

# STATE OF NEW YORK

7116

2021-2022 Regular Sessions

## IN SENATE

June 1, 2021

Introduced by Sen. RYAN -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

AN ACT to incorporate the Kenilworth Volunteer Fire Co. #1 Benevolent Association 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 "Kenilworth Volunteer Fire Co. #1 Benevolent Association" is  
3 hereby created. It shall be composed of such persons eligible to member-  
4 ship therein as hereinafter provided and shall (a) notify the secretary  
5 of the Kenilworth Volunteer Fire Co. #1, Inc., a volunteer fire company,  
6 in writing prior to the organization meeting hereinafter provided for of  
7 the corporation created by this act of their desire to become members,  
8 or (b) attend such meeting or an adjournment thereof and signify their  
9 intention of becoming members of such corporation at such meeting, or  
10 (c) notify the secretary of the corporation hereby created in writing  
11 within sixty days after his or her election of their desire to become  
12 members thereof, and also such persons so eligible as may thereafter  
13 become members of such corporation pursuant to its by-laws.

14 § 2. Persons eligible for membership. All persons who are now, or have  
15 been, or hereafter shall be active volunteer members of the Kenilworth  
16 Volunteer Fire Co. #1, Inc. in the county of Erie, and who have acquired  
17 or shall hereafter acquire the status of exempt volunteer firefighter as  
18 defined in section 200 of the general municipal law by virtue of having  
19 rendered service in Kenilworth Volunteer Fire Co. #1, Inc., shall be  
20 eligible for membership in the corporation created by this act, except  
21 that any firefighter who has been removed for cause, expelled or dropped  
22 from the rolls of the Kenilworth Volunteer Fire Co. #1, Inc., and who  
23 has not been reinstated therein, shall not be eligible for membership in  
24 such corporation. The membership of any person in such corporation shall  
25 terminate upon the withdrawal of such person as an active volunteer

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

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1 member of the Kenilworth Volunteer Fire Co. #1, Inc. prior to the actual  
2 performance by such person of five years' service as an active volunteer  
3 member of Kenilworth Volunteer Fire Co. #1, Inc. Paid firefighters, if  
4 any, of the Kenilworth Fire District, shall not be eligible for member-  
5 ship in the 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 indigent, disabled or injured in the perform-  
9 ance of their duties, and their families; to maintain a suitable head-  
10 quarters for the members of the corporation; to promote and safeguard  
11 the welfare of the volunteer members of the corporation, and their fami-  
12 lies; to provide for the health and safety of the volunteer members of  
13 the corporation; and to enhance the morale of the volunteer members of  
14 the corporation by providing social and recreational activities for the  
15 volunteer members of the corporation, and the promotion of the volunteer  
16 fire service within the territory protected by Kenilworth Volunteer Fire  
17 Co. #1, Inc.

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

26 § 5. Organization meeting; by-laws. The secretary of the Kenilworth  
27 Volunteer Fire Co. #1, Inc. shall call a meeting for the organization of  
28 such corporation to be held not later than 60 days after this act takes  
29 effect, notice of which shall be given by the secretary by posting or  
30 causing to be posted a notice thereof in five conspicuous places within  
31 the territory protected by the Kenilworth Volunteer Fire Co. #1, Inc.  
32 and also by publication of notice thereof in one or more newspapers  
33 having a general circulation within such territory, and such posting and  
34 publication shall be effected at least 10 days prior to the date of such  
35 meeting. At such meeting or any adjournment thereof, the members of such  
36 corporation shall present and 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 members 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 7 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 trustees 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 situated in the Kenilworth Fire District, county of  
2 Erie, or within any duly organized territory in which the Kenilworth  
3 Volunteer Fire Co. #1, Inc. is or may be obligated to render fire  
4 protection. The officer of said corporation designated by its by-laws to  
5 collect and receive the aforesaid tax shall have all the powers and be  
6 subject to all the provisions of the insurance law, relating to treasur-  
7 ers of fire departments. Such corporation shall also be entitled to  
8 receive a share of the tax imposed by section 9105 of the insurance law,  
9 based upon the business written in the territory with respect to which  
10 it is entitled to collect and receive the tax under section 9104 of the  
11 insurance law. Such taxes shall only be used by the corporation in  
12 furtherance of its purposes as set forth in section three of this act.

13 § 8. This act shall take effect immediately; provided, however, that  
14 the provisions of section seven of this act shall apply to taxes due on  
15 premiums received on and after January 1, 2022.