

# STATE OF NEW YORK

9988

## IN ASSEMBLY

March 7, 2018

Introduced by M. of A. STEC -- read once and referred to the Committee on Corporations, Authorities and Commissions

AN ACT to incorporate the Volunteer Exempt Firefighter's Benevolent Association of Whitehall, New York 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 Whitehall, New York" is hereby created. It shall be composed of such  
4 persons eligible to membership therein as shall be provided pursuant to  
5 the provisions of this act and shall (a) notify the secretary of the  
6 Whitehall Volunteer Fire Company, Inc., a volunteer fire company, in  
7 writing prior to the organization meeting provided for in section five  
8 of this act of their desire to become members of such corporation, or  
9 (b) attend such meeting or an adjournment thereof and signify their  
10 intention of becoming members of such corporation at such meeting, or  
11 (c) notify the secretary of the corporation created by this act in writ-  
12 ing within sixty days after his or her election of their desire to  
13 become members thereof, and also such persons so eligible as may there-  
14 after become members of such corporation pursuant to its by-laws.

15 § 2. Persons eligible for membership. All persons who are now, or have  
16 been, or hereafter shall be active volunteer members of the Whitehall  
17 Volunteer Fire Company, Inc. in the county of Washington, and who have  
18 acquired or shall after the effective date of this act acquire the  
19 status of exempt volunteer firefighter as defined in section 200 of the  
20 general municipal law by virtue of having rendered service in the White-  
21 hall Volunteer Fire Company, Inc., and all persons who are now or here-  
22 after shall be active volunteer members of the Whitehall Volunteer Fire  
23 Company, Inc., shall be eligible for membership in the corporation  
24 created by this act, except that any firefighter who has been removed  
25 for cause, expelled or dropped from the rolls of the Whitehall Volunteer  
26 Fire Company, Inc., and who has not been reinstated therein, shall not  
27 be eligible for membership in such corporation. The membership of any

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

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1 person in such corporation shall terminate upon the withdrawal of such  
2 person as an active volunteer member of the Whitehall Volunteer Fire  
3 Company, Inc. prior to the actual performance by such person of five  
4 years service as an active volunteer member of the Whitehall Volunteer  
5 Fire Company, Inc. Paid firefighters, if any, of the Whitehall Volunteer  
6 Fire Company, Inc., shall not be eligible for membership in the corpo-  
7 ration.

8 § 3. Purposes. The purposes of the corporation created by this act  
9 are: to provide relief, aid and assistance to the volunteer members of  
10 such corporation who are disabled or injured in the performance of their  
11 duties, and their families; to promote and safeguard the welfare of the  
12 volunteer members of the corporation, and their families; to provide for  
13 the health and safety of the volunteer members of the corporation; and  
14 to enhance the morale of the volunteer members of the corporation by  
15 providing social and recreational activities for the volunteer members  
16 of the corporation, and the promotion of the volunteer fire service  
17 within the territory protected by the Whitehall Volunteer Fire Company,  
18 Inc.

19 § 4. Powers and duties. Such corporation shall have all the powers of  
20 a not-for-profit corporation, and the provisions of law relating to  
21 not-for-profit corporations shall apply to such corporation except where  
22 they conflict with the provisions of this act. However, unless the writ-  
23 ten approval of the department of health shall have first been obtained  
24 such corporation shall not establish and maintain any home or institu-  
25 tion which, if separately incorporated, would require the approval of  
26 such department.

27 § 5. Organization meeting; by-laws. The secretary of the Whitehall  
28 Volunteer Fire Company, Inc. shall call a meeting for the organization  
29 of such corporation to be held not later than 60 days after this act  
30 takes effect, notice of which shall be given by the secretary by posting  
31 or causing to be posted a notice thereof in five conspicuous places  
32 within the territory protected by the Whitehall Volunteer Fire Company,  
33 Inc. and also by publication of notice thereof in one or more newspapers  
34 having a general circulation within such territory, and such posting and  
35 publication shall be effected at least 10 days prior to the date of such  
36 meeting. At such meeting or any adjournment thereof, the members of such  
37 corporation present shall adopt by-laws and elect officers and directors  
38 to serve until the first annual meeting which shall be held on a date to  
39 be fixed by the by-laws. Any member failing to comply with the by-laws,  
40 rules or regulations duly adopted by such corporation shall be subject  
41 to suspension and expulsion in such manner as may be provided for in  
42 such by-laws. Any member, who ceases to be such, voluntarily or other-  
43 wise, shall forfeit all interest in the property of such corporation.

44 § 6. Control and disposal of funds and property. The control and  
45 disposal of the funds and property of the said corporation, the exercise  
46 of its powers, and the management and control of its affairs, except as  
47 otherwise provided in this act, shall be vested in and exercised by a  
48 board of trustees which shall consist of no less than 7 members of the  
49 corporation, to wit: the president, the vice-president, the secretary  
50 and treasurer and three other members having the title of trustee. Such  
51 officers and directors shall be elected at the annual meeting of such  
52 corporation in the manner prescribed by its by-laws.

53 § 7. Precept for payment of foreign fire insurance premium taxes. Such  
54 corporation shall collect and there shall be paid to it all taxes  
55 imposed by article 91 of the insurance law for fire department use and  
56 benefit, upon premiums for insurance against loss or damage by fire

1 covering property situated in the Whitehall fire protection district, in  
2 the town of Whitehall and county of Washington, or within any duly  
3 organized territory in which the Whitehall Volunteer Fire Company, Inc.  
4 is or may be obligated to render fire protection. The officer of said  
5 corporation designated by its by-laws to collect and receive the afore-  
6 said tax shall have all the powers and be subject to all the provisions  
7 of the insurance law, relating to treasurers of fire departments. Such  
8 corporation shall also be entitled to receive a share of the tax imposed  
9 by article 91 of the insurance law, based upon the business written in  
10 the territory with respect to which it is entitled to collect and  
11 receive the tax under article 91 of the insurance law. Such taxes shall  
12 only be used for the care and relief of disabled or indigent volunteer  
13 and exempt volunteer firefighters and their families.

14 § 8. This act shall take effect immediately; provided, however, that  
15 the provisions of section seven of this act shall apply to taxes due on  
16 premiums received on and after January 1, 2019.