

# STATE OF NEW YORK

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3476

2019-2020 Regular Sessions

## IN SENATE

February 7, 2019

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

AN ACT in relation to creating the Jamison Road Volunteer Fire Benevolent Association, Inc.

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 the "Jamison Road Volunteer Fire Benevolent Association,  
3 Inc." is hereby created. It shall be composed of such persons eligible  
4 to membership therein as shall be provided pursuant to the provisions of  
5 this act and shall (a) notify the secretary of the Jamison Road Volun-  
6 teer Fire Company, Inc., a volunteer fire company, in writing prior to  
7 the organization meeting hereinafter provided for of the corporation  
8 created by this act of their desire to become members, or (b) attend  
9 such meeting or an adjournment thereof and signify their intention of  
10 becoming members of such corporation at such meeting, or (c) notify the  
11 secretary of the corporation hereby created in writing within sixty days  
12 after his or her election of their desire to become members thereof, and  
13 also such persons so eligible as may thereafter become members of such  
14 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 Jamison Road  
17 Volunteer Fire Company, Inc. in the county of Erie, 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 Jamison Road Volunteer Fire Company,  
21 Inc., and all persons who are now or hereafter shall be active volunteer  
22 members of the Jamison Road Volunteer Fire Company, Inc., shall be  
23 eligible for membership in the corporation created by this act, except  
24 that any firefighter who has been removed for cause, expelled or dropped  
25 from the rolls of the Jamison Road Volunteer Fire Company, Inc., and who

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

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1 has not been reinstated therein, shall not be eligible for membership in  
2 such corporation. The membership of any person in such corporation shall  
3 terminate upon the withdrawal of such person as an active volunteer  
4 member of the Jamison Road Volunteer Fire Company, Inc. prior to the  
5 actual performance by such person of five years service as an active  
6 volunteer member of the Jamison Road Volunteer Fire Company, Inc. Paid  
7 firefighters, if any, of the Jamison Road Volunteer Fire Company, Inc.,  
8 shall not be eligible for 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 the Jamison Road Volunteer Fire Compa-  
20 ny, 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 or governmental agency.

29 § 5. Organization meeting; by-laws. The secretary of the Jamison Road  
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 Jamison Road Volunteer Fire Compa-  
35 ny, Inc. and also by publication of notice thereof in one or more news-  
36 papers having a general circulation within such territory and also by  
37 conspicuously posting such notice on the fire company's internet  
38 website. Such posting and publication shall be effectuated at least 10  
39 days prior to the date of such meeting. At such meeting or any adjourn-  
40 ment thereof, the members of such corporation present shall adopt  
41 by-laws and elect officers and directors to serve until the first annual  
42 meeting which shall be held on a date to be fixed by the by-laws. Any  
43 member failing to comply with the by-laws, rules or regulations duly  
44 adopted by such corporation shall be subject to suspension and expulsion  
45 in such manner as may be provided for in such by-laws. Any member, who  
46 ceases to be such, voluntarily or otherwise, shall forfeit all interest  
47 in the property of such corporation.

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

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

18     § 8. This act shall take effect immediately; provided, however, that  
19 the provisions of section seven of this act shall apply to taxes due on  
20 premiums received on and after January 1, 2020.