

STATE OF NEW YORK

9614

IN ASSEMBLY

January 27, 2020

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

AN ACT in relation to creating the Davis Park Fire Department Benevolent
Association

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

1 Section 1. Incorporation; membership. A not-for-profit corporation by
2 the name of the "Davis Park Fire Department Benevolent Association" is
3 hereby created. It shall be composed of such persons eligible to
4 membership therein as shall be provided pursuant to the provisions of
5 this act and shall (a) notify the secretary of the Davis Park Fire
6 Department, Inc., a volunteer fire company, in writing prior to the
7 organization meeting hereinafter provided for of the corporation created
8 by this act of their desire to become members, or (b) attend such meet-
9 ing or an adjournment thereof and signify their intention of becoming
10 members of such corporation at such meeting, or (c) notify the secretary
11 of the corporation hereby created in writing within sixty days after his
12 or 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 Davis Park
17 Fire Department, Inc. 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 Davis Park Fire Department, Inc., and all
21 persons who are now or hereafter shall be active volunteer members of
22 the Davis Park Fire Department, Inc., shall be eligible for membership
23 in the corporation created by this act, except that any firefighter who
24 has been removed for cause, expelled or dropped from the rolls of the
25 Davis Park Fire Department, Inc., and who has not been reinstated there-
26 in, shall not be eligible for membership in such corporation. The
27 membership of any person in such corporation shall terminate upon the
28 withdrawal of such person as an active volunteer member of the Davis

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

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1 Park Fire Department, Inc. prior to the actual performance by such
2 person of five years' service as an active volunteer member of the Davis
3 Park Fire Department, Inc. Paid firefighters, if any, of the Davis Park
4 Fire Department, Inc., shall not be eligible for membership in the
5 corporation.

6 § 3. Purposes. The purposes of the corporation created by this act
7 are: to provide relief, aid and assistance to the volunteer members of
8 such corporation who are disabled or injured in the performance of their
9 duties, and their families; to maintain a suitable headquarters for the
10 members of such corporation; to promote and safeguard the welfare of the
11 volunteer members of the corporation, and their families; to provide for
12 the health and safety of the volunteer members of the corporation; and
13 to enhance the morale of the volunteer members of the corporation by
14 providing social and recreational activities for the volunteer members
15 of the corporation, and the promotion of the volunteer fire service
16 within the territory protected by the Davis Park Fire Department, Inc.

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

25 § 5. Organization meeting; by-laws. The secretary of the Davis Park
26 Fire Department, Inc. shall call a meeting for the organization of such
27 corporation to be held not later than 60 days after this act takes
28 effect, notice of which shall be given by the secretary by posting or
29 causing to be posted a notice thereof in five conspicuous places within
30 the territory protected by the Davis Park Fire Department, Inc. and also
31 by publication of notice thereof in one or more newspapers having a
32 general circulation within such territory and also by conspicuously
33 posting such notice on the fire company's internet website. Such posting
34 and publication shall be effectuated at least 10 days prior to the date
35 of such meeting. At such meeting or any adjournment thereof, the members
36 of such corporation present shall adopt by-laws and elect officers and
37 directors to serve until the first annual meeting which shall be held on
38 a date to be fixed by the by-laws. Any member failing to comply with the
39 by-laws, rules or regulations duly adopted by such corporation shall be
40 subject to suspension and expulsion in such manner as may be provided
41 for in such by-laws. Any member, who ceases to be such, voluntarily or
42 otherwise, shall forfeit all interest in the property of such corpo-
43 ration.

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

53 § 7. Precept for payment of foreign fire insurance premium taxes. Such
54 corporation shall collect and there shall be paid to it all taxes
55 imposed by section 9104 of the insurance law for fire department use and
56 benefit, upon premiums for insurance against loss or damage by fire

1 covering property protected by the Davis Park Fire Department, Inc., in
2 the town of Brookhaven, in the county of Suffolk, or within any duly
3 organized territory in which the Davis Park Fire Department, Inc. is or
4 may be obligated to render fire protection. The officer of said corpo-
5 ration designated by its by-laws to collect and receive the aforesaid
6 tax shall have all the powers and be subject to all the provisions of
7 the insurance law, relating to treasurers of fire departments. Such
8 corporation shall also be entitled to receive a share of the tax imposed
9 by section 9105 of the insurance law, based upon the business written in
10 the territory with respect to which it is entitled to collect and
11 receive the tax under section 9104 of the insurance law. Such taxes
12 shall only be used by the corporation in furtherance of its purposes as
13 set forth in section three of this act.

14 § 8. This act shall take effect immediately; provided, however, that
15 the provisions of section seven of this act shall apply to taxes due on
16 premiums received on and after January 1, 2021.