

10043

I N   A S S E M B L Y

May 2, 2012

---

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

AN ACT to incorporate the Main-Transit Volunteer Exempt Firefighter's 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 "Main-Transit Volunteer Exempt Firefighter's Benevolent  
3 Association" is hereby created. It shall be composed of such persons  
4 eligible to membership therein as hereinafter provided and shall (a)  
5 notify the secretary of Main-Transit Fire Department, a volunteer fire  
6 company, in writing prior to the organization meeting hereinafter  
7 provided for of the corporation created by this act of their desire to  
8 become members, or (b) shall attend such meeting or an adjournment thereof, and also such persons so eligible as may thereafter become members  
9 of such corporation pursuant to its by-laws.

10  
11     S 2. Persons eligible to membership. All persons who are now, or have  
12 been, or hereafter shall be active volunteer members of the Main-Transit  
13 Fire Department in the town of Amherst, county of Erie, or any fire  
14 corporation in the Main-Transit Fire Department fire protection district  
15 in such town and who have acquired or shall hereafter acquire the status  
16 of exempt volunteer firefighter as defined in section 200 of the general  
17 municipal law by virtue of having rendered service in the Main-Transit  
18 Fire Department, or in a fire corporation in the Main-Transit Fire  
19 Department fire protection district, and all persons who are now or  
20 hereafter shall be active volunteer members of the Main-Transit Fire  
21 Department, shall be eligible for membership in the association created  
22 by this act, except that any firefighter who has been removed for cause,  
23 expelled or dropped from the rolls of any fire company or fire department, and who has not been reinstated therein, shall not be eligible for  
24 membership in such corporation. The membership of any person in such  
25 corporation shall terminate when his/her membership as an active volunteer member of the Main-Transit Fire Department shall terminate before  
26 such person shall have acquired the status of exempt volunteer firefighter.

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

LBD13520-02-1

1 fighter as defined by section 200 of the general municipal law by virtue  
2 of having rendered service in the Main-Transit Fire Department.

3 S 3. Purposes. The purposes of such corporation shall be the mainte-  
4 nance of suitable headquarters for, and the promotion of fraternal  
5 intercourse among the members of such corporation, the relief, aid, and  
6 assistance of volunteer firefighters and their families who are disabled  
7 or indigent, and the promotion of the welfare of the volunteer fire  
8 service.

9 S 4. Powers and duties. Such corporation shall have all the powers of  
10 a not-for-profit corporation, and the provisions of law relating to  
11 not-for-profit corporations shall apply to such corporation except where  
12 they conflict with the provisions of this act. However, unless the writ-  
13 ten approval of the state board of social welfare, created pursuant to  
14 article 26-B of the executive law, shall have first been obtained this  
15 corporation shall not establish and maintain any home or institution,  
16 which, if separately incorporated, would require the approval of such  
17 board.

18 S 5. Organization meeting; by-laws. The secretary of the Main-Transit  
19 Fire Department shall call a meeting for the organization of such corpo-  
20 ration to be held not later than three months after this act takes  
21 effect, notice of which shall be given by posting or causing to be post-  
22 ed a notice thereof in five conspicuous places within the territory  
23 protected by the Main-Transit Fire Department and also by publication of  
24 notice thereof in one or more newspapers having a general circulation  
25 within such territory, and such posting and publication shall be  
26 effected at least ten days prior to the date of such meeting. At such  
27 meeting or any adjournment thereof, the members of such corporation  
28 present shall adopt by-laws and elect officers and trustees to serve  
29 until the first annual meeting which shall be held on a date to be fixed  
30 by the by-laws. Any member failing to comply with the by-laws, rules or  
31 regulations duly adopted by such corporation shall be subject to suspen-  
32 sion and expulsion in such manner as may be provided for in such  
33 by-laws. Any member, who ceases to be such, voluntarily or otherwise,  
34 shall forfeit all interest in the property of such corporation.

35 S 6. Control and disposal of funds and property. The control and  
36 disposal of the funds and property of the said corporation, the exercise  
37 of its powers, and the management and control of its affairs shall be  
38 vested in and exercised by a board of trustees which shall consist of  
39 the following seven members of such corporation: the president, the vice  
40 president, the secretary, the treasurer and three other members having  
41 the title of trustee. Such officers and trustees shall be elected at the  
42 annual meeting of such corporation in the manner prescribed by its  
43 by-laws.

44 S 7. Precept for payment of foreign fire insurance premium taxes. Such  
45 corporation shall collect and there shall be paid to it all taxes  
46 imposed by article 91 of the insurance law for fire department use and  
47 benefit, upon premiums for insurance against loss or damage by fire  
48 covering property situated in the Main-Transit Fire Department fire  
49 protection district, in the town of Amherst, county of Erie, or within  
50 any duly organized territory in which the Main-Transit Fire Department  
51 is or may be obligated to render fire protection. The officer of said  
52 corporation designated by its by-laws to collect and receive the afore-  
53 said tax shall have all the powers and be subject to all the provisions  
54 of the insurance law, relating to treasurers of fire departments. Such  
55 corporation shall also be entitled to receive a share of the tax imposed  
56 by article 91 of the insurance law, based upon the business written in

1 the territory with respect to which it is entitled to collect and  
2 receive the tax under article 91 of the insurance law. Such taxes shall  
3 only be used for the care and relief of disabled or indigent volunteer  
4 and exempt volunteer firefighters and their families.

5 S 8. This act shall take effect immediately; provided, however, the  
6 provisions of section seven of this act shall apply to taxes due on  
7 premiums received after January 1, 2012.