

(Please Use this Form for Filing your Local Law with the Secretary of State)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County
~~City~~
~~Town~~
~~Village~~
of Montgomery

Local Law No. 12 of the year 19 87

A local law Amending Local Law No. 1 of 1985 Which Had Amended Section 11 of

(Insert title)

Local Law No. 2 of 1956 Which Established a Plan of Self-Insurance as Provided for in Article 5 of the Workmen's Compensation Law and Providing for the Administration Thereof

Be it enacted by the Board of Supervisors of the
(Name of Legislative Body)

County
~~City~~
~~Town~~
~~Village~~
of Montgomery as follows:

SECTION 1: Section 11 of Local Law No 2. of 1956, County of Montgomery, New York, enacted August 14, 1956 is hereby repealed and Local Law No. 2 of 1956, County of Montgomery, New York, is hereby amended to read as follows:

A local law establishing a plan for self-insurance as provided for in Article 5 of the Workmen's Compensation Law, and providing for the administration thereof.

Be it enacted, by the Board of Supervisors of the County of Montgomery as follows:

SECTION 1: The plan of self-insurance provided for in Article 5 of the Workmen's Compensation Law is hereby established. (s-s 61, subd. 2)

SECTION 2: The plan of mutual self-insurance heretofore adopted pursuant to former subdivision 3-a of Section 50 of the Workmen's Compensation Law is hereby continued through December 31, 1956. (s-s 61, subd. 1; s-s 71, subd. 1-a)

SECTION 3: The plan of self-insurance hereby established shall be administered by an administrator to be appointed by the Board of Supervisors as soon as possible after local law becomes effective, to serve until December 31, 1957, and thereafter at the organization meeting of said Board in January of each even-numbered year for the term of office for which the then members of such Board were elected. (s-s 64, subd. 1)

SECTION 4: Only the County of Montgomery, the City of Amsterdam, the Towns of Montgomery County, and the villages within Montgomery County may participate in the plan hereby established. (s-s s-s 62 and 65)

SECTION 5: The City of Amsterdam and the towns and villages in the County may become participants only as of the beginning of the next ensuing calendar year by filing with the administrator on or before the 15th day of July of any year, a certified copy of the resolution of its governing body electing to become a participant in the plan; and a participant in the plan may withdraw from the plan in like manner only as of the beginning of the next ensuing calendar year by filing on or before the 15th day of July of any year such certified copy of the resolution of its governing body electing to withdraw from the plan, upon condition that such participant shall pay, in a lump sum or in installments, an equitable share of the outstanding liabilities of the plan as of the date of withdrawal. (s-s 65)

SECTION 6: Every new employee of any participant in the plan, from and after January 1, 1957, shall undergo a physical examination before undertaking any duties of his employment, except in case of an emergency, in which case the participant employing such employee shall arrange for such physical examination at the earliest possible time after such undertaking of duties. The expense of such physical examination shall be paid for from the funds of the plan. Rules and regulations in relation to such physical examination shall be prepared by the administrator and approved by resolution of the Board of Supervisors. (s-s 65, subd. 1)

SECTION 7: All participants in the plan shall cooperate fully with the administrator in the administration of the plan, shall annually within 30 days of the close of each calendar year, and at such other times as the administrator may require, submit such reports as may be requested, and shall promptly furnish all pertinent information relative to any claim, and aid in the investigation of any claim. (s-s 65, subd. 1)

SECTION 8: The violation of any of the provisions of the foregoing sections (6 and 7) by any participant shall be grounds for the expulsion of such participant from the plan. (s-s 65, subd. 2)

SECTION 9: The total of the several amounts set forth in the annual estimate shall be apportioned to the (towns) (villages) on the basis of 100% of the full valuation of such (towns) (villages). (s-s 66)

SECTION 10: The shares of each participant in the plan shall be collected by inclusion in the next succeeding tax levy against property taxable by the participant responsible therefor. (s-s 67, subd. 2)

SECTION 11: A self-insurance reserve for the plan is hereby established. The maximum amount which may be contributed to such reserve shall be \$250,000.00. (s-s 69, subd. 1)

SECTION 12: The plan shall operate on an accrued liability basis whereby amounts charged to participants shall be based on the estimated total liability of participants actuarially computed, arising each year. (s-s 71)

SECTION 13: Saving Clause. 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 judgement, decree or order shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which the remainder of this Local Law shall not be affected thereby and shall remain in full force and effect.

SECTION 14: This local law shall take effect in 20 days or upon it being filed with the Secretary of State of the State of New York.