

9726

I N A S S E M B L Y

May 20, 2014

Introduced by M. of A. SANTABARBARA -- read once and referred to the
Committee on Local Governments

AN ACT in relation to the creation of the "Amsterdam Firefighters'
Benevolent Association"

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-
BLY, DO ENACT AS FOLLOWS:

1 Section 1. Incorporation; membership. A not-for-profit corporation by
2 the name of "Amsterdam Firefighters' Benevolent Association", hereinaft-
3 er referred to as the "association", is hereby created. It shall be
4 composed of such members eligible for membership therein as hereinafter
5 provided as shall: (a) notify the secretary of the Amsterdam Profes-
6 sional Firefighters Union in writing prior to the organization meeting
7 hereinafter provided for the corporation created by this act of their
8 desire to become members; or (b) attend such meeting or an adjournment
9 thereof, and also such persons eligible as may thereafter become members
10 of such corporation pursuant to its by-laws.

11 S 2. Persons eligible for membership. All persons who are now or here-
12 after shall be employed as professional firefighters in the fire depart-
13 ment of the city of Amsterdam, county of Montgomery shall be eligible
14 for membership in the corporation created by this act except that any
15 firefighter who has been removed for cause from the fire department and
16 who has not been reinstated therein shall not be eligible for membership
17 in such corporation. The membership of any person in such corporation
18 shall terminate when his membership in the city of Amsterdam fire
19 department terminates.

20 S 3. Purposes. The association shall have as its purposes the
21 promotion of a friendly association for the betterment of its members
22 and their relations with the community, for promotion of fraternal
23 intercourse among its members, to study and disseminate among its
24 members the most efficient manner of fighting fires and the relief, aid
25 and assistance of its members and their families who are disabled or
26 indigent, and for the promotion of the welfare of the fire service, and
27 for any of the foregoing purposes shall have the power to purchase, take
28 and hold, transfer and convey real and personal property.

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

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1 S 4. Powers and duties. Such corporation shall have all the powers of
2 a not-for-profit corporation, and the provisions of law relating to
3 not-for-profit corporations shall apply to such corporation except where
4 they conflict with the provisions of this act. However, unless the writ-
5 ten approval of the state board of social services shall have first been
6 obtained this corporation shall not establish and maintain any home or
7 institution which, if separately incorporated, would require the
8 approval of such board.

9 S 5. Organization meeting; by-laws. The secretary of the Amsterdam
10 Professional Firefighters' Union shall call a meeting for the organiza-
11 tion of such corporation to be held not later than three months after
12 the effective date of this act, notice of which shall be given by him by
13 posting or causing to be posted a notice thereof in five conspicuous
14 places within the territory protected by the city of Amsterdam fire
15 department and also by publication of notice thereof in one or more
16 newspapers having a general circulation within such territory, and such
17 posting and publication shall be effected at least ten days prior to the
18 date of such meeting. At such meeting or any adjournment thereof the
19 members of such corporation present shall adopt by-laws and elect offi-
20 cers and trustees to serve until the first annual meeting which shall be
21 held on a date to be fixed by the by-laws. Any member failing to comply
22 with the by-laws, rules or regulations duly adopted by such corporation
23 shall be subject to suspension and expulsion in such manner as may be
24 provided for in such by-laws. Any member who ceases to be such, volun-
25 tarily or otherwise, shall forfeit all interest in the property of such
26 corporation.

27 S 6. Control and disposal of funds and property. The control and
28 disposal of the funds of property of such corporation, the exercise of
29 its powers, and the management and control of its affairs shall be vest-
30 ed in and exercised by a board of trustees which shall consist of seven
31 members of such corporation, viz: the president, the vice-president, the
32 secretary, the treasurer and three other members having the title of
33 trustee. Such officer and trustees shall be elected at the annual meet-
34 ing of such corporation in the manner prescribed by its by-laws.

35 S 7. Precept for payment of foreign fire insurance premium taxes. Such
36 corporation shall collect and there shall be paid to it all taxes
37 imposed by section 9104 of the insurance law for fire department use and
38 benefit, upon premiums for insurance against loss or damage by fire
39 covering property situated in the city of Amsterdam, county of Montgom-
40 ery. The officer of such corporation designated by its by-laws to
41 collect and receive the aforesaid tax shall have all the powers and be
42 subject to all the provisions of the insurance law, relating to treas-
43 ures of fire departments. Such corporation shall also be entitled to
44 received a share of the tax imposed by section 9105 of the insurance
45 law, based upon the business written in the territory with respect to
46 which it is entitled to collect and receive the tax under section 9104
47 of the insurance law. Such taxes shall only be used for the use and
48 benefit of the fire department.

49 S 8. The city of Amsterdam shall pay over to the association any
50 foreign fire insurance monies in its custody. These monies will be used
51 for the purposes set forth in section three of this act.

52 S 9. This act shall take effect January 1, 2015.