

STATE OF NEW YORK

8810

IN SENATE

April 19, 2022

Introduced by Sen. HARCKHAM -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

AN ACT to incorporate the Croton Falls Volunteer Fire Department Benevolent Association, 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 the "Croton Falls Volunteer Fire Department Benevolent Asso-
3 ciation" is hereby created. It shall be composed of such persons eligi-
4 ble to membership therein as shall be provided pursuant to the
5 provisions of this act and shall (a) notify the secretary of the Croton
6 Falls Volunteer Fire Department, Inc., a volunteer fire company, in
7 writing prior to the organization meeting hereinafter provided for of
8 the corporation created by this act of their desire to become members,
9 or (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 hereby created in writing
12 within sixty days after his or her election of their desire to become
13 members thereof, and also such persons so eligible as may thereafter
14 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 Croton Falls
17 Volunteer Fire Department, Inc. in the county of Westchester, and who
18 have acquired or shall hereafter acquire the status of exempt volunteer
19 firefighter as defined in section 200 of the general municipal law by
20 virtue of having rendered service in the Croton Falls Volunteer Fire
21 Department, Inc., and all persons who are now or hereafter shall be
22 active volunteer members of the Croton Falls Volunteer Fire Department,
23 Inc., shall be eligible for membership in the corporation created by
24 this act, except that any firefighter who has been removed for cause,
25 expelled or dropped from the rolls of the Croton Falls Volunteer Fire
26 Department, Inc., and who has not been reinstated therein, shall not be
27 eligible for membership in such corporation. The membership of any
28 person in such corporation shall terminate upon the withdrawal of such

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

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1 person as an active volunteer member of the Croton Falls Volunteer Fire
2 Department, Inc. prior to the actual performance by such person of five
3 years' service as an active volunteer member of the Croton Falls Volun-
4 teer Fire Department, Inc. Paid firefighters, if any, of the Croton
5 Falls Volunteer Fire Department, Inc., shall not be eligible for member-
6 ship in the corporation.

7 § 3. Purposes. The purposes of the corporation created by this act
8 are: to provide relief, aid and assistance to the volunteer members of
9 such corporation who are indigent or disabled or injured in the perform-
10 ance of their duties, and their families; to maintain a suitable head-
11 quarters for the members of the corporation; to promote and safeguard
12 the welfare of the volunteer members of the corporation, and their fami-
13 lies; to provide for the health and safety of the volunteer members of
14 the corporation; and to enhance the morale of the volunteer members of
15 the corporation by providing social and recreational activities for the
16 volunteer members of the corporation, and the promotion of the volunteer
17 fire service within the territory protected by the Croton Falls Volun-
18 teer Fire Department, 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 applicable governmental agency or department shall
24 have first been obtained, such corporation shall not establish and main-
25 tain any home or institution which, if separately incorporated, would
26 require the approval of such department or governmental agency.

27 § 5. Organization meeting; by-laws. The secretary of the Croton Falls
28 Volunteer Fire Department, Inc. shall call a meeting for the organiza-
29 tion of such corporation to be held not later than sixty days after this
30 act takes effect, notice of which shall be given by the secretary by
31 posting or causing to be posted a notice thereof in five conspicuous
32 places within the territory protected by the Croton Falls Volunteer Fire
33 Department, Inc. and also by publication of notice thereof in one or
34 more newspapers having a general circulation within such territory and
35 also by conspicuously posting such notice on the fire company's internet
36 website. Such posting and publication shall be effectuated at least ten
37 days prior to the date of such meeting. At such meeting or any adjourn-
38 ment thereof, the members of such corporation present shall adopt
39 by-laws and elect officers and directors to serve until the first annual
40 meeting which shall be held on a date to be fixed by the by-laws. Any
41 member failing to comply with the by-laws, rules or regulations duly
42 adopted by such corporation shall be subject to suspension and expulsion
43 in such manner as may be provided for in such by-laws. Any member, who
44 ceases to be such, voluntarily or otherwise, shall forfeit all interest
45 in the property of such corporation.

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

55 § 7. Precept for payment of foreign fire insurance premium taxes. Such
56 corporation shall collect and there shall be paid to it all taxes

1 imposed by section 9104 of the insurance law for fire department use and
2 benefit, upon premiums for insurance against loss or damage by fire
3 covering property protected by the Croton Falls Volunteer Fire Depart-
4 ment, Inc., in the county of Westchester, or within any duly organized
5 territory in which the Croton Falls Volunteer Fire Department, Inc. is
6 or may be obligated to render fire protection. The officer of said
7 corporation designated by its by-laws to collect and receive the afore-
8 said tax shall have all the powers and be subject to all the provisions
9 of the insurance law, relating to treasurers of fire departments. Such
10 corporation shall also be entitled to receive a share of the tax imposed
11 by section 9105 of the insurance law, based upon the business written in
12 the territory with respect to which it is entitled to collect and
13 receive the tax under section 9104 of the insurance law. Such taxes
14 shall only be used by the corporation in furtherance of its purposes as
15 set forth in section three of this act.

16 § 8. This act shall take effect immediately; provided, however, that
17 the provisions of section seven of this act shall apply to taxes due on
18 premiums received on and after January 1, 2023.