

# STATE OF NEW YORK

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2979

2019-2020 Regular Sessions

## IN SENATE

January 31, 2019

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

AN ACT to incorporate the Volunteer Exempt Firefighter's Benevolent Association of Huntington Manor 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 Huntington Manor" is hereby created. It shall be composed of such  
4 persons eligible to membership therein as hereinafter provided and shall  
5 (a) notify the secretary of the Huntington Manor Volunteer Fire Depart-  
6 ment, Inc., a volunteer fire company, in writing prior to the organiza-  
7 tion meeting hereinafter provided for of the corporation created by this  
8 act of their desire to become members, or (b) attend such meeting or an  
9 adjournment thereof and signify their intention of becoming members of  
10 such corporation at such meeting, or (c) shall notify the secretary of  
11 the corporation hereby created in writing within sixty days after his or  
12 her election of their desire to become members thereof, and also such  
13 persons so eligible as may thereafter become members of such corporation  
14 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 Huntington  
17 Manor Fire District in the county of Suffolk, and who have acquired or  
18 shall hereafter acquire the status of exempt volunteer firefighter as  
19 defined in section 200 of the general municipal law by virtue of having  
20 rendered service in the fire department of the Huntington Manor Fire  
21 District, shall be eligible for membership in the corporation created by  
22 this act, except that any firefighter who has been removed for cause,  
23 expelled or dropped from the rolls of the fire department of the Hunt-  
24 ington Manor Fire District, and who has not been reinstated therein,

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

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1 shall not be eligible for membership in such corporation. The membership  
2 of any person in such corporation shall terminate upon the withdrawal of  
3 such person as an active volunteer member of the fire department of the  
4 Huntington Manor Fire District prior to the actual performance by such  
5 person of five years service as an active volunteer member of the fire  
6 department of the Huntington Manor Fire District paid firefighters, if  
7 any, of the Huntington Manor Fire District, shall not be eligible for  
8 membership in the corporation.

9 § 3. Purposes. The purposes of the corporation created by this act  
10 are: to provide relief, aid and assistance to the volunteer members of  
11 such corporation who are disabled or injured in the performance of their  
12 duties, and their families; to maintain a suitable headquarters for the  
13 members of such corporation; 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 such fire department of the Huntington  
20 Manor Fire District.

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 department of social services shall have first been  
26 obtained such corporation shall not establish and maintain any home or  
27 institution which, if separately incorporated, would require the  
28 approval of such department.

29 § 5. Organization meeting; by-laws. The secretary of the Huntington  
30 Manor Fire District shall call a meeting for the organization of such  
31 corporation to be held not later than 60 days after this act takes  
32 effect, notice of which shall be given by the secretary by posting or  
33 causing to be posted a notice thereof in five conspicuous places within  
34 the territory protected by the Huntington Manor Fire District and also  
35 by publication of notice thereof in one or more newspapers having a  
36 general circulation within such territory, and such posting and publica-  
37 tion shall be effected at least 10 days prior to the date of such meet-  
38 ing. 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 trustees 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 Huntington Manor Fire District, in the  
4 county of Suffolk, or within any duly organized territory in which the  
5 Huntington Manor Volunteer Fire Department is or may be obligated to  
6 render fire protection. The officer of said corporation designated by  
7 its by-laws to collect and receive the aforesaid tax shall have all the  
8 powers and be subject to all the provisions of the insurance law, relat-  
9 ing to treasurers of fire departments. Such corporation shall also be  
10 entitled to receive a share of the tax imposed by article 91 of the  
11 insurance law, based upon the business written in the territory with  
12 respect to which it is entitled to collect and receive the tax under  
13 article 91 of the insurance law. Paid firefighters, if any, of the Hunt-  
14 ington Manor Fire District shall not be eligible for membership in the  
15 corporation and shall not be entitled to receipt of the funds of the  
16 corporation or from article 91 of the insurance law.

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