16 § 21. Assistance to other states, the Dominion of Canada, property
17 ceded to the federal government and to Indian reservations. 1. Whenever
18 a fire company or fire department in this state shall answer a call to
19 furnish assistance to any political subdivision or territory of another
20 state of the United States or of the Dominion of Canada, or property
21 ceded to the federal government, the provisions of this chapter shall
22 apply with respect to the volunteer [~~firemen~~] firefighters of such fire
23 company or department, while such assistance is being rendered or while
24 going to or returning from the place from where the assistance is to be
25 or was rendered, to the same extent and in the same manner as if such
26 service had been rendered in or for the area regularly served by such
27 volunteer [~~firemen~~] firefighters; provided, however, that there shall be
28 deducted from any amounts payable under this chapter any amounts recov-
29 erable by or payable to any such volunteer [~~fireman~~] firefighter under
30 the laws applicable in the political subdivision or territory for which
31 the call for assistance was made.

32 2. The provisions of this chapter shall apply with respect to volun-
33 teer [~~firemen~~] firefighters of fire departments and fire companies of
34 other states of the United States and of the Dominion of Canada who
35 render service in this state in answer to a call for assistance to the
36 territory regularly served by a fire department or fire company
37 described in subdivisions one to five, inclusive, of section thirty of
38 this chapter and, for the purposes of determining liability for benefits
39 under this chapter, any such volunteer [~~fireman~~] firefighter shall be
40 considered as a volunteer member of the fire department or fire company
41 of the territory for which service has been rendered in this state
42 pursuant to a call for assistance; provided that the laws of the state
43 served by such volunteer [~~firemen~~] firefighters, fire departments or
44 fire companies, or of the Dominion of Canada, as the case may be,
45 contain provisions under which benefits are granted in relation to
46 volunteer [~~firemen~~] firefighters of this state who are killed or injured
47 when rendering service in such other states, or the Dominion of Canada,
48 as the case may be, in answer to a call for assistance; provided, howev-
49 er, that there shall be deducted from any amounts payable under the
50 provisions of this chapter to a volunteer [~~fireman~~] firefighter of such
51 other states or of the Dominion of Canada, any amounts recoverable by or
52 payable to such volunteer [~~fireman~~] firefighter under the laws of the
53 state served by such volunteer [~~fireman~~] firefighter or of the Dominion
54 of Canada, as the case may be.

55 3. Whenever a fire company or fire department in this state shall
56 answer a call for assistance to be rendered to any part of an Indian

1 reservation the provisions of this chapter shall apply with respect to
2 the volunteer [~~firemen~~ firefighters of such fire company or department,
3 while such assistance is being rendered or while going to or returning
4 from the place from where the assistance is to be or was rendered, to
5 the same extent and in the same manner as if such service had been
6 rendered in or for the area regularly served by such volunteer [~~firemen~~
7 firefighters.

8 § 279. Section 23 of the volunteer firefighters' benefit law is
9 amended to read as follows:

10 § 23. Assignments, exemptions. Benefits payable under this article
11 shall not be assigned, released or commuted, except as provided by this
12 chapter, and shall be exempt from all claims of creditors and from levy,
13 execution and attachment or other remedy for recovery or collection of a
14 debt, which exemption may not be waived. Such benefits shall be paid
15 only to volunteer [~~firemen~~ firefighters or their dependents except as
16 otherwise provided in this chapter.

17 § 280. The opening paragraph and subdivisions 1, 2, 3, 4, 5, 6 and 6-a
18 of section 30 of the volunteer firefighters' benefit law, the opening
19 paragraph as amended by chapter 1004 of the laws of 1963, subdivision 6
20 as amended by chapter 123 of the laws of 1958, the third undesignated
21 paragraph of subdivision 6 as amended by chapter 520 of the laws of
22 1964, the seventh undesignated paragraph of subdivision 6 as added by
23 chapter 368 of the laws of 1958, the eighth undesignated paragraph of
24 subdivision 6 as amended by chapter 694 of the laws of 1959, the ninth
25 undesignated paragraph of subdivision 6 and the closing paragraph of
26 subdivision 6-a as added by chapter 1004 of the laws of 1963, and subdi-
27 vision 6-a as added by chapter 849 of the laws of 1957, are amended to
28 read as follows:

29 Except as otherwise provided in article five of the [~~workmen's~~ work-
30 ers' compensation law, in section two hundred nine-i of the general
31 municipal law and in section twenty-one of this chapter:

32 1. If at the time of injury the volunteer [~~fireman~~ firefighter was a
33 member of a fire company of a county, city, town, village or fire
34 district fire department, any benefit under this chapter shall be a
35 county, city, town, village or fire district charge, as the case may be,
36 and any claim therefor shall be audited in the same manner as other
37 claims against the county, city, town, village or fire district and the
38 amount thereof shall be raised and paid in the same manner as other
39 county, city, town, village or fire district charges.

40 2. If at the time of injury the volunteer [~~fireman~~ firefighter was a
41 member of a fire company incorporated under the membership corporations
42 law, or any other law, and located in a city, village, or fire district,
43 protected under a contract by the fire department or fire company of
44 which the volunteer [~~fireman~~ firefighter was a member, any benefit
45 under this chapter shall be a city, village or fire district charge, as
46 the case may be, and any claim therefor shall be audited in the same
47 manner as other claims against the city, village or fire district and
48 the amount thereof shall be raised and paid in the same manner as other
49 city, village or fire district charges.

50 3. If at the time of injury the volunteer [~~fireman~~ firefighter was a
51 member of a fire company incorporated under the membership corporations
52 law, or any other law, and located in a fire protection district, or
53 fire alarm district, protected under a contract by such fire company,
54 any benefit under this chapter shall be a town charge and any claim
55 therefor shall be audited and paid in the same manner as town charges
56 and the amount thereof shall be raised upon the property liable to taxa-

1 tion in the fire protection district or fire alarm district in the same
2 manner as town charges therein are raised.

3 4. If at the time of injury the volunteer [~~fireman~~ firefighter] was a
4 member of a fire company incorporated under the membership corporations
5 law, or any other law, and located outside of a city, village, fire
6 district, fire protection district or fire alarm district, any benefit
7 under this chapter shall be a town charge and any claim therefor shall
8 be audited and paid in the same manner as town charges and the amount
9 thereof raised upon the property liable to taxation in such outside
10 territory protected by such fire company in the same manner as town
11 charges therein are raised.

12 5. If at the time of injury the volunteer [~~fireman~~ firefighter] was a
13 member of a fire company or fire department operating in, or maintained
14 jointly by two or more villages, or two or more towns, or two or more
15 fire districts, any benefit under this chapter shall be a charge against
16 such villages, towns or fire districts, in the proportion that the full
17 valuation of taxable real estate in each bears to the aggregate full
18 valuation of the taxable real estate of all such villages, towns or fire
19 districts and the amount thereof shall be audited, raised and paid in
20 the same manner as other village, town or fire district charges. Full
21 valuation shall be determined by dividing the assessed valuations of
22 taxable real estate of each such village, town or fire district as shown
23 by the latest completed assessment roll of the village, town or fire
24 district by the equalization rate established by the authorized state
25 agency or officer for such roll; provided, however, in a county having a
26 county department of assessment the full valuation in towns and fire
27 districts shall be determined by applying the state equalization rate
28 established for the town, or the town in which the fire district is
29 located, to the appropriate portion of the last completed county roll.

30 6. The provisions of subdivisions one to five, inclusive, of this
31 section shall not apply if the injury results from services performed
32 when assistance is being rendered to:

33 a. Another city, town which has a town fire department, village or
34 fire district, including one protected under a contract by the fire
35 department or fire company of which the volunteer [~~fireman~~ firefighter]
36 is a member,

37 b. A fire protection district or fire alarm district, including one
38 protected under a contract by the fire department or fire company of
39 which the volunteer [~~fireman~~ firefighter] is a member,

40 c. The area of a town protected by a fire company incorporated under
41 the membership corporations law, or any other law, and located outside
42 of a city, village, fire district, fire protection district, or fire
43 alarm district,

44 d. The unorganized area of a town (outside of a city, village, fire
45 district, fire protection district, fire alarm district, and also
46 outside the area protected by a fire company incorporated under the
47 membership corporations law, or any other law, and located outside of a
48 city, village, fire district, fire protection district or fire alarm
49 district),

50 e. The joint area protected by a fire company or fire department oper-
51 ating in, or maintained jointly by two or more villages, or two or more
52 towns, or two or more fire districts,

53 f. A fire department of a county which has a fire department, or

54 g. A county which has requested fire aid pursuant to section two
55 hundred nine-e of the general municipal law,

1 pursuant to a call to furnish assistance to any such municipal corpo-
2 ration, district or area in cases of fire or other emergencies, or for
3 other authorized purposes, or while going to or returning from the place
4 where the assistance is to be or was rendered, or if death shall result
5 from the effects of any such injury, and in any such case any such bene-
6 fit shall be a charge against such aided municipal corporation, district
7 or area and after audit shall be paid and the amount thereof shall be
8 raised upon the property liable to taxation in such municipal corpo-
9 ration, district or area, in the same manner as other charges against
10 the same are raised, except that in the cases described at paragraphs b,
11 c and d of this subdivision, the town in which the district or area is
12 located shall be primarily liable for such payment. If there is no prop-
13 erty liable to taxation in any area described in paragraph d, the bene-
14 fit shall be a town charge and any claim therefor shall be audited and
15 paid in the same manner as town charges and the amount thereof shall be
16 raised upon the taxable real property in the town in the same manner as
17 town charges therein are raised.

18 In the case of a false call for assistance, any such benefit shall be
19 audited, raised and paid in the manner provided in subdivisions one to
20 five, inclusive, of this section, as the case may be.

21 The term "assistance", as used in this section, includes the services
22 of firefighting forces, fire police squads, emergency rescue and first
23 aid squads rendered in case of a fire or other emergency, including
24 stand-by service, to aid (1) a fire department, fire company, or any
25 unit thereof, other than that of which the volunteer [~~fireman~~ fire-
26 fighter] is a member and (2) owners or occupants of property, and other
27 persons, whether or not such owners, occupants or persons are receiving
28 fire or other emergency service from a fire department, fire company, or
29 any unit thereof, other than that of which the volunteer [~~fireman~~ fire-
30 fighter] is a member.

31 Except as otherwise provided by law in the case of natural disaster
32 emergencies, a call to furnish assistance may be made by any person
33 aware of the peril involved and the need for assistance or pursuant to
34 any legally authorized or recognized plan for the furnishing of mutual
35 aid in cases of fire or other emergency. The call need not originate in
36 the municipal corporation, district or area ultimately liable for bene-
37 fits under this section and may be relayed through one or more persons
38 or mediums of communication.

39 The provisions of this subdivision [~~six~~] shall not apply if the injury
40 results from services performed by the volunteer [~~fireman~~ firefighter]
41 in a natural disaster emergency and he or she was serving as part of the
42 civil defense forces activated [~~pursuant to section six hundred fifty-~~
43 ~~six-a of the county law, section two hundred nine-n of the general~~
44 ~~municipal law, section two hundred nine-o of the general municipal law~~
45 ~~as added by chapter six hundred thirty-one of the laws of nineteen~~
46 ~~hundred fifty-seven, or section ten of the executive law], and when
47 assistance is being so rendered the benefits to be paid and provided
48 under this chapter shall be paid and provided by the political subdivi-
49 sions which would be liable under subdivisions one to five, inclusive,
50 of this section.~~

51 If death or injury results from the performance of duty by a volunteer
52 [~~fireman~~ firefighter] serving as fire chief while inspecting a public or
53 private school pursuant to paragraph c of subdivision seven of section
54 eight hundred seven-a of the education law for fire prevention and
55 protection purposes in a fire district, fire protection district or fire
56 alarm district furnished fire protection pursuant to a contract by his

1 or her fire department or fire company, or from necessary travel direct-
2 ly connected with any such duty, then the benefits to be paid and
3 provided under this chapter shall be a charge against such fire
4 district, fire protection district or fire alarm district so protected
5 pursuant to contract and after audit shall be paid and the amount there-
6 of shall be raised upon the property liable to taxation in any such
7 district in the same manner as other charges against the same are
8 raised, except that in the case of a fire protection district or fire
9 alarm district, the town in which the district is located shall be
10 primarily liable for such payment.

11 If death or injury results from the performance of duty under subdivi-
12 sion four of section three hundred three of the multiple residence law,
13 or from necessary travel directly connected with any such assignment,
14 and the building or property inspected or to be inspected is not located
15 in the area regularly served and protected by the fire department or
16 fire company of which the volunteer [~~fireman~~ firefighter is a member,
17 but is located in a city, town which has a fire department, village,
18 fire district, fire protection district or fire alarm district served
19 and protected pursuant to a contract for fire protection by the fire
20 department or fire company of which the volunteer [~~fireman~~ firefighter
21 is a member, then the benefits to be paid and provided under this chap-
22 ter shall be a charge against such political subdivision, fire
23 protection district or fire alarm district so protected pursuant to
24 contract and after audit shall be paid and the amount thereof shall be
25 raised upon the property liable to taxation in such political subdivi-
26 sion or district in the same manner as other charges against the same
27 are raised, except that in the case of a fire protection district or
28 fire alarm district, the town in which the district is located shall be
29 primarily liable for such payment.

30 If death or injury results from the performance of duty by a volunteer
31 [~~fireman~~ firefighter while inspecting buildings for fire hazards in a
32 city, village, fire district, fire protection district or fire alarm
33 district furnished fire protection pursuant to a contract by his or her
34 fire department or fire company, or from necessary travel directly
35 connected with any such duty, then the benefits to be paid and provided
36 under this chapter shall be a charge against such city, village, fire
37 district, fire protection district or fire alarm district so protected
38 pursuant to contract and after audit shall be paid and the amount there-
39 of shall be raised upon the property liable to taxation in any such
40 city, village or district in the same manner as other charges against
41 the same are raised, except that in the case of a fire protection
42 district or fire alarm district, the town in which the district is
43 located shall be primarily liable for such payment. This paragraph shall
44 not be applicable in any city, however, unless a city charter or other
45 law under which the city operates, or a local law adopted by the city,
46 authorizes such an inspection in areas of the city receiving fire
47 protection pursuant to a contract. The term "building," as used in this
48 paragraph, does not include a multiple dwelling which may be inspected
49 by such fire department or company under and pursuant to the provisions
50 of subdivision four of section three hundred three of the multiple resi-
51 dence law.

52 The foregoing provisions of this subdivision [~~is~~] shall apply only in
53 cases where volunteer [~~firemen~~ firefighters are injured in line of duty
54 prior to the first day of March, nineteen hundred sixty-four; and in
55 death cases where death results from injuries sustained prior to such
56 date. Where volunteer [~~firemen~~ firefighters are injured in line of duty

1 on or after the first day of March, nineteen hundred sixty-four, and in
2 death cases where death results from injuries sustained on or after such
3 date, the liability for benefits under this chapter shall be determined
4 pursuant to subdivisions one to five, inclusive, of this section, except
5 as otherwise provided in article five of the [~~workmen's~~] workers'
6 compensation law, section two hundred nine-i of the general municipal
7 law and in section twenty-one of this chapter.

8 6-a. The provisions of subdivisions one to six, inclusive, of this
9 section shall not apply if the injury results from services performed
10 when general ambulance service is furnished under a fire protection
11 contract pursuant to section two hundred nine-b of the general municipal
12 law for (1) another city, village or fire district, protected under a
13 contract by the fire department or fire company of which the volunteer
14 [~~fireman~~] firefighter is a member or (2) a fire protection district or
15 fire alarm district, protected under a contract by the fire department
16 or fire company of which the volunteer [~~fireman~~] firefighter is a
17 member, pursuant to a call to furnish such service in any such municipal
18 corporation or district, or while going to or returning from the place
19 where the service is to be or was furnished, or if death shall result
20 from the effects of any such injury, and in any such case any such bene-
21 fit shall be a charge against such municipal corporation or district and
22 after audit shall be paid and the amount thereof shall be raised upon
23 the property liable to taxation in such municipal corporation or
24 district, in the same manner as other charges against the same are
25 raised, except that in the case of a fire protection district or fire
26 alarm district the town in which the district is located shall be prima-
27 rily liable for such payment.

28 The foregoing provisions of this subdivision [~~six-a~~] shall apply only
29 in cases where volunteer [~~firemen~~] firefighters are injured in line of
30 such general ambulance service duty prior to the first day of March,
31 nineteen hundred sixty-four, and in death cases where death results from
32 injuries sustained prior to such date. Where volunteer [~~firemen~~] fire-
33 fighters are injured in line of such general ambulance service duty on
34 or after the first day of March, nineteen hundred sixty-four, and in
35 death cases where death results from injuries sustained on or after such
36 date, the liability for benefits under this chapter shall be determined
37 pursuant to subdivisions one to five, inclusive, of this section, except
38 as otherwise provided in article five of the [~~workmen's~~] workers'
39 compensation law, section two hundred nine-i of the general municipal
40 law and section twenty-one of this chapter.

41 § 281. The closing paragraph of section 31 of the volunteer firefight-
42 ers' benefit law, as added by chapter 368 of the laws of 1961, is
43 amended to read as follows:

44 A contract of insurance indemnifying against the liability imposed by
45 this chapter issued by an insurance carrier to a county or a town and in
46 force on or after the first day of July, nineteen hundred sixty-one,
47 shall contain a provision reading as follows: "This contract does not
48 provide (1) any coverage under the [~~Workmen's~~] Workers' Compensation Law
49 or the Volunteer [~~Firemen's~~] Firefighters' Benefit Law for which any
50 fire district would be liable under such laws, (2) any [~~workmen's~~] work-
51 ers' compensation benefits for fire district officers and employees for
52 which any fire district would be liable under the [~~Workmen's~~] Workers'
53 Compensation Law, or (3) any volunteer [~~firemen's~~] firefighters' bene-
54 fits for any volunteer [~~firemen~~] firefighters for which any fire
55 district would be liable under the Volunteer [~~Firemen's~~] Firefighters'
56 Benefit Law. The foregoing provision does not apply in relation to

1 volunteer [~~firemen's~~] firefighters' benefit coverage and volunteer
2 [~~firemen's~~] firefighters' benefits provided for and in relation to the
3 following named fire districts which have expressly requested coverage
4 under this contract pursuant to the provisions of section thirty-two of
5 the Volunteer [~~Firemen's~~] Firefighters' Benefit Law, to wit: (If there
6 are no exceptions, enter 'No exceptions'). The term 'fire districts', as
7 used in this provision, does not include the fire protection districts
8 and fire alarm districts mentioned in sections one hundred eighty-three
9 and one hundred eighty-four of the Town Law."

10 § 282. Subdivision 1 of section 32 of the volunteer firefighters'
11 benefit law, as amended by chapter 121 of the laws of 1968, is amended
12 to read as follows:

13 1. Notwithstanding any provision of section thirty of this chapter,
14 any town may contract for a single policy of insurance indemnifying (1)
15 all fire protection districts and fire alarm districts wholly within
16 such town which are liable for the payment of benefits under this chap-
17 ter, (2) all territory within such town outside cities, villages, fire
18 districts, fire protection districts and fire alarm districts which is
19 liable for the payment of benefits under this chapter, and (3) the town
20 in relation to such fire protection districts, fire alarm districts and
21 outside territory, against liability imposed by this chapter. If a town
22 has any such liability and contracts for such a single policy, then and
23 in that event only any such policy, if requested by the board of trus-
24 tees of any village wholly within the town, or by the board of fire
25 commissioners of any fire district wholly within the town, shall also
26 indemnify such village or fire district against such liability. The cost
27 of such insurance shall be a town charge and shall be levied and
28 collected in the same manner as other town charges only in the territory
29 of such town which is liable for the payment of benefits under this
30 chapter and which is outside of any village and fire districts not
31 covered by such a policy. Nothing in this section contained shall impose
32 any additional liability on any town for any benefit payments in
33 relation to volunteer [~~firemen~~] firefighters.

34 § 283. Section 40 of the volunteer firefighters' benefit law, as
35 amended by chapter 544 of the laws of 1957, is amended to read as
36 follows:

37 § 40. Notice of injury or death. Notice of an injury or death for
38 which benefits are to be paid or provided under this chapter shall be
39 given to the political subdivision liable for the payment thereof within
40 ninety days after such injury or death except that such notice need not
41 be given if a claim is filed pursuant to section forty-one of this chap-
42 ter within ninety days after such injury or death. Either such notice
43 may be given by any person claiming to be entitled to such benefits or
44 by someone in his or her behalf. The notice shall be in writing, shall
45 contain the name and address of the volunteer [~~fireman~~] firefighter, and
46 state in ordinary language the time, place, nature and cause of the
47 injury and shall be signed by him or her or by a person on his or her
48 behalf or, in case of death, by any one or more of his or her depen-
49 dents, or by a person on their behalf. The notice shall be given to the
50 clerk of the board of supervisors of the county, the comptroller or
51 chief financial officer of the city, the town clerk of the town, the
52 clerk of the village or the secretary of the fire district, as the case
53 may be, by delivering it to such officer or by registered letter proper-
54 ly addressed to such officer. The failure to give notice of injury or
55 notice of death shall be a bar to any claim under this chapter unless
56 such failure is excused by the [~~workmen's~~] workers' compensation board

1 on any of the following grounds, (1) that for some sufficient reason the
2 notice could not have been given, (2) that a member of a body in charge
3 of, or any officer of, the fire department or fire company had knowledge
4 within such ninety-day period of the injuries or death, (3) that the
5 political subdivision, or its insurance carrier had not been prejudiced
6 by a delay in giving such notice, or (4) that the cause of disablement
7 or death was not known to be the result of service performed in line of
8 duty as a volunteer [~~fireman~~] firefighter in sufficient time to comply
9 with the provisions of this section.

10 § 284. Section 41 of the volunteer firefighters' benefit law, as
11 amended by chapter 936 of the laws of 1958, is amended to read as
12 follows:

13 § 41. Claim for benefits. The right to claim benefits under this chap-
14 ter shall be barred, except as hereinafter provided, unless within two
15 years after the injury, or, if death results therefrom, within two years
16 after such death, a claim for the benefits under this chapter shall be
17 filed with the [~~chairman~~] chairperson of the [~~workmen's~~] workers'
18 compensation board and a copy of such claim shall be filed with the same
19 officer to whom a notice of injury must be given under section forty of
20 this chapter. The right of a volunteer [~~fireman~~] firefighter or his or
21 her dependents to claim benefits under this chapter for disablement or
22 death, as the case may be, caused by disease shall not be barred by the
23 failure of the volunteer [~~fireman~~] firefighter or his or her dependents
24 to file a claim within either such period of two years, provided such
25 claim shall be filed after either such period of two years and within
26 ninety days after disablement or ninety days after knowledge that the
27 disease is or was due to service as a volunteer [~~fireman~~] firefighter,
28 whichever is the later date. The claim shall be in substantially the
29 same form and shall give substantially the same information as is
30 required to be given in a claim under the provisions of section twenty-
31 eight of the [~~workmen's~~] workers' compensation law. Notwithstanding the
32 provisions of any other law, any such claim need not be sworn to, veri-
33 fied or acknowledged. No case in which an advance payment is made to a
34 volunteer [~~fireman~~] firefighter or to his or her dependents in case of
35 death shall be barred by the failure of the volunteer [~~fireman~~] fire-
36 fighter or his or her dependents to file a claim, and the [~~workmen's~~]
37 workers' compensation board may at any time order a hearing on any such
38 case in the same manner as though a claim for benefits had been filed.

39 The date of injury caused by disease shall be the date of contracture
40 of such disease as determined by the [~~workmen's~~] workers' compensation
41 board on the hearing of the claim and the responsibility of the poli-
42 tical subdivision liable for the payment of benefits and its insurance
43 carrier shall be fixed by the date of injury as so determined.

44 § 285. Subdivisions 3 and 4 of section 44 of the volunteer firefigh-
45 ters' benefit law, as amended by chapter 751 of the laws of 1957, are
46 amended to read as follows:

47 3. That the injury was not occasioned by the wilful intention of the
48 injured volunteer [~~fireman~~] firefighter to bring about the injury or
49 death of himself or herself or another;

50 4. That the injury did not result solely from the intoxication of the
51 injured volunteer [~~fireman~~] firefighter while acting in line of duty;

52 § 286. Section 50 of the volunteer firefighters' benefit law is
53 amended to read as follows:

54 § 50. Payments pending controversies. In order that the benefits to be
55 paid and provided under this chapter shall be paid promptly where such
56 benefits are conceded to be due to any person because of the death of or

1 injuries to a volunteer [~~fireman~~ firefighter, but controversy exists as
2 to which political subdivision is liable for the payment thereof, the
3 municipal corporations and fire districts involved in such controversy
4 and their insurance carriers, if any, may agree that any one or more of
5 such municipal [~~corporations~~ corporations or fire districts or its
6 insurance carrier shall pay or provide the benefits to, or in relation
7 to, the person conceded to be entitled to such benefits without waiting
8 for a final determination of the controversy, and may carry out the
9 provisions of such an agreement. Notwithstanding any such payment, any
10 party to the agreement may seek a final determination of the controversy
11 in the same manner as if such benefits had not been paid or provided and
12 any such payment or provision of benefits shall not prejudice any rights
13 of the political subdivision or its insurance carrier paying or provid-
14 ing the same, nor be taken as an admission against interest. After a
15 final determination the parties to the agreement shall make any neces-
16 sary and proper reimbursement to conform to the determination.

17 § 287. Section 56 of the volunteer firefighters' benefit law is
18 amended to read as follows:

19 § 56. Non-duplication of benefits. If benefits are required to be paid
20 under this chapter in the event of injury to or death of a volunteer
21 [~~fireman~~ firefighter, the volunteer [~~fireman~~ firefighter or other
22 persons entitled to such benefits shall not receive [~~workmen's~~ workers'
23 compensation under the provisions of the [~~workmen's~~ workers' compen-
24 sation law in relation to such injury or death.

25 § 288. Subdivision 1 of section 61 of the volunteer firefighters'
26 benefit law, as added by chapter 668 of the laws of 1977, is amended to
27 read as follows:

28 1. A claim for benefits for the death or disability of a volunteer
29 [~~fireman~~ firefighter due to disease or malfunction of the heart or of
30 one or more coronary arteries filed in accordance with section forty-one
31 of this chapter, shall not be denied provided the claimant introduces
32 evidence which establishes that a volunteer [~~fireman~~ firefighter
33 suffered disease or malfunction of the heart or of one or more coronary
34 arteries which caused the disablement or death of the volunteer [~~fire-~~
35 ~~man~~ firefighter, and that such disease or malfunction resulted from the
36 duties and activities in which the volunteer [~~fireman~~ firefighter was
37 engaged as set forth in section five of this chapter for which benefits
38 shall be paid, unless it can be shown by substantial evidence to the
39 contrary that the duties and activities of the volunteer [~~fireman~~ fire-
40 fighter in which the volunteer [~~fireman~~ firefighter was engaged at the
41 time of such disease or malfunction did not cause or precipitate such
42 disease or malfunction; and further provided that the injury did not
43 result solely from the intoxication of the volunteer [~~fireman~~ fire-
44 fighter while acting in line of duty or was not occasioned by the wilful
45 intention of the volunteer [~~fireman~~ firefighter to bring about the
46 injury or death of himself or herself or another.

47 § 289. Section 70 of the volunteer firefighters' benefit law, as
48 amended by chapter 751 of the laws of 1957, is amended to read as
49 follows:

50 § 70. References to [~~workmen's~~ workers' compensation law. Where the
51 provisions of any section or part of any section of the [~~workmen's~~ workers'
52 workers' compensation law are made applicable to this chapter and are
53 incorporated herein by reference, the following terms used in such
54 provisions of the [~~workmen's~~ workers' compensation law shall have the
55 following meanings when read in connection with this chapter:

56 1. "Accident" means "injury" as defined in this chapter.

- 1 2. "Dependent husband" means the "surviving spouse" of a [~~female fire-~~
2 ~~man~~] firefighter, as defined in this chapter.
- 3 3. "Employee" means a volunteer [~~fireman~~] firefighter who has been or
4 might be injured in line of duty or who dies or might die from the
5 effects of such an injury.
- 6 4. "Employment" means service of a volunteer [~~fireman~~] firefighter in
7 line of duty.
- 8 5. "Employer" means the political subdivision liable for payment of
9 financial benefits pursuant to this chapter.
- 10 6. "Injury" means "injury" as defined in this chapter.
- 11 7. "Injured workman" means injured volunteer [~~fireman~~] firefighter.
- 12 8. "Insurance carrier" means "insurance carrier" as defined in this
13 chapter.
- 14 9. "Same employ" means the same fire department or fire company, or in
15 the same service for a political subdivision, or district or area there-
16 of, pursuant to a call for assistance.
- 17 10. "[~~Workmen's~~] Workers' compensation" means the benefits payable to
18 a volunteer [~~fireman~~] firefighter or his or her dependents pursuant to
19 this chapter, including medical treatment and care, except when a
20 different meaning obviously is intended.
- 21 Where any such section is so made applicable and is so incorporated, and
22 there is a reference therein to another section or provision of the
23 [~~workmen's~~] workers' compensation law which also has been made applica-
24 ble to this chapter, such reference shall be deemed to include the
25 applicable section or provision of this chapter if such inclusion is
26 consistent with the provisions of this chapter.
- 27 § 290. This act shall take effect immediately, provided, however,
28 that:
- 29 a. the amendments to section 30 of the workers' compensation law made
30 by section twelve of this act shall be subject to the expiration and
31 reversion of such section pursuant to section 7 of chapter 628 of the
32 laws of 1991, as amended, when upon such date the provisions of section
33 thirteen of this act shall take effect;
- 34 b. the amendments to subdivisions 1, 4 and 6 of section 207-c of the
35 general municipal law made by section fifty-five of this act shall be
36 subject to the expiration and reversion of such subdivisions pursuant to
37 section 7 of chapter 628 of the laws of 1991, as amended, when upon such
38 date the provisions of section fifty-six of this act shall take effect;
- 39 c. the amendments to paragraph 1 of subdivision c of section 340 of
40 the retirement and social security law made by section one hundred
41 eighty-one of this act shall be subject to the expiration and reversion
42 of such paragraph pursuant to section 7 of chapter 628 of the laws of
43 1991, as amended, when upon such date the provisions of section one
44 hundred eighty-two of this act shall take effect; and
- 45 d. the amendments to subdivision 1 of section 61 of the volunteer
46 firefighters' benefit law made by section two hundred eighty-eight of
47 this act shall not affect the repeal of such section and shall be deemed
48 to repeal therewith.