

STATE OF NEW YORK

4742

2019-2020 Regular Sessions

IN ASSEMBLY

February 5, 2019

Introduced by M. of A. STERN -- read once and referred to the Committee on Local Governments

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.