

3950--A

Cal. No. 263

2015-2016 Regular Sessions

I N   S E N A T E

February 24, 2015

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Introduced by Sen. AMEDORE -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

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:

- 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

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

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1 intercourse among its members, to study and disseminate among its  
2 members the most efficient manner of fighting fires and the relief, aid  
3 and assistance of its members and their families who are disabled or  
4 indigent, and for the promotion of the welfare of the fire service, and  
5 for any of the foregoing purposes shall have the power to purchase, take  
6 and hold, transfer and convey real and personal property.

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

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

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

41 S 7. Precept for payment of foreign fire insurance premium taxes. Such  
42 corporation shall collect and there shall be paid to it all taxes  
43 imposed by article 91 of the insurance law for fire department use and  
44 benefit, upon premiums for insurance against loss or damage by fire  
45 covering property situated in the city of Amsterdam, county of Montgom-  
46 ery, or within any duly organized territory in which the city of Amster-  
47 dam fire department is or may be obligated to render fire protection.  
48 The officer of said corporation designated by its by-laws to collect and  
49 receive the aforesaid tax shall have all the powers and be subject to  
50 all the provisions of the insurance law, relating to treasurers of fire  
51 departments. Such corporation shall also be entitled to receive a share  
52 of the tax imposed by article 91 of the insurance law, based upon the  
53 business written in the territory with respect to which it is entitled  
54 to collect and receive the tax under article 91 of the insurance law.  
55 Such taxes shall only be used for the care and relief of disabled or  
56 indigent professional firefighters and their families.

1       S 8. The city of Amsterdam shall pay over to the association any  
2 foreign fire insurance monies in its custody. These monies will be used  
3 for the purposes set forth in section three of this act.  
4       S 9. This act shall take effect January 1, 2017.