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:

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

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

§ 3. Purposes. [~~The purposes of such corporation shall be the maintenance of suitable headquarters for, and the promotion of fraternal intercourse among the members of such corporation, the relief, aid, and assistance of volunteer firefighters and their families who are disabled or indigent, and the promotion of the welfare of the volunteer fire service.~~] The purposes of the corporation created by this act shall be: to provide relief, aid and assistance to the volunteer members of such corporation who are disabled, indigent or injured in the performance of their duties, and their families; to promote and safeguard the welfare 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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maintain a suitable headquarters for the members of such corporation; to provide for the health and safety of the volunteer members of such corporation; and to enhance the morale of the volunteer members of such corporation by providing social and recreational activities for the volunteer members of such corporation, and the promotion of the volunteer fire service within the territory protected by such fire department.

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

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