

9003--A

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

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  
24    the corporation created by this act, except that any firefighter who has

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

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

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

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

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

49 S 6. Control and disposal of funds and property. The control and  
50 disposal of the funds and property of the said corporation, the exercise  
51 of its powers, and the management and control of its affairs, except as  
52 hereinafter provided, shall be vested in and exercised by a board of  
53 trustees which shall consist of no less than seven members of the corpo-  
54 ration, to wit: the president, the vice-president, the secretary and  
55 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, 1996.