

STATE OF NEW YORK

8531

IN SENATE

June 8, 2020

Introduced by Sen. CARLUCCI -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend chapter 598 of the laws of 1938 relating to incorporating the volunteer and exempt firemen's benevolent association of Briarcliff Manor, New York, and providing for its powers and duties, in relation to changing the form of the benevolent from a corporation to an unincorporated association

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Sections 1, 2, 3, 4, 5, 6, 7 and 8 of chapter 598 of the
2 laws of 1938 relating to incorporating the volunteer and exempt fire-
3 men's benevolent association of Briarcliff Manor, New York, and provid-
4 ing for its powers and duties, are amended to read as follows:

5 Section 1. Volunteer and exempt [~~firemen's~~] firefighters' benevolent
6 association of Briarcliff Manor, New York. 1. A membership [~~corporation~~]
7 association by the name of "Volunteer and Exempt [~~Firemen's~~] Firefight-
8 ers' Benevolent Association of Briarcliff Manor, New York" is hereby
9 created.

10 2. All persons who now are or have been, or who hereafter shall be
11 volunteer members of the village of Briarcliff Manor fire department, or
12 of any fire engine, hook and ladder, patrol, emergency rescue squad or
13 hose company in the village of Briarcliff Manor or in any fire district
14 outside of but contiguous to such fire district which contracts with the
15 village of Briarcliff Manor for fire protection pursuant to the law in
16 such case made and provided, and all persons in any such fire district
17 and in such village who are entitled to the general exemptions of [~~fire-~~
18 ~~men~~] firefighters therein as provided in section two hundred-a of the
19 general municipal law, and two hundred nine of the village law, and
20 successor statutes respectively, and acts amendatory thereof or supple-
21 mental thereto; or of any other applicable law, shall be eligible to
22 membership therein.

23 3. Nothing contained herein or in the village law or any other such
24 applicable law shall preclude a person from membership in such Volunteer
25 and Exempt [~~Firemen's~~] Firefighters' Benevolent Association of Briar-

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

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1 cliff Manor, New York, who resides in a fire district outside of, but
2 contiguous to the village of Briarcliff Manor, when the fire commission-
3 ers of such districts have contracted with the board of trustees of the
4 village of Briarcliff Manor, for fire protection under and pursuant to
5 the provisions of law in such case made and provided.

6 § 2. Purposes ~~[and duty]~~ of the association. The purposes and duty of
7 the association is to provide relief ~~[to indigent and disabled firemen
8 and their families]~~, aid and assistance to the members of the associ-
9 ation who are indigent or disabled or who are injured in the performance
10 of their duties, and their families; to maintain a suitable headquarters
11 for the members of the association; to promote and safeguard the welfare
12 of the members of the association, and their families; to provide for
13 the health and safety of the members of the association, and their fami-
14 lies; to enhance the morale of the members of the association by provid-
15 ing social and recreational activities for the members of the associ-
16 ation; to promote friendly association for the betterment of the members
17 of the association and their families with the community, and to promote
18 the volunteer fire service within the territory protected by the Briar-
19 cliff Manor fire department.

20 § 3. Powers and duties of the association. The ~~[said]~~ association
21 shall have power to purchase, lease, take and hold, transfer and convey,
22 and to acquire by gift, devise or bequest real and personal property for
23 its ~~[corporate purpose]~~ permitted purposes. The association shall have
24 power to sue and be sued; may have and use a seal and alter the same at
25 pleasure; may make contracts, execute instruments and do any and all
26 things necessary to carry out its purposes or effectuate its powers; may
27 adopt a constitution and by-laws, may make rules and regulations for the
28 government of said association, and the regulation and management of its
29 affairs and for the voluntary withdrawal, censure, suspension and expul-
30 sion of its members, for the establishment and collection of the fees
31 and dues of its members, for the election of its officers and the safe-
32 keeping of its property and from time to time to alter, modify and
33 change such constitution, by-laws, rules and regulations. Said officers
34 and trustees shall be chosen after the first annual meeting by those
35 members of ~~[said]~~ the association who are now or may be entitled by the
36 constitution, by-laws and rules of ~~[said]~~ the association to vote. The
37 officers and trustees of said association shall hold their respective
38 offices for one year, and until their successors are chosen.

39 § 4. Control and disposal of funds. The control and disposal of funds,
40 property and estate of the ~~[said]~~ the association, the exercise of its
41 powers, and the management and control of its affairs shall be vested in
42 and exercised by a board of seven trustees, composed of the officers of
43 ~~[said corporation]~~ the association who shall be the president, the vice-
44 president, the secretary, the treasurer and three trustees. The members
45 of such board of trustees shall be elected at the annual meeting of
46 ~~[said]~~ the association.

47 § 5. Meetings of the association. The first annual meeting of ~~[said]~~
48 the association shall be held on the fourth Monday in April, nineteen
49 hundred thirty-eight, at the municipal building in the village of Briar-
50 cliff Manor at eight o'clock in the evening thereof, and each annual
51 meeting thereafter shall be held as provided in the by-laws, during the
52 corporate existence of the association, at such time and place as shall
53 be designated by the board of trustees thereof. It shall be the duty of
54 the ~~[village clerk of the village of Briarcliff Manor]~~ secretary of the
55 association to mail a notice of such meeting to all persons entitled to
56 membership in the association whose names and addresses are known to

1 such [~~village clerk~~] secretary. Such notice shall be mailed at least
2 ten days prior to such meeting. All other and further meetings of the
3 association shall be provided for in the by-laws.

4 § 6. Termination of membership. The membership of any person in [~~said~~]
5 the association shall be terminated by his or her death or by his or her
6 voluntary withdrawal therefrom, or by expulsion therefrom, and the
7 manner of such withdrawal or expulsion of members shall be determined
8 and provided for by the by-laws of [~~said~~] the association, and upon such
9 death, withdrawal or expulsion, all and every right, title and interest
10 of the person whose membership is so terminated, in or to or by reason
11 of [~~said~~] the association, by reason of his or her former membership
12 therein, or in or to its property or affects, shall except by the unani-
13 mous consent of the board of trustees of [~~such~~] the association, cease
14 and forever to be at an end.

15 § 7. Failure to elect officers and trustees. In case it shall at any
16 time happen that an election of trustees or officers of this association
17 shall not be held on the day designated therein, [~~said~~] the association,
18 for that cause, shall not be dissolved, but it shall and may be lawful
19 on any other day to hold an election for trustees and officers in such
20 manner and at such time and place as may be directed by [~~such~~] the asso-
21 ciation.

22 § 8. Precept of payment of foreign fire insurance companies. [~~Such~~
23 corporation] The association shall collect and there shall be paid to it
24 all tax imposed by section one hundred thirty-three of the insurance
25 law, and successor statutes, upon premiums on policies of insurance
26 covering property situated within the village of Briarcliff Manor, West-
27 chester county, New York, or within any duly organized territory in
28 which the fire department of said fire district is obligated to render
29 fire protection, except that [~~said corporation~~] the association shall
30 remit such percentage of all taxes so collected or paid to it, to the
31 treasurer of the firemen's association of the state of New York, as may
32 be required by the insurance law. The officer of [~~said corporation~~] the
33 association designated by its by-laws to collect and receive the afore-
34 said tax shall have all the powers and be subject to all the provisions
35 of section one hundred thirty-three of the insurance law and successor
36 statutes, relating to the treasurer of fire departments. [~~Such corpo-~~
37 ration] The association shall also be entitled to receive a share of the
38 tax imposed by section one hundred forty-nine-a of the insurance law,
39 and successor statutes, based upon the business written in the territory
40 with respect to which it is entitled to collect and receive the tax
41 under section one hundred thirty-three of the insurance law and succes-
42 sor statutes. [~~Such corporation~~] The association shall also be entitled
43 to receive and collect all taxes heretofore due and owing and unpaid at
44 the time of the creation of [~~this corporation~~] the association.

45 § 2. This act shall take effect immediately.