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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

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  
26    department of the Manhasset-Lakeville Fire District, and who has not

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

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

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

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

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

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

1     S 7. Receipt of payments of foreign fire insurance corporations. The  
2 payments made by foreign fire insurance corporations based on the amount  
3 of premiums for fire insurance upon property situated within the corpo-  
4 rate limits of the Manhasset-Lakeville Fire District as provided in  
5 sections 9104 and 9105 of the insurance law and any amendments thereto,  
6 shall be paid to the corporation, and the corporation shall be entitled  
7 to receive the same. Paid firefighters, if any, of the Manhasset-Lake-  
8 ville Fire District shall not be eligible for membership in the corpo-  
9 ration and shall not be entitled to receipt of the funds of the corpo-  
10 ration or from such sections 9104 or 9105.

11     S 8. This act shall take effect immediately provided, however, that  
12 the provisions of section seven of this act shall apply to taxes due on  
13 premiums received on and after January 1, 1996.