

5517

2015-2016 Regular Sessions

I N A S S E M B L Y

February 25, 2015

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

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

LBD01491-01-5

1 indigent, and for the promotion of the welfare of the fire service, and
2 for any of the foregoing purposes shall have the power to purchase, take
3 and hold, transfer and convey real and personal property.

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

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

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

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

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

55 S 9. This act shall take effect January 1, 2017.