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I N   S E N A T E

May 12, 2014

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Introduced by Sen. MARTINS -- read twice and ordered printed, and when printed to be committed to the Committee on Corporations, Authorities and Commissions -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to incorporate the Volunteer Exempt Firefighter's Benevolent Association of Manhasset-Lakeville and providing for its powers and duties

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. Incorporation; membership. A not-for-profit corporation by  
2     the name of "Volunteer Exempt Firefighter's Benevolent Association of  
3     Manhasset-Lakeville" is hereby created. It shall be composed of such  
4     persons eligible to membership therein as hereinafter provided and shall  
5     (a) notify the secretary of the fire department of the Manhasset-Lake-  
6     ville Fire District, a volunteer fire company, in writing prior to the  
7     organization meeting hereinafter provided for of the corporation created  
8     by this act of their desire to become members, or (b) shall attend such  
9     meeting or an adjournment thereof and signify their intention of becom-  
10    ing members of such corporation at such meeting, or (c) shall notify the  
11    secretary of the corporation hereby created in writing within sixty days  
12    after his election of their desire to become members thereof, and also  
13    such persons so eligible as may thereafter become members of such corpo-  
14    ration pursuant to its by-laws.

15    S 2. Persons eligible for membership. All persons who are now, or have  
16    been, or hereafter shall be active volunteer members of the fire depart-  
17    ment of the Manhasset-Lakeville Fire District in the county of Nassau,  
18    and who have acquired or shall hereafter acquire the status of exempt  
19    volunteer firefighter as defined in section 200 of the general municipal  
20    law by virtue of having rendered service in the fire department of the  
21    Manhasset-Lakeville Fire District, and all persons who are now or here-  
22    after shall be active volunteer members of the fire department of the  
23    Manhasset-Lakeville Fire District, shall be eligible for membership in  
24    the corporation created by this act, except that any firefighter who has  
25    been removed for cause, expelled or dropped from the rolls of the fire

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

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1 department of the Manhasset-Lakeville Fire District, and who has not  
2 been reinstated therein, shall not be eligible for membership in such  
3 corporation. The membership of any person in such corporation shall  
4 terminate upon the withdrawal of such person as an active volunteer  
5 member of the fire department of the Manhasset-Lakeville Fire District  
6 prior to the actual performance by such person of five years service as  
7 an active volunteer member of the fire department of the Manhasset-Lake-  
8 ville Fire District. Paid firefighters, if any, of the Manhasset-Lake-  
9 ville Fire District, shall not be eligible for membership in the corpo-  
10 ration.

11 S 3. Purposes. The purposes of the corporation created by this act  
12 are: to provide relief, aid and assistance to the volunteer members of  
13 such corporation who are disabled or injured in the performance of their  
14 duties, and their families; to promote and safeguard the welfare of the  
15 volunteer members of the corporation, and their families; to provide for  
16 the health and safety of the volunteer members of the corporation; and  
17 to enhance the morale of the volunteer members of the corporation by  
18 providing social and recreational activities for the volunteer members  
19 of the corporation, and the promotion of the volunteer fire service  
20 within the territory protected by such fire department of the Manhas-  
21 set-Lakeville Fire District.

22 S 4. Powers and duties. Such corporation shall have all the powers of  
23 a not-for-profit corporation, and the provisions of law relating to  
24 not-for-profit corporations shall apply to such corporation except where  
25 they conflict with the provisions of this act. However, unless the  
26 written approval of the department of social services shall have first  
27 been obtained such corporation shall not establish and maintain any home  
28 or institution which, if separately incorporated, would require the  
29 approval of such department.

30 S 5. Organization meeting; by-laws. The secretary of the Manhasset-  
31 Lakeville Fire District shall call a meeting for the organization of  
32 such corporation to be held not later than sixty days after this act  
33 takes effect, notice of which shall be given by the secretary by posting  
34 or causing to be posted a notice thereof in five conspicuous places  
35 within the territory protected by the Manhasset-Lakeville Fire District  
36 and also by publication of notice thereof in one or more newspapers  
37 having a general circulation within such territory, and such posting and  
38 publication shall be effected at least ten days prior to the date of  
39 such meeting. At such meeting or any adjournment thereof, the members  
40 of such corporation present shall adopt by-laws and elect officers and  
41 directors to serve until the first annual meeting which shall be held on  
42 a date to be fixed by the by-laws. Any member failing to comply with the  
43 by-laws, rules or regulations duly adopted by such corporation shall be  
44 subject to suspension and expulsion in such manner as may be provided  
45 for in such by-laws. Any member, who ceases to be such, voluntarily or  
46 otherwise, shall forfeit all interest in the property of such corpo-  
47 ration.

48 S 6. Control and disposal of funds and property. The control and  
49 disposal of the funds and property of the said corporation, the exercise  
50 of its powers, and the management and control of its affairs, except as  
51 hereinafter provided, shall be vested in and exercised by a board of  
52 trustees which shall consist of no less than seven members of the corpo-  
53 ration, to wit: the president, the vice-president, the secretary and  
54 treasurer and three other members having the title of trustee. Such  
55 officers and directors shall be elected at the annual meeting of such  
56 corporation in the manner prescribed by its by-laws.

1 S 7. Precept for payment of foreign fire insurance premium taxes. Such  
2 corporation shall collect and there shall be paid to it all taxes  
3 imposed by article 91 of the insurance law for fire department use and  
4 benefit, upon premiums for insurance against loss or damage by fire  
5 covering property situated in the Manhasset-Lakeville Fire Department  
6 fire protection district, in the town of North Hempstead, county of  
7 Nassau, or within any duly organized territory in which the Manhasset-  
8 Lakeville Fire Department is or may be obligated to render fire  
9 protection. The officer of said corporation designated by its by-laws to  
10 collect and receive the aforesaid tax shall have all the powers and be  
11 subject to all the provisions of the insurance law, relating to treasur-  
12 ers of fire departments. Such corporation shall also be entitled to  
13 receive a share of the tax imposed by article 91 of the insurance law,  
14 based upon the business written in the territory with respect to which  
15 it is entitled to collect and receive the tax under article 91 of the  
16 insurance law. Such taxes shall only be used for the care and relief of  
17 disabled or indigent volunteer and exempt volunteer firefighters and  
18 their families.

19 S 8. This act shall take effect immediately provided, however, that  
20 the provisions of section seven of this act shall apply to taxes due on  
21 premiums received on and after January 1, 2014.