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

9003--C

Cal. No. 841

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 -- 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:

Section 1. Incorporation; membership. A not-for-profit corporation by the name of "Volunteer Exempt Firefighter's Benevolent Association of Manhasset-Lakeville" is hereby created. It shall be composed of such persons eligible to membership therein as hereinafter provided and shall (a) notify the secretary of the fire department of the Manhasset-Lakeville Fire District, 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 signify their intention of becoming members of such corporation at such meeting, or (c) shall notify the secretary of the corporation hereby created in writing within sixty days after his election of their desire to become members thereof, and also such persons so eligible as may thereafter become members of such corporation pursuant to its by-laws.

S 2. Persons eligible for membership. All persons who are now, or have been, or hereafter shall be active volunteer members of the fire department of the Manhasset-Lakeville Fire District in the county of Nassau, 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 fire department of the

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

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Manhasset-Lakeville Fire District, and all persons who are now or hereafter shall be active volunteer members of the fire department of the Manhasset-Lakeville Fire District, shall be eligible for membership in the corporation created by this act, except that any firefighter who has been removed for cause, expelled or dropped from the rolls of the fire department of the Manhasset-Lakeville Fire District, 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 upon the withdrawal of such person as an active volunteer member of the fire department of the Manhasset-Lakeville Fire District prior to the actual performance by such person of five years service as an active volunteer member of the fire department of the Manhasset-Lakeville Fire District. Paid firefighters, if any, of the Manhasset-Lakeville Fire District, shall not be eligible for membership in the corporation.

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

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 department of social services shall have first been obtained such corporation shall not establish and maintain any home or institution which, if separately incorporated, would require the approval of such department.

S 5. Organization meeting; by-laws. The secretary of the Manhasset-Lakeville Fire District shall call a meeting for the organization of such corporation to be held not later than sixty days after this act takes effect, notice of which shall be given by the secretary by posting or causing to be posted a notice thereof in five conspicuous places within the territory protected by the Manhasset-Lakeville Fire District 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 directors 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, except as hereinafter provided, shall be vested in and exercised by a board of

trustees which shall consist of no less than seven members of the corporation, to wit: the president, the vice-president, the secretary and treasurer and three other members having the title of trustee. Such officers and directors 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 Manhasset-Lakeville Fire Department fire protection district, in the town of North Hempstead, county of Nassau, or within any duly organized territory in which the Manhasset-Lakeville 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, that the provisions of section seven of this act shall apply to taxes due on premiums received on and after January 1, 2014.