

STATE OF NEW YORK

6065

2017-2018 Regular Sessions

IN SENATE

May 10, 2017

Introduced by Sen. LITTLE -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

AN ACT to incorporate the Adirondack Volunteer Firefighters' Benevolent Association, and providing for its powers and duties

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 association by
2 the name of "Adirondack Volunteer Firefighters' Benevolent Association"
3 is hereby created. It shall be composed of such persons eligible to
4 membership therein as provided in this act and shall (a) notify the
5 secretary of such association in writing prior to the organization meet-
6 ing provided for in this act of the association created by this act of
7 their desire to become members, or (b) shall attend such meeting or an
8 adjournment thereof and signify their intention of becoming members of
9 such association at such meeting, or (c) shall notify the secretary of
10 the association hereby created in writing within sixty days after his or
11 her election of their desire to become members thereof, and also such
12 persons so eligible as may thereafter become members of such association
13 pursuant to its by-laws.

14 § 2. Persons eligible for membership. All persons who are now, or have
15 been, or hereafter shall be active volunteer members of the volunteer
16 fire service within, but not limited to, the county of Warren, and who
17 have acquired or shall hereafter acquire the status of exempt volunteer
18 firefighter as defined in section 200 of the general municipal law by
19 virtue of having rendered service in such volunteer fire service, and
20 all persons who are now or hereafter shall be active volunteer members
21 of such volunteer fire service, shall be eligible for membership in the
22 association created by this act, except that any firefighter who has
23 been removed for cause, expelled or dropped from the rolls of such
24 volunteer fire service, and who has not been reinstated therein, shall
25 not be eligible for membership in such association. The membership of

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

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1 any person in such association shall terminate upon the withdrawal of
2 such person as an active volunteer member of the fire department within
3 such volunteer fire service prior to the actual performance by such
4 person of five years service as an active volunteer firefighter. Paid
5 firefighters, if any, of such volunteer fire service, shall not be
6 eligible for membership in the association.

7 § 3. Purposes. The purposes of the association created by this act
8 are: to provide relief, aid and assistance to volunteer firefighters who
9 are disabled or injured in the performance of their duties, and their
10 families; to promote and safeguard the welfare of volunteer firefight-
11 ers, and their families; to provide for the health and safety of volun-
12 teer firefighters; and to enhance the morale of volunteer firefighters
13 by providing social and recreational activities for volunteer firefight-
14 ers of the association, and the promotion of the volunteer fire service
15 within the territory protected by such volunteer fire service.

16 § 4. Powers and duties. Such association shall have all the powers of
17 a not-for-profit corporation, and the provisions of law relating to
18 not-for-profit corporations shall apply to such association except where
19 they conflict with the provisions of this act. However, unless the
20 written approval of the department of family assistance shall have first
21 been obtained such association shall not establish and maintain any home
22 or institution which, if separately incorporated, would require the
23 approval of such department.

24 § 5. Organization meeting; by-laws. The secretary of the association
25 shall call a meeting for the organization of such association to be held
26 not later than sixty days after this act takes effect, notice of which
27 shall be given by the secretary by posting or causing to be posted a
28 notice thereof in five conspicuous places within the territory protected
29 by each volunteer fire department within such volunteer fire service and
30 also by publication of notice thereof in one or more newspapers having a
31 general circulation within such territory, and such posting and publica-
32 tion shall be effected at least ten days prior to the date of such meet-
33 ing. At such meeting or any adjournment thereof, the members of such
34 association present shall adopt by-laws and elect officers and directors
35 to serve until the first annual meeting which shall be held on a date to
36 be fixed by the by-laws. Any member failing to comply with the by-laws,
37 rules or regulations duly adopted by such association shall be subject
38 to suspension and expulsion in such manner as may be provided for in
39 such by-laws. Any member, who ceases to be such, voluntarily or other-
40 wise, shall forfeit all interest in the property of such association.

41 § 6. Control and disposal of funds and property. The control and
42 disposal of the funds and property of the said association, the exercise
43 of its powers, and the management and control of its affairs, except as
44 provided in this act, shall be vested in and exercised by a board of
45 trustees which shall consist of no less than seven members of the asso-
46 ciation, to wit: the president, the vice-president, the secretary and
47 treasurer and three other members having the title of trustee. Such
48 officers and directors shall be elected at the annual meeting of such
49 association in the manner prescribed by its by-laws.

50 § 7. Precept for payment of foreign fire insurance premium taxes. Such
51 association shall collect and there shall be paid to it all taxes
52 imposed by article 91 of the insurance law for fire department use and
53 benefit, upon premiums for insurance against loss or damage by fire
54 covering property situated in the volunteer fire department protection
55 districts within, but not limited to, the county of Warren is or may be
56 obligated to render fire protection. The officer of said association

1 designated by its by-laws to collect and receive the aforesaid tax shall
2 have all the powers and be subject to all the provisions of the insur-
3 ance law, relating to treasurers of fire departments. Such association
4 shall also be entitled to receive a share of the tax imposed by article
5 91 of the insurance law, based upon the business written in the territo-
6 ry with respect to which it is entitled to collect and receive the tax
7 under article 91 of the insurance law. Such taxes shall only be used for
8 the care and relief of disabled or indigent volunteer and exempt volun-
9 teer firefighters and their families.

10 § 8. This act shall take effect immediately; provided, however, that
11 the provisions of section seven of this act shall apply to taxes due on
12 premiums received on and after January 1, 2017.