

# STATE OF NEW YORK

9959

## IN ASSEMBLY

April 21, 2022

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

AN ACT to incorporate the Croton Falls Volunteer Fire Department 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 the "Croton Falls Volunteer Fire Department Benevolent Association" is hereby created. It shall be composed of such persons eligible  
3 to membership therein as shall be provided pursuant to the  
4 provisions of this act and shall (a) notify the secretary of the Croton  
5 Falls Volunteer Fire Department, Inc., a volunteer fire company, in  
6 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 Croton Falls  
16 Volunteer Fire Department, Inc. in the county of Westchester, and who  
17 have acquired or shall hereafter acquire the status of exempt volunteer  
18 firefighter as defined in section 200 of the general municipal law by  
19 virtue of having rendered service in the Croton Falls Volunteer Fire  
20 Department, Inc., and all persons who are now or hereafter shall be  
21 active volunteer members of the Croton Falls Volunteer Fire Department,  
22 Inc., shall be eligible for membership in the corporation created by  
23 this act, except that any firefighter who has been removed for cause,  
24 expelled or dropped from the rolls of the Croton Falls Volunteer Fire  
25 Department, Inc., and who has not been reinstated therein, shall not be  
26 eligible for membership in such corporation. The membership of any  
27 person in such corporation shall terminate upon the withdrawal of such  
28

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

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1 person as an active volunteer member of the Croton Falls Volunteer Fire  
2 Department, Inc. prior to the actual performance by such person of five  
3 years' service as an active volunteer member of the Croton Falls Volun-  
4 teer Fire Department, Inc. Paid firefighters, if any, of the Croton  
5 Falls Volunteer Fire Department, Inc., shall not be eligible for member-  
6 ship in the corporation.

7 § 3. Purposes. The purposes of the corporation created by this act  
8 are: to provide relief, aid and assistance to the volunteer members of  
9 such corporation who are indigent or disabled or injured in the perform-  
10 ance of their duties, and their families; to maintain a suitable head-  
11 quarters for the members of the corporation; to promote and safeguard  
12 the welfare of the volunteer members of the corporation, and their fami-  
13 lies; to provide for the health and safety of the volunteer members of  
14 the corporation; and to enhance the morale of the volunteer members of  
15 the corporation by providing social and recreational activities for the  
16 volunteer members of the corporation, and the promotion of the volunteer  
17 fire service within the territory protected by the Croton Falls Volun-  
18 teer Fire Department, Inc.

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

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

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

55 § 7. Precept for payment of foreign fire insurance premium taxes. Such  
56 corporation shall collect and there shall be paid to it all taxes

1 imposed by section 9104 of the insurance law for fire department use and  
2 benefit, upon premiums for insurance against loss or damage by fire  
3 covering property protected by the Croton Falls Volunteer Fire Depart-  
4 ment, Inc., in the county of Westchester, or within any duly organized  
5 territory in which the Croton Falls Volunteer Fire Department, Inc. is  
6 or may be obligated to render fire protection. The officer of said  
7 corporation designated by its by-laws to collect and receive the afore-  
8 said tax shall have all the powers and be subject to all the provisions  
9 of the insurance law, relating to treasurers of fire departments. Such  
10 corporation shall also be entitled to receive a share of the tax imposed  
11 by section 9105 of the insurance law, based upon the business written in  
12 the territory with respect to which it is entitled to collect and  
13 receive the tax under section 9104 of the insurance law. Such taxes  
14 shall only be used by the corporation in furtherance of its purposes as  
15 set forth in section three of this act.

16 § 8. This act shall take effect immediately; provided, however, that  
17 the provisions of section seven of this act shall apply to taxes due on  
18 premiums received on and after January 1, 2023.