S T A T E O F N E W Y O R K

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:

Section 1. Incorporation; membership. A not-for-profit corporation by the name of "Main-Transit Volunteer Exempt Firefighter's Benevolent Association" is hereby created. It shall be composed of such persons eligible to membership therein as hereinafter provided and shall (a) notify the secretary of Main-Transit Fire Department, a volunteer fire company, in writing prior to the organization meeting hereinafter provided for of the corporation created by this act of their desire to become members, or (b) shall attend such meeting or an adjournment thereof, and also such persons so eligible as may thereafter become members of such corporation pursuant to its by-laws.

S 2. Persons eligible to membership. All persons who are now, or have been, or hereafter shall be active volunteer members of the Main-Transit Fire Department in the town of Amherst, county of Erie, or any fire corporation in the Main-Transit Fire Department fire protection district in such town and who have acquired or shall hereafter acquire the status of exempt volunteer firefighter as defined in section 200 of the general municipal law by virtue of having rendered service in the Main-Transit Fire Department, or in a fire corporation in the Main-Transit Fire Department fire protection district, and all persons who are now or hereafter shall be active volunteer members of the Main-Transit Fire Department, shall be eligible for membership in the association created by this act, except that any firefighter who has been removed for cause, 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 membership in such corporation. The membership of any person in such corporation shall terminate when his/her membership as an active volunteer member of the Main-Transit Fire Department shall terminate before such person shall have acquired the status of exempt volunteer fire-

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

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

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

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

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

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

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

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

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