

7325

I N S E N A T E

May 12, 2014

Introduced by Sen. MARTINS -- read twice and ordered printed, and when printed to be committed to the Committee on Corporations, Authorities and Commissions

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 becom-
10 ing 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 corpo-
14 ration 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 depart-
17 ment 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 here-
22 after shall be active volunteer members of the fire department of the
23 Manhasset-Lakeville Fire District, shall be eligible for membership in
24 the corporation created by this act, except that any firefighter who has
25 been removed for cause, expelled or dropped from the rolls of the fire
26 department of the Manhasset-Lakeville Fire District, and who has not

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

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1 been reinstated therein, shall not be eligible for membership in such
2 corporation. The membership of any person in such corporation shall
3 terminate upon the withdrawal of such person as an active volunteer
4 member of the fire department of the Manhasset-Lakeville Fire District
5 prior to the actual performance by such person of five years service as
6 an active volunteer member of the fire department of the Manhasset-Lake-
7 ville Fire District. Paid firefighters, if any, of the Manhasset-Lake-
8 ville Fire District, shall not be eligible for membership in the corpo-
9 ration.

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

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

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

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

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

11 S 8. This act shall take effect immediately provided, however, that
12 the provisions of section seven of this act shall apply to taxes due on
13 premiums received on and after January 1, 1996.