

**A RESOLUTION TO BE SUBMITTED BY  
LEGISLATORS BURKE, MILLS, LORIGO, LOUGHRAN,  
MILLER-WILLIAMS, GRANT, HARDWICK, RATH, MORTON & DIXON**

**RE: Support for State Legislation Regarding Disability Benefits Received  
by Disabled Volunteer Firefighters**

WHEREAS, volunteer firefighters in Erie County and across New York State put themselves in life-threatening situations without reservations at a moment's notice to protect our communities; and

WHEREAS, sometimes, while answering the call of duty, these brave men and women fall victim to serious injuries that can leave these volunteer emergency first responders disabled and unable to provide for their families; and

WHEREAS, as of March of 2015, New York State had a total of 38 volunteer firefighters who are permanently disabled and dependent on volunteer firefighter disability benefits, which have no cost of living adjustment provision under the rules of the Workers' Compensation Board of New York State; and

WHEREAS, New York State Senator Richard Funke and Assemblyman Joseph Morelle have introduced companion bills in the State Legislature to adjust the benefits received by disabled volunteer firefighters, which would occur on the first of February of each year, based on the consumer price index.

NOW, THEREFORE, BE IT

RESOLVED, with the brave men and women who protect our communities in mind, the Erie County Legislature adds its support to S.1000a Funke/A.5133 Morelle; and be it further

RESOLVED, this Honorable Body calls on its fellow County governments across New York State to add their support; and be it further

RESOLVED, that certified copies of this resolution be sent to the Honorable Mark Poloncarz, Erie County Executive; State Senator Richard Funke; State Assemblyman Joseph Morelle; the Honorable Members of the State Legislative Delegation from Erie County; and any other party deemed necessary and proper.

**FISCAL IMPACT:** None for resolution.

# STATE OF NEW YORK

1000--B

2015-2016 Regular Sessions

## IN SENATE

January 8, 2015

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

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

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

1 Section 1. Section 8 of the volunteer firefighters' benefit law,  
as  
2 amended by chapter 574 of the laws of 1998, is amended to read  
as  
3 follows:  
4 § 8. Permanent total disability benefits. 1. In the case of  
total  
5 disability adjudged to be permanent the volunteer firefighter shall  
be  
6 paid four hundred dollars for each week [~~during the continuance~~  
there-  
7 ~~of~~]. Permanent total disability, within the meaning of this  
section,  
8 shall exist only if the earning capacity of the volunteer  
firefighter

9 has been lost permanently and totally as the result of the injury.  
The  
10 loss of both hands, or both arms, or both feet, or both legs, or  
both  
11 eyes, or any two thereof, shall, in the absence of conclusive proof  
to  
12 the contrary, constitute permanent total disability, but in all  
other  
13 cases permanent total disability shall be determined in accordance  
with  
14 the facts. Notwithstanding any other provisions of this chapter,  
an  
15 injured volunteer firefighter disabled due to the loss or total loss  
of  
16 use of both eyes, or both hands, or both arms, or both feet, or  
both  
17 legs, or any two thereof shall not suffer any diminution of such  
weekly  
18 benefit by engaging in business or employment provided his or her  
weekly  
19 earnings or wages, when combined with his or her weekly benefit  
shall

EXPLANATION--Matter in italics (underscored) is new; matter in  
brackets

[-] is old law to be omitted.

LBD04733-

04-6

S. 1000--B

2

1 not be in excess of [~~six~~] eight hundred dollars; and further  
provided  
2 that the application of this section shall not result in reduction  
of  
3 benefits which an injured volunteer firefighter who is disabled due  
to  
4 the loss or total loss of use of both eyes, or both hands, or both  
arms,  
5 or both feet, or both legs, or any two thereof would otherwise be  
enti-  
6 tled to under any other provisions of this article.

7 2. Benefits received pursuant to subdivision one of this section  
after  
8 January first, two thousand seventeen shall be adjusted yearly on  
Febru-  
9 ary first by a percentage equal to the percent increase in the  
previous  
10 year's consumer price index.

11 \$ 2. Subdivision 5 of section 51 of the volunteer firefighters'  
bene-  
12 fit law, as renumbered by chapter 246 of the laws of 2006, is  
renumbered

13 subdivision 6 and a new subdivision 5 is added to read as follows:

14 5. The insurance carrier or entity responsible for paying the  
benefit  
15 increase provided in section eight of this chapter shall claim for  
such

16 benefit increase reimbursement from the special fund for reopened  
cases  
17 commencing one year from the date of the first such payment and  
annually  
18 thereafter while such payments continue, on a form prescribed by  
the  
19 chair.  
20 § 3. This act shall take effect immediately and shall apply to  
weekly  
21 benefit periods that commence after January 1, 2017.

STATE OF NEW YORK

5133--A

2015-2016 Regular Sessions

IN ASSEMBLY

February 12, 2015

Multi- Introduced by M. of A. MORELLE, GUNTHER, PICHARDO, WOERNER --

PALUMBO, Sponsored by -- M. of A. CERETTO, GRAF, MAGEE, McDONALD,

Governments RAMOS -- read once and referred to the Committee on Local

accordance -- recommitted to the Committee on Local Governments in

amended, with Assembly Rule 3, sec. 2 -- committee discharged, bill

ordered reprinted as amended and recommitted to said committee

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LBD04733-

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A. 5133--A

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