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Cal. No. 841

I N   A S S E M B L Y

March 6, 2014

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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 -- reported and referred to the Committee on Ways and Means -- reported from committee, advanced to a third reading, amended and ordered reprinted, retaining its place on the order of third reading

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

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

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

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

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

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

53 S 6. Control and disposal of funds and property. The control and  
54 disposal of the funds and property of the said corporation, the exercise  
55 of its powers, and the management and control of its affairs, except as  
56 hereinafter provided, shall be vested in and exercised by a board of

1 trustees which shall consist of no less than seven members of the corpo-  
2 ration, to wit: the president, the vice-president, the secretary and  
3 treasurer and three other members having the title of trustee. Such  
4 officers and directors shall be elected at the annual meeting of such  
5 corporation in the manner prescribed by its by-laws.

6 S 7. Precept for payment of foreign fire insurance premium taxes. Such  
7 corporation shall collect and there shall be paid to it all taxes  
8 imposed by article 91 of the insurance law for fire department use and  
9 benefit, upon premiums for insurance against loss or damage by fire  
10 covering property situated in the Manhasset-Lakeville Fire Department  
11 fire protection district, in the town of North Hempstead, county of  
12 Nassau, or within any duly organized territory in which the Manhasset-  
13 Lakeville Fire Department is or may be obligated to render fire  
14 protection. The officer of said corporation designated by its by-laws to  
15 collect and receive the aforesaid tax shall have all the powers and be  
16 subject to all the provisions of the insurance law, relating to treasur-  
17 ers of fire departments. Such corporation shall also be entitled to  
18 receive a share of the tax imposed by article 91 of the insurance law,  
19 based upon the business written in the territory with respect to which  
20 it is entitled to collect and receive the tax under article 91 of the  
21 insurance law. Such taxes shall only be used for the care and relief of  
22 disabled or indigent volunteer and exempt volunteer firefighters and  
23 their families.

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