

# STATE OF NEW YORK

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8505

## IN SENATE

February 6, 2024

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

AN ACT to incorporate the Bedford Hills 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 "Bedford Hills Fire Department 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 Bedford Hills Fire Department, a volunteer fire department, 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 Bedford  
16 Hills Fire Department in the county of Westchester, and who have  
17 acquired or shall hereafter acquire the status of exempt volunteer fire-  
18 fighter as defined in section 200 of the general municipal law by virtue  
19 of having rendered service in the Bedford Hills Fire Department, shall  
20 be eligible for membership in the corporation created by this act,  
21 except that any firefighter who has been removed for cause, expelled or  
22 dropped from the rolls of the Bedford Hills Fire Department, and who has  
23 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  
26 member of the Bedford Hills Fire Department prior to the actual perform-  
27 ance by such person of five years' service as an active volunteer member  
28 of the Bedford Hills Fire Department. Paid firefighters, if any, of the

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

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1 Bedford Hills Fire District, shall not be eligible for membership in the  
2 corporation.

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

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

23 § 5. Organization meeting; by-laws. The secretary of the Bedford Hills  
24 Fire Department shall call a meeting for the organization of such corpo-  
25 ration to be held not later than 60 days after this act takes effect,  
26 notice of which shall be given by the secretary by posting or causing to  
27 be posted a notice thereof in five conspicuous places within the terri-  
28 tory protected by the Bedford Hills Fire Department and also by publica-  
29 tion of notice thereof in one or more newspapers having a general circula-  
30 tion within such territory, and such posting and publication shall be  
31 effected at least 10 days prior to the date of such meeting. At such  
32 meeting or any adjournment thereof, the members of such corporation  
33 shall present and adopt by-laws and elect officers and directors to  
34 serve until the first annual meeting which shall be held on a date to be  
35 fixed by the by-laws. Any member failing to comply with the by-laws,  
36 rules or regulations duly adopted by such corporation shall be subject  
37 to suspension and expulsion in such manner as may be provided for in  
38 such by-laws. Any members who ceases to be such, voluntarily or other-  
39 wise, shall forfeit all interest in the property of such corporation.

40 § 6. Control and disposal of funds and property. The control and  
41 disposal of the funds and property of the said corporation, the exercise  
42 of its powers, and the management and control of its affairs, except as  
43 hereinafter provided, shall be vested in and exercised by a board of  
44 trustees which shall consist of no less than 7 members of the corpo-  
45 ration, to wit: the president, the vice-president, the secretary and  
46 treasurer and three other members having the title of trustee. Such  
47 officers and trustees shall be elected at the annual meeting of such  
48 corporation in the manner prescribed by its by-laws.

49 § 7. Precept for payment of foreign fire insurance premium taxes. Such  
50 corporation shall collect and there shall be paid to it all taxes  
51 imposed by section 9104 of the insurance law for fire department use and  
52 benefit, upon premiums for insurance against loss or damage by fire  
53 covering property situated in the Bedford Hills Fire District, county of  
54 Westchester, or within any duly organized territory in which the Bedford  
55 Hills Fire Department is or may be obligated to render fire protection.  
56 The officer of said corporation designated by its by-laws to collect and

1 receive the aforesaid tax shall have all the powers and be subject to  
2 all the provisions of the insurance law, relating to treasurers of fire  
3 departments. Such corporation shall also be entitled to receive a share  
4 of the tax imposed by section 9105 of the insurance law, based upon the  
5 business written in the territory with respect to which it is entitled  
6 to collect and receive the tax under section 9104 of the insurance law.  
7 Such taxes shall only be used by the corporation in furtherance of its  
8 purposes as set forth in section three of this act.

9 § 8. This act shall take effect immediately; provided, however, that  
10 the provisions of section seven of this act shall apply to taxes due on  
11 premiums received on and after January 1, 2025.