

9003--B

I N A S S E M B L Y

March 6, 2014

Introduced by M. of A. SCHIMEL -- read once and referred to the Committee on Corporations, Authorities and Commissions -- reference changed to the Committee on Local Governments -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

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 becoming
10 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 corporation
14 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 department
17 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 hereafter
22 shall be active volunteer members of the fire department of the
23 Manhasset-Lakeville Fire District, shall be eligible for membership in

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

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1 the corporation created by this act, except that any firefighter who has
2 been removed for cause, expelled or dropped from the rolls of the fire
3 department of the Manhasset-Lakeville Fire District, and who has not
4 been reinstated therein, shall not be eligible for membership in such
5 corporation. The membership of any person in such corporation shall
6 terminate upon the withdrawal of such person as an active volunteer
7 member of the fire department of the Manhasset-Lakeville Fire District
8 prior to the actual performance by such person of five years service as
9 an active volunteer member of the fire department of the Manhasset-Lake-
10 ville Fire District. Paid firefighters, if any, of the Manhasset-Lake-
11 ville Fire District, shall not be eligible for membership in the corpo-
12 ration.

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

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

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

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

1 officers and directors shall be elected at the annual meeting of such
2 corporation in the manner prescribed by its by-laws.

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

13 S 8. This act shall take effect immediately provided, however, that
14 the provisions of section seven of this act shall apply to taxes due on
15 premiums received on and after January 1, 2014.