

**LOCAL LAW NO. 8 OF 2024
COUNTY OF ROCKLAND
STATE OF NEW YORK**

(Introduced by Hon. Paul C. Cleary)
(Co-Sponsors: Hon. Alden H. Wolfe, Hon Douglas J. Jobson)

CLEARY/DAVIDSON: UNAN.

A Local Law to Provide a benefit to the dependents of volunteer firefighters, Volunteer emergency medical services personnel and auxiliary police volunteers killed in the line of duty

BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ROCKLAND, AS FOLLOWS:

Section 1. Title and codification

This local law shall be known and may be cited as the "Rockland County Volunteer Benefit Act. (RCVBA)."

This local law will be codified in the Laws of Rockland County as Chapter 56 in a newly created Article III, *Rockland County Volunteer Benefit Act*, § 56-10 et seq. in the manner set forth in Section 2, below.

Section 2. The Rockland County Volunteer Benefit Act.

Article III The Rockland County Volunteer Benefit Act

§ 56-10 Legislative intent.

The Rockland County Legislature finds and determines that the dedication and sacrifice of volunteer firefighters, emergency medical service (EMS) personnel and auxiliary police who serve our community is of utmost importance. Recognizing the profound impact on families and communities when a volunteer is killed in the line of duty, this law aims to provide financial assistance to their dependents to honor the volunteers' service and sacrifice.

§56-11 Definitions.

BENEFICIARY

A person designated by a volunteer to receive the benefit described in this Article.

DIRECTOR

The County of Rockland Director of Insurance and Risk Management.

KILLED IN THE LINE OF DUTY

A death that occurs as a direct result of an acute physical injury suffered by a volunteer while responding to an emergency call, or in the case of an auxiliary police officer, at the scene of an event or incident to which the auxiliary police officer is assigned. Where an acute physical injury at a scene or incident results in the volunteer's death after leaving the scene or event, this Article will only provide a benefit where the injury incurred causes death within twenty-four hours of the injury. The cause, date and time of death will be that date and time recorded on the late volunteer's death certificate.

VOLUNTEER

For the purposes of this Local Law, the term volunteer includes the following categories:

- a. "Auxiliary Police Volunteer" – A volunteer member of an auxiliary police force in Rockland County as defined by § 105 of the Defense Emergency Act of 1951.
- b. "Firefighter" - Any individual who is an active member in good standing of a volunteer fire department within Rockland County.
- c. "EMS Member" - Any individual who is an active member in good standing of a volunteer emergency medical services organization within Rockland County.

§56-12 Eligibility.

- A. The beneficiary(ies) of a volunteer who is killed in the line of duty while fulfilling the duties of their volunteer service will receive a benefit payable by the County that will be distributed as follows:
 - (1) Only eligible beneficiaries are eligible to receive the grant.
 - (2) If a person initially eligible to receive the benefit subsequently changes status such that the person no longer fits this definition of an eligible beneficiary, or dies, then the benefit will no longer be distributed to that person. Any period of ineligibility will be prorated for the period since the last benefit payment.
 - (3) No person who is not eligible for the benefit provided by the Article on the date a volunteer is killed in the line of duty may subsequently become eligible for the benefit at a later time. Notwithstanding the foregoing the benefit will be available to a designated child born within 9 months of the date a volunteer is killed in the line of duty.
- B. Eligible beneficiaries are as follows:
 - (1) A married spouse – a spouse as defined in 26 CFR § 301.7701-18; or a domestic partner as defined by Rockland County Code § 232-2.
 - (2) Qualified Children – the qualifying children of the Volunteer as defined in 26 USC § 152(c).
 - (3) Qualified Relative – a relative of a Volunteer as defined in 26 USC § 152(d).
- C. Beneficiaries must be designated by the volunteer prior to the volunteer being killed in the line of duty on a form to be determined by the Director.
 - (1) The form must be on file at the offices of the Director prior to the time the volunteer killed in the line of duty.
 - (2) Every designation form must be signed and dated before a notary public.

- D. The benefit designation form can be amended or supplemented by the volunteer at any time.
- (1) Each subsequent designation form will supersede and rescind the prior designation form.
 - (2) No designation form will be effective unless on file the Director.
 - (3) Every subsequent designation form amending or supplementing a prior designation form must be signed and dated before a notary public.

§ 56-13 Application process.

- A. To obtain the benefit provided by this Article, a beneficiary, or a beneficiary's legal representative, must submit an application to the Director of Department of Insurance and Risk Management within one year of the date of the volunteer's death.
- B. The application must include:
- (1) A certified copy of the death certificate.
 - (2) A statement from an officer related to the organization for which the volunteer was serving confirming the volunteer was killed in the line of duty and stating the details and circumstances of the volunteer's death sufficient to establish that the volunteer's death meets the definition of "killed in the line of duty" as defined in the Article.
 - (3) Proof of membership and active status as a volunteer at the time of death.
 - (4) Any other documentation which the beneficiary may wish to provide, or which may be reasonably required by the Director of Insurance and Risk Management to process the application.

§ 56-14 Approval and disbursement.

- A. Within 90 days of receipt of a complete application, the Director of Insurance and Risk Management must deliver notice to the benefit panel that an application has been received. The panel consists of:
- (1) The county legislator serving as the Chairperson of the Public Safety committee, if no such committee exists, the chairperson of the Legislature or the Chairperson's designee; and
 - (2) The County Executive or the County Executive's designee; and
 - (3) The Chairperson of the Rockland County Fire Advisory Board.
 - (4) The Panel will have subpoena authority.
- B. The panel will review the application and determine if the application fulfills the requirements set forth in this law.
- (1) The determination will be transmitted to the applicant and to the Director of Insurance and Risk Management.
 - (2) The final determination must be unanimous and set forth the schedule of payments to each beneficiary.

- C. If the application is approved, the Director of Insurance and Risk Management will notify the Commissioner of Finance to disburse the first installment described below to the beneficiaries, and thereafter shall disburse the remaining annual installments on the anniversary date thereof until the grant has been satisfied.
- D. The benefit payable to all beneficiaries of a single volunteer will not exceed \$1,000,000.
 - (1) The benefit will be paid directly to each beneficiary.
 - (2) Each payment will be 10% of the total amount due to each beneficiary.
 - (3) Payments will be disbursed annually for up to ten years, subject to the eligibility provisions of this Article.

§ 56-15 Funding.

The funds for the grants provided under this Article must be appropriated from the general fund of the County of Rockland.

§ 56-16 Administration.

The Director of Insurance and Risk Management is authorized and directed to promulgate such rules and regulations as deemed necessary to implement the provisions of this Article, subject to approval of the County Legislature.

§ 56-17 Collateral sources.

- A. Benefits, savings or insurance of the deceased volunteer firefighter, or insurance carried for his benefit under subsection (a) of Insurance Law § 4237 (Blanket accident and health insurance), shall not be considered in determining the benefits to be paid and provided under this chapter, nor shall such benefits be diminished or reduced by reason of the payment to an volunteer firefighter, volunteer EMS or volunteer auxiliary police of salary, wages or other remuneration by any political subdivision liable for the payment of such benefits.
- B. Benefits received from any political subdivision pursuant to service award payments authorized by article eleven-A of the general municipal law shall not be considered in determining the benefits to be paid and provided under this chapter.

§ 56-18 Effective date

This Local Law shall take effect immediately upon filing with the Secretary of State as provided by law. There shall be no retroactive effect to volunteers killed in the line of duty prior to the effective date of this local law.

Section 3. Severability

If any clause, sentence, paragraph, section, or part of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

LG-2024-54

7/26/2024/IF

7/31/2024/dmg

8/6/2024/dmg Amended

8/7/2024/dmg


STATE OF NEW YORK)
) ss.:
COUNTY OF ROCKLAND)

I, the undersigned, Clerk to the Legislature of the County of Rockland DO HEREBY CERTIFY that the attached is an original Local Law of such Legislature, duly adopted on the 6th day of August 2024 by a majority of the members elected to the Legislature while such Legislature was in regular session with a duly constituted quorum of members present and voting.


I FURTHER CERTIFY that at the time said Local Law was adopted said Legislature was comprised of seventeen members.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Legislature this 7th day of August 2024.

Date sent to the County Executive:
August 7, 2024



Edwin J. Day, County Executive
County of Rockland



Laurence O. Toole, Clerk
Rockland County Legislature

8/7/24

Date

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