STATE OF NEW YORK

8842--A

IN ASSEMBLY

January 18, 2024

Introduced by M. of A. SHIMSKY -- 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 624 of the laws of 1940 incorporating the volunteer and exempt firemen's benevolent association of Valhalla, New York, and providing for its powers and duties, in relation to the name and purpose of such association 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. Subdivisions 1, 2 and 3 of section 1 of chapter 624 of the laws of 1940 incorporating the volunteer and exempt firemen's benevolent association of Valhalla, New York, and providing for its powers and duties, are amended to read as follows:

1. A membership corporation by the name of "Volunteer and Exempt [~~Firemen's~~] **Firefighters'** Benevolent Association of Valhalla, New York," is hereby created.

2. All persons who now are, or have been, or who hereafter shall be **active** volunteer members of the Valhalla fire department or any fire engine, hook and ladder, patrol, emergency rescue squad or hose company in the Valhalla fire district or any fire district outside but contiguous to such fire district which contracts with the Valhalla fire department for fire protection pursuant to the town law, and all persons in any such fire district who [~~are entitled to the general exemptions of firemen therein as provided in section two hundred-a of the general municipal law and two hundred nine of the village law, and acts amendatory thereof or supplemental thereto, or of any other applicable law,~~] **have heretofore acquired or shall hereafter acquire the status of exempt volunteer firefighters as defined in section two hundred of the general municipal law or any other applicable law by virtue of having rendered service in the Valhalla fire district** shall be eligible to membership [~~therein.~~] **in the corporation created by this act; except that any firefighter who has been removed for cause, expelled or dropped from the rolls of the Valhalla Fire Department, and who has not been reinstated**

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

LBD13791-06-4

therein, shall not be eligible for membership in such corporation. The membership of any person in such corporation shall terminate upon the withdrawal of such person as an active volunteer member of the Valhalla Fire Department prior to the actual performance by such person of five years' service as an active volunteer member of the Valhalla Fire Department. Paid firefighters, if any, in the Valhalla Fire Department, shall not be eligible for membership in the corporation.

3. Nothing contained herein or in the village law or any other such applicable law shall preclude a person from membership in such Volunteer and Exempt [~~Firemen's~~] Firefighters' Benevolent Association of Valhalla, New York, who resides in a fire district outside of but contiguous to the Valhalla fire district, when the fire commissioners of such districts have contracted with the board of fire commissioners of the Valhalla fire district for fire protection under and pursuant to the provisions of law in such case made and provided.

§ 2. Sections 2 and 8 of chapter 624 of the laws of 1940 incorporating the volunteer and exempt firemen's benevolent association of Valhalla, New York, and providing for its powers and duties, are amended to read as follows:

§ 2. Purposes and duty of the association. The purposes and duty [~~of the association is to provide relief to indigent and disabled firemen and their families~~] of the corporation created by this act shall be: to provide relief, aid and assistance to the volunteer members of such corporation who are indigent or disabled 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 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 for the social and recreational wellbeing of the volunteer members of the corporation, and the promotion of the volunteer fire service within the territory protected by the Valhalla fire department.

§ 8. Precept for payment of foreign fire insurance [~~companies~~] premium taxes. Such corporation shall collect and there shall be paid to it all tax imposed by section [~~one hundred thirty-three~~] 9104 of the insurance law upon premiums on policies of insurance covering property situated within the Valhalla Fire District of the Town of Mount Pleasant, Westchester county, New York, or within any duly organized territory in which the fire department of said district is obligated to render fire protection, except that said corporation shall remit such percentage of all taxes so collected or paid to it, to the treasurer of the [~~firemen's association~~] Firefighters' Association of the [~~state~~] State of New York, as may be required by the insurance law. 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 section [~~one hundred thirty-three~~] 9104 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 section [~~one-hundred forty-nine-a~~] 9105 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 section [~~one hundred thirty-three~~] 9104 of the insurance law. Such corporation shall also be entitled to receive and collect all taxes heretofore due and owing and unpaid at the time of the creation of this corporation. Such taxes shall be used only [~~for the care and relief of disabled or indigent volunteer and exempt firemen and their families~~] by

the corporation in furtherance of its purposes as set forth in section two of this act.

§ 3. This act shall take effect immediately; provided however, that the amendments to section 8 of chapter 624 of the laws of 1940 made by section two of this act shall apply to taxes due on premiums received on and after January 1, 2025.