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

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 ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Incorporation; membership. A not-for-profit corporation by the name of "Amsterdam Firefighters' Benevolent Association", hereinafter referred to as the "association", is hereby created. It shall be composed of such members eligible for membership therein as hereinafter provided as shall: (a) notify the secretary of the Amsterdam Professional Firefighters Union in writing prior to the organization meeting hereinafter provided for the corporation created by this act of their desire to become members; or (b) attend such meeting or an adjournment thereof, and also such persons 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 hereafter shall be employed as professional firefighters in the fire department of the city of Amsterdam, county of Montgomery shall be eligible for membership in the corporation created by this act except that any firefighter who has been removed for cause from the fire department 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 when his membership in the city of Amsterdam fire department terminates.

S 3. Purposes. The association shall have as its purposes the promotion of a friendly association for the betterment of its members and their relations with the community, for promotion of fraternal intercourse among its members, to study and disseminate among its members the most efficient manner of fighting fires and the relief, aid 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.

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

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

S 5. Organization meeting; by-laws. The secretary of the Amsterdam Professional Firefighters' Union shall call a meeting for the organization of such corporation to be held not later than three months after the effective date of this act, notice of which shall be given by him by posting or causing to be posted a notice thereof in five conspicuous places within the territory protected by the city of Amsterdam fire department 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 trustees 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 of property of such corporation, the exercise of its powers, and the management and control of its affairs shall be vested in and exercised by a board of trustees which shall consist of seven members of such corporation, viz: the president, the vice-president, the secretary, the treasurer and three other members having the title of trustee. Such officer and trustees 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 section 9104 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 city of Amsterdam, county of Montgomery. The officer of such 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 treasures of fire departments. Such corporation shall also be entitled to receive a share of the tax imposed by section 9105 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 section 9104 of the insurance law. Such taxes shall only be used for the use and benefit of the fire department.

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

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