

# STATE OF NEW YORK

10039--A

## IN ASSEMBLY

April 29, 2022

Introduced by M. of A. McMAHON -- read once and referred to the Committee on Local Governments -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend chapter 425 of the laws of 2012, incorporating the Main-Transit Volunteer Exempt Firefighter's Benevolent Association and providing for its powers and duties, in relation to the Main-Transit Volunteer Fire Department Benevolent Association's purpose and the use of foreign fire insurance premium taxes

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

1 Section 1. Sections 1, 3 and 7 of chapter 425 of the laws of 2012,  
2 incorporating the Main-Transit Volunteer Exempt Firefighter's Benevolent  
3 Association and providing for its powers and duties, are amended to read  
4 as follows:

5 Section 1. Incorporation; membership. A not-for-profit corporation by  
6 the name of "Main-Transit Volunteer [~~Exempt Firefighter's~~] Fire Depart-  
7 ment Benevolent Association" is hereby created. It shall be composed of  
8 such persons eligible to membership therein as hereinafter provided and  
9 shall (a) notify the secretary of Main-Transit Fire Department, a volun-  
10 teer fire company, in writing prior to the organization meeting herein-  
11 after provided for of the corporation created by this act of their  
12 desire to become members, or (b) shall attend such meeting or an  
13 adjournment thereof, and also such persons so eligible as may thereafter  
14 become members of such corporation pursuant to its by-laws.

15 § 3. Purposes. [~~The purposes of such corporation shall be the mainte-~~  
16 ~~nance of suitable headquarters for, and the promotion of fraternal~~  
17 ~~intercourse among the members of such corporation, the relief, aid, and~~  
18 ~~assistance of volunteer firefighters and their families who are disabled~~  
19 ~~or indigent, and the promotion of the welfare of the volunteer fire~~  
20 ~~service.] The purposes of the corporation created by this act shall be:  
21 to provide relief, aid and assistance to the volunteer members of such  
22 corporation who are disabled, indigent or injured in the performance of  
23 their duties, and their families; to promote and safeguard the welfare  
24 of the volunteer members of such corporation, and their families; to~~

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

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1 maintain a suitable headquarters for the members of such corporation; to  
2 provide for the health and safety of the volunteer members of such  
3 corporation; and to enhance the morale of the volunteer members of such  
4 corporation by providing social and recreational activities for the  
5 volunteer members of such corporation, and the promotion of the volun-  
6 teer fire service within the territory protected by such fire depart-  
7 ment.

8 § 7. Precept for payment of foreign fire insurance premium taxes. Such  
9 corporation shall collect and there shall be paid to it all taxes  
10 imposed by article 91 of the insurance law for fire department use and  
11 benefit, upon premiums for insurance against loss or damage by fire  
12 covering property situated in the Main-Transit Fire Department fire  
13 protection district, in the town of Amherst, county of Erie, or within  
14 any duly organized territory in which the Main-Transit Fire Department  
15 is or may be obligated to render fire protection. The officer of said  
16 corporation designated by its by-laws to collect and receive the afore-  
17 said tax shall have all the powers and be subject to all the provisions  
18 of the insurance law, relating to treasurers of fire departments. Such  
19 corporation shall also be entitled to receive a share of the tax imposed  
20 by article 91 of the insurance law, based upon the business written in  
21 the territory with respect to which it is entitled to collect and  
22 receive the tax under article 91 of the insurance law. Such taxes shall  
23 only be used [~~for the care and relief of disabled or indigent volunteer~~  
24 ~~and exempt volunteer firefighters and their families~~] by the corporation  
25 in furtherance of its purposes as set forth in section three of this  
26 act.

27 § 2. This act shall take effect immediately; provided however, that  
28 the amendments to section 7 of chapter 425 of the laws of 2012 made by  
29 section one of this act shall apply to taxes due on premiums received on  
30 and after January 1, 2023.