

# STATE OF NEW YORK

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2979--A

Cal. No. 207

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 -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, passed by Senate and delivered to the Assembly, recalled, vote reconsidered, restored to third reading, amended and ordered reprinted, retaining its place in the order of third reading

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

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

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1 rendered service in the Huntington Manor Volunteer Fire Department,  
2 Inc., shall be eligible for membership in the corporation created by  
3 this act, except that any firefighter who has been removed for cause,  
4 expelled or dropped from the rolls of the Huntington Manor Volunteer  
5 Fire Department, Inc., and who has not been reinstated therein, shall  
6 not be eligible for membership in such corporation. The membership of  
7 any person in such corporation shall terminate upon the withdrawal of  
8 such person as an active volunteer member of the Huntington Manor Volun-  
9 teer Fire Department, Inc. prior to the actual performance by such  
10 person of five years service as an active volunteer member of the Hunt-  
11 ington Manor Volunteer Fire Department, Inc. paid firefighters, if any,  
12 of the Huntington Manor Volunteer Fire Department, Inc., shall not be  
13 eligible for membership in the corporation.

14 § 3. Purposes. The purposes of the corporation created by this act  
15 are: to provide relief, aid and assistance to the volunteer members of  
16 such corporation who are indigent, disabled or injured in the perform-  
17 ance of their duties, and their families; to maintain a suitable head-  
18 quarters for the members of such corporation; to promote and safeguard  
19 the welfare of the volunteer members of the corporation, and their fami-  
20 lies; to provide for the health and safety of the volunteer members of  
21 the corporation; and to enhance the morale of the volunteer members of  
22 the corporation by providing social and recreational activities for the  
23 volunteer members of the corporation, and the promotion of the volunteer  
24 fire service within the territory protected by such Huntington Manor  
25 Volunteer Fire Department, Inc.

26 § 4. Powers and duties. Such corporation shall have all the powers of  
27 a not-for-profit corporation, and the provisions of law relating to  
28 not-for-profit corporations shall apply to such corporation except where  
29 they conflict with the provisions of this act. However, unless the writ-  
30 ten approval of the applicable governmental agency or department shall  
31 have first been obtained such corporation shall not establish and main-  
32 tain any home or institution which, if separately incorporated, would  
33 require the approval of such department.

34 § 5. Organization meeting; by-laws. The secretary of the Huntington  
35 Manor Volunteer Fire Department, Inc. shall call a meeting for the  
36 organization of such corporation to be held not later than 60 days after  
37 this act takes effect, notice of which shall be given by the secretary  
38 by posting or causing to be posted a notice thereof in five conspicuous  
39 places within the territory protected by the Huntington Manor Volunteer  
40 Fire Department, Inc. and also by publication of notice thereof in one  
41 or more newspapers having a general circulation within such territory,  
42 and such posting and publication shall be effected at least 10 days  
43 prior to the date of such meeting. At such meeting or any adjournment  
44 thereof, the members of such corporation present shall adopt by-laws and  
45 elect officers and directors to serve until the first annual meeting  
46 which shall be held on a date to be fixed by the by-laws. Any member  
47 failing to comply with the by-laws, rules or regulations duly adopted by  
48 such corporation shall be subject to suspension and expulsion in such  
49 manner as may be provided for in such by-laws. Any member, who ceases to  
50 be such, voluntarily or otherwise, shall forfeit all interest in the  
51 property of such corporation.

52 § 6. Control and disposal of funds and property. The control and  
53 disposal of the funds and property of the said corporation, the exercise  
54 of its powers, and the management and control of its affairs, except as  
55 hereinafter provided, shall be vested in and exercised by a board of  
56 trustees which shall consist of no less than 7 members of the corpo-

1 ration, to wit: the president, the vice-president, the secretary and  
2 treasurer and three other members having the title of trustee. Such  
3 officers and trustees shall be elected at the annual meeting of such  
4 corporation in the manner prescribed by its by-laws.

5 § 7. Precept for payment of foreign fire insurance premium taxes. Such  
6 corporation shall collect and there shall be paid to it all taxes  
7 imposed by section 9104 of the insurance law for fire department use and  
8 benefit, upon premiums for insurance against loss or damage by fire  
9 covering property situated in the Huntington Manor Fire District, in the  
10 county of Suffolk, or within any duly organized territory in which the  
11 Huntington Manor Volunteer Fire Department is or may be obligated to  
12 render fire protection. The officer of said corporation designated by  
13 its by-laws to collect and receive the aforesaid tax shall have all the  
14 powers and be subject to all the provisions of the insurance law, relat-  
15 ing to treasurers of fire departments. Such corporation shall also be  
16 entitled to receive a share of the tax imposed by section 9105 of the  
17 insurance law, based upon the business written in the territory with  
18 respect to which it is entitled to collect and receive the tax under  
19 section 9104 of the insurance law. Such taxes shall only be used by the  
20 corporation in furtherance of its purposes as set forth by section three  
21 of this act.

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