

STATE OF NEW YORK

8810--A

IN SENATE

April 19, 2022

Introduced by Sen. HARCKHAM -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 Asso-
3 ciation" is hereby created. It shall be composed of such persons eligi-
4 ble to membership therein as shall be provided pursuant to the
5 provisions of this act and shall (a) notify the secretary of the Croton
6 Falls Volunteer Fire Department, Inc., a volunteer fire company, in
7 writing prior to the organization meeting hereinafter provided for of
8 the corporation created by this act of their desire to become members,
9 or (b) attend such meeting or an adjournment thereof and signify their
10 intention of becoming members of such corporation at such meeting, or
11 (c) notify the secretary of the corporation hereby created in writing
12 within sixty days after his or her election of their desire to become
13 members thereof, and also such persons so eligible as may thereafter
14 become members of such corporation 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 Croton Falls
17 Volunteer Fire Department, Inc. in the county of Westchester, and who
18 have acquired or shall hereafter acquire the status of exempt volunteer
19 firefighter as defined in section 200 of the general municipal law by
20 virtue of having rendered service in the Croton Falls Volunteer Fire
21 Department, Inc., and all persons who are now or hereafter shall be
22 active volunteer members of the Croton Falls Volunteer Fire Department,
23 Inc., shall be eligible for membership in the corporation created by
24 this act, except that any firefighter who has been removed for cause,
25 expelled or dropped from the rolls of the Croton Falls Volunteer Fire
26 Department, Inc., and who has not been reinstated therein, shall not be

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

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

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

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

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

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

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

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