

# STATE OF NEW YORK

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7868--A

Cal. No. 946

## IN SENATE

March 5, 2018

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Introduced by Sen. LITTLE -- 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 to incorporate the Volunteer Exempt Firefighter's Benevolent Association of Whitehall, New York 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 corporation by  
2 the name of "Volunteer Exempt Firefighter's Benevolent Association of  
3 Whitehall, New York" is hereby created. It shall be composed of such  
4 persons eligible to membership therein as shall be provided pursuant to  
5 the provisions of this act and shall (a) notify the secretary of the  
6 Whitehall Volunteer Fire Company, Inc., a volunteer fire company, in  
7 writing prior to the organization meeting hereinafter provided for of  
8 the corporation created by this act of their desire to become members,  
9 or (b) attend such meeting or an adjournment thereof and signify their  
10 intention of becoming members of such corporation at such meeting, or  
11 (c) notify the secretary of the corporation hereby created in writing  
12 within sixty days after his or her election of their desire to become  
13 members thereof, and also such persons so eligible as may thereafter  
14 become members of such corporation pursuant to its by-laws.

15 § 2. Persons eligible for membership. All persons who are now, or have  
16 been, or hereafter shall be active volunteer members of the Whitehall  
17 Volunteer Fire Company, Inc. in the county of Washington, and who have  
18 acquired or shall hereafter acquire the status of exempt volunteer fire-  
19 fighter as defined in section 200 of the general municipal law by virtue  
20 of having rendered service in the Whitehall Volunteer Fire Company,  
21 Inc., and all persons who are now or hereafter shall be active volunteer  
22 members of the Whitehall Volunteer Fire Company, Inc., shall be eligible  
23 for membership in the corporation created by this act, except that any  
24 firefighter who has been removed for cause, expelled or dropped from the

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

LBD14804-05-8

1 rolls of the Whitehall Volunteer Fire Company, Inc., and who has not  
2 been reinstated therein, shall not be eligible for membership in such  
3 corporation. The membership of any person in such corporation shall  
4 terminate upon the withdrawal of such person as an active volunteer  
5 member of the Whitehall Volunteer Fire Company, Inc. prior to the actual  
6 performance by such person of five years service as an active volunteer  
7 member of the Whitehall Volunteer Fire Company, Inc. Paid firefighters,  
8 if any, of the Whitehall Volunteer Fire Company, Inc., shall not be  
9 eligible for membership in the corporation.

10 § 3. Purposes. The purposes of the corporation created by this act  
11 are: to provide relief, aid and assistance to the volunteer members of  
12 such corporation who are disabled or injured in the performance of their  
13 duties, and their families; to promote and safeguard the welfare of the  
14 volunteer members of the corporation, and their families; to provide for  
15 the health and safety of the volunteer members of the corporation; and  
16 to enhance the morale of the volunteer members of the corporation by  
17 providing social and recreational activities for the volunteer members  
18 of the corporation, and the promotion of the volunteer fire service  
19 within the territory protected by the Whitehall Volunteer Fire Company,  
20 Inc.

21 § 4. Powers and duties. Such corporation shall have all the powers of  
22 a not-for-profit corporation, and the provisions of law relating to  
23 not-for-profit corporations shall apply to such corporation except where  
24 they conflict with the provisions of this act. However, unless the writ-  
25 ten approval of the applicable governmental agency or department shall  
26 have first been obtained such corporation shall not establish and main-  
27 tain any home or institution which, if separately incorporated, would  
28 require the approval of such department.

29 § 5. Organization meeting; by-laws. The secretary of the Whitehall  
30 Volunteer Fire Company, Inc. shall call a meeting for the organization  
31 of such corporation to be held not later than 60 days after this act  
32 takes effect, notice of which shall be given by the secretary by posting  
33 or causing to be posted a notice thereof in five conspicuous places  
34 within the territory protected by the Whitehall Volunteer Fire Company,  
35 Inc. and also by publication of notice thereof in one or more newspapers  
36 having a general circulation within such territory, and such posting and  
37 publication shall be effected at least 10 days prior to the date of such  
38 meeting. At such meeting or any adjournment thereof, the members of such  
39 corporation present shall adopt by-laws and elect officers and directors  
40 to serve until the first annual meeting which shall be held on a date to  
41 be fixed by the by-laws. Any member failing to comply with the by-laws,  
42 rules or regulations duly adopted by such corporation shall be subject  
43 to suspension and expulsion in such manner as may be provided for in  
44 such by-laws. Any member, who ceases to be such, voluntarily or other-  
45 wise, shall forfeit all interest in the property of such corporation.

46 § 6. Control and disposal of funds and property. The control and  
47 disposal of the funds and property of the said corporation, the exercise  
48 of its powers, and the management and control of its affairs, except as  
49 hereinafter provided, shall be vested in and exercised by a board of  
50 trustees which shall consist of no less than 7 members of the corpo-  
51 ration, to wit: the president, the vice-president, the secretary and  
52 treasurer and three other members having the title of trustee. Such  
53 officers and directors shall be elected at the annual meeting of such  
54 corporation in the manner prescribed by its by-laws.

55 § 7. Precept for payment of foreign fire insurance premium taxes. Such  
56 corporation shall collect and there shall be paid to it all taxes

1 imposed by article 91 of the insurance law for fire department use and  
2 benefit, upon premiums for insurance against loss or damage by fire  
3 covering property situated in the Whitehall fire protection district, in  
4 the town of Whitehall and county of Washington, or within any duly  
5 organized territory in which the Whitehall Volunteer Fire Company, Inc.  
6 is or may be obligated to render fire protection. The officer of said  
7 corporation designated by its by-laws to collect and receive the afore-  
8 said tax shall have all the powers and be subject to all the provisions  
9 of the insurance law, relating to treasurers of fire departments. Such  
10 corporation shall also be entitled to receive a share of the tax imposed  
11 by article 91 of the insurance law, based upon the business written in  
12 the territory with respect to which it is entitled to collect and  
13 receive the tax under article 91 of the insurance law. Such taxes shall  
14 only be used for the care and relief of disabled or indigent volunteer  
15 and exempt volunteer firefighters and their families.

16 § 8. This act shall take effect immediately; provided, however, that  
17 the provisions of section seven of this act shall apply to taxes due on  
18 premiums received on and after January 1, 2019.