

STATE OF NEW YORK

8817--A

IN SENATE

May 22, 2018

Introduced by Sen. MARCELLINO -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to incorporate the Cold Spring Harbor Volunteer and Exempt 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 corporation by
2 the name of "Cold Spring Harbor Volunteer and Exempt Firefighters'
3 Benevolent Association, Inc." is hereby created. It shall be composed
4 of such persons eligible to membership therein as shall be provided
5 pursuant to the provisions of this act and shall (a) notify the secre-
6 tary of the Cold Spring Harbor Volunteer Fire Department, Inc., a volun-
7 teer fire company, in writing prior to the organization meeting herein-
8 after provided for of the corporation created by this act of their
9 desire to become members, or (b) attend such meeting or an adjournment
10 thereof and signify their intention of becoming members of such corpo-
11 ration at such meeting, or (c) notify the secretary of the corporation
12 hereby created in writing within sixty days after his or her election of
13 their desire to become members thereof, and also such persons so eligi-
14 ble as may thereafter become members of such corporation pursuant to its
15 by-laws.

16 § 2. Persons eligible for membership. All persons who are now, or have
17 been, or hereafter shall be active volunteer members of the Cold Spring
18 Harbor Volunteer Fire Department, Inc. in the county of Suffolk, and
19 who have acquired or shall hereafter acquire the status of exempt volun-
20 teer firefighter as defined in section 200 of the general municipal law
21 by virtue of having rendered service in the Cold Spring Harbor Volunteer
22 Fire Department, Inc., and all persons who are now or hereafter shall be
23 active volunteer members of the Cold Spring Harbor Volunteer Fire
24 Department, Inc., shall be eligible for membership in the corporation
25 created by this act, except that any firefighter who has been removed

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

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1 for cause, expelled or dropped from the rolls of the Cold Spring Harbor
2 Volunteer Fire Department, Inc., and who has not been reinstated there-
3 in, shall not be eligible for membership in such corporation. The
4 membership of any person in such corporation shall terminate upon the
5 withdrawal of such person as an active volunteer member of the Cold
6 Spring Harbor Volunteer Fire Department, Inc. prior to the actual
7 performance by such person of five years service as an active volunteer
8 member of the Cold Spring Harbor Volunteer Fire Department, Inc. Paid
9 firefighters, if any, of the Cold Spring Harbor Volunteer Fire Depart-
10 ment, Inc., shall not be eligible for membership in the corporation.

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

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

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

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

1 officers and directors shall be elected at the annual meeting of such
2 corporation in the manner prescribed by its by-laws.

3 § 7. Precept for payment of foreign fire insurance premium taxes. Such
4 corporation shall collect and there shall be paid to it all taxes
5 imposed by section 9104 of the insurance law for fire department use and
6 benefit, upon premiums for insurance against loss or damage by fire
7 covering property protected by the Cold Spring Harbor Volunteer Fire
8 Department, Inc., in the town of Huntington, in the county of Suffolk,
9 or within any duly organized territory in which the Cold Spring Harbor
10 Volunteer Fire Department, Inc. is or may be obligated to render fire
11 protection. The officer of said corporation designated by its by-laws to
12 collect and receive the aforesaid tax shall have all the powers and be
13 subject to all the provisions of the insurance law, relating to treasur-
14 ers of fire departments. Such corporation shall also be entitled to
15 receive a share of the tax imposed by section 9105 of the insurance law,
16 based upon the business written in the territory with respect to which
17 it is entitled to collect and receive the tax under section 9104 of the
18 insurance law. Such taxes shall only be used by the corporation in
19 furtherance of its purposes as set forth in section three of this act.

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