

# STATE OF NEW YORK

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8817

## IN SENATE

May 22, 2018

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

AN ACT to authorize the incorporation of the Cold Spring Harbor volunteer and exempt firemen's 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 "Cold Spring Harbor Volunteer and Exempt Firemen's Benevo-  
3 lent Association, Incorporated" is hereby created. It shall be composed  
4 of such persons eligible for membership therein as hereinafter provided  
5 as shall: (a) notify the secretary of the Cold Spring Harbor Volunteer  
6 Fire Department Inc., in writing prior to the organization meeting of  
7 such corporation hereinafter provided for of their desire to become  
8 members; or (b) attend such meeting or an adjournment thereof, and also  
9 such persons so eligible as may thereafter become members of such corpo-  
10 ration, pursuant to its by-laws.

11 § 2. Persons eligible for membership. All persons who are now or have  
12 been, or hereafter shall be, active volunteer members of the Cold Spring  
13 Harbor Volunteer Fire Department Inc., and who have heretofore acquired  
14 or shall hereafter acquire the status of exempt volunteer firemen as  
15 defined in section 200 of the general municipal law or any other appli-  
16 cable law by virtue of having rendered service in said fire department,  
17 and all persons who are now or hereafter shall be active volunteer  
18 members of said fire department shall be eligible for membership in the  
19 corporation hereby created; provided, however, that any person who has  
20 been expelled or removed for cause from membership in any fire depart-  
21 ment or company and who has not been reinstated therein shall not be  
22 eligible to membership in such corporation. The membership of any person  
23 in such corporation shall terminate when his membership as an active  
24 volunteer member of the Cold Spring Harbor Volunteer Fire Department,  
25 Inc. shall terminate before such persons shall have acquired the status  
26 of exempt volunteer firemen as defined in section 200 of the general  
27 municipal law by virtue of having rendered services to such fire depart-  
28 ment.

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

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1     § 3. Purposes. The purposes of such corporation shall be the mainte-  
2 nance of suitable headquarters for, and the promotion of friendly asso-  
3 ciation for the betterment of the members of such corporation and their  
4 relations with the community, for the promotion of fraternal intercourse  
5 among the members of such corporation, to study and disseminate among  
6 the members of such corporation the most efficient manner of fighting  
7 fires and the relief, aid and assistance of such members and their fami-  
8 lies who are sick or disabled or indigent and to acquire real and  
9 personal property such as may be necessary for the purposes herein set  
10 forth and the promotion of the welfare of the volunteer fire service  
11 within the territory now served or which may hereafter be served by the  
12 Cold Spring Harbor Volunteer Fire Department, Inc.

13     § 4. Powers and duties. Such corporation shall have all of the powers  
14 of a not-for-profit corporation, and the provisions of law relating to  
15 not-for-profit corporations shall apply to such corporations except when  
16 they conflict with the provisions of this act. However, unless the writ-  
17 ten approval of the state board of social services shall have first been  
18 obtained this corporation shall not establish and maintain any home or  
19 institution which, if separately incorporated, would require the  
20 approval of such board.

21     § 5. Organization, meeting, by-laws. The secretary of the Cold Spring  
22 Harbor Volunteer Fire Department, Inc. shall call a meeting for the  
23 organization of such corporation to be held not later than three months  
24 after the effective date of this act, notice of which shall be given by  
25 him by posting or causing to be posted a notice thereof in five conspic-  
26 uous places, within the territory protected by the Cold Spring Harbor  
27 Volunteer Fire Department, Inc. and also by publication of notice ther-  
28 eof in one or more newspapers having a general circulation within such  
29 territory, and such posting and publication shall be effected at least  
30 ten days prior to the date of such meeting. At such meeting or any  
31 adjournment thereof the members of such corporation present shall adopt  
32 by-laws and elect officers and trustees to serve until the first annual  
33 meeting which shall be held on a date to be fixed by the by-laws. Any  
34 member failing to comply with the by-laws, rules or regulations duly  
35 adopted by such corporation shall be subject to suspension and expulsion  
36 in such manner as may be provided for in such by-laws. Any member who  
37 ceases to be such, voluntarily or otherwise, shall forfeit all interest  
38 in the property of such corporation.

39     § 6. Control and disposal of funds and property. The control and  
40 disposal of the funds, property and estate of the said association, the  
41 exercise of its powers, and the management and control of its affairs  
42 shall be vested in and exercised by a board of trustees which shall  
43 consist of seven members of such corporation with: the president, the  
44 vice president, the secretary, the treasurer, financial secretary and  
45 two other members having the title of trustee. Such officers and trus-  
46 tees shall be elected at the annual meeting of such corporation in the  
47 manner prescribed by its by-laws.

48     § 7. Precept for payment of foreign fire insurance premium taxes. Such  
49 corporation shall collect and there shall be paid to it all taxes  
50 imposed by section 9104 of the insurance law for fire department use and  
51 benefit, upon premiums for insurance against loss or damage by fire  
52 covering property situated within the territory protected by the Cold  
53 Spring Harbor Volunteer Fire Department, Inc. located in the town of  
54 Huntington, Suffolk County, New York, within the Cold Spring Fire  
55 District. The officers of said corporation designated by its by-laws to  
56 collect and receive the aforesaid tax shall have all the powers and be

1 subject to all the provisions of the insurance law, relating to treasur-  
2 ers of fire departments. Such corporations shall also be entitled to  
3 receive a share of the tax imposed by section 9105 of the insurance law,  
4 based upon the business written in the territory with respect to which  
5 it is entitled to collect and receive the tax under section 9104 of the  
6 insurance law.

7 § 8. This act shall take effect immediately; provided, however, that  
8 the provisions of section seven of this act shall apply to taxes due on  
9 premiums received on or after the effective date of this act.