STATE OF NEW YORK

9546

IN SENATE

May 16, 2024

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

AN ACT to amend chapter 260 of the laws of 1954 relating to the Volunteer and Exempt Firemen's Benevolent Association of Mount Kisco, Westchester County, New York, Inc., in relation to the purposes and duties of such corporation 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, 2, 3 and 8 of chapter 260 of the laws of 1954 relating to incorporating the Volunteer and Exempt Firemen's Benevolent Association of Mount Kisco, New York, are amended to read as follows:

Section 1. Incorporation; membership. A membership corporation by the name of "Volunteer and Exempt [~~Firemen's~~] Firefighter's Benevolent Association of Mount Kisco, Westchester County, New York, Inc.," is hereby created. It shall be composed of such persons eligible for membership therein as hereinafter provided as shall (a) notify the secretary of the Mount Kisco fire department in writing prior to the organization meeting of such corporation hereinafter provided for of their desire to become members, or (b) shall attend such meeting or an adjournment thereof and signify their intention of becoming members at such meeting, or (c) shall notify the secretary of the corporation hereby created in writing within sixty days after his election of their desire to become members thereof, and also such persons so eligible as may become members of such corporation pursuant to its by-laws.

§ 2. Persons eligible to membership. All persons who are now, or who have been, or who hereafter shall be active volunteer members of the Mount Kisco fire department, and who have heretofore acquired or shall hereafter acquire the status of exempt volunteer [~~firemen~~] firefighter as defined in section two hundred of the general municipal law or any other applicable law by virtue of having rendered service in the Mount Kisco fire department, and all persons who are now or hereafter shall be active volunteer members of the Mount Kisco fire department shall be eligible for membership in the corporation created by this act, except

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

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that any [~~fireman~~] **firefighter** who has been removed for cause, expelled or dropped from the rolls of any fire company or department, and who has not been reinstated 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 Mount Kisco fire department prior to the actual performance by such person of five years service as an active volunteer member of the Mount Kisco fire department.

§ 3. Purposes **and duty of the association**. The purposes of the corporation created by this act shall be [~~the~~]: **(a) to provide** relief, aid and assistance [~~of~~] **to the volunteer** the members of such corporation who are disabled or indigent**, or injured in the performance of such member's duties,** and [~~their~~] **such members'** families[~~, the maintenance of~~]**; (b) to promote and safeguard the welfare of the volunteer members of such corporation, and such members' families; (c) to provide for the health and safety of the volunteer members of the corporation; (d) to maintain a** suitable headquarters for [~~and the promotion of fraternal intercourse among~~] the members of such corporation[~~,~~]**; (e) 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 **(f)** the promotion of the volunteer fire service within the territory protected by such Mount Kisco fire department[~~, Mount Kisco, Westchester county, New York. However, unless the written approval of the state board of social welfare, shall have first been obtained, this corporation shall not establish and maintain any home or institution which, if separately incorporated, would require the approval of such board~~].

§ 8. Precept for payment of foreign fire insurance premium taxes. Such corporation shall collect and there shall be paid to it all tax imposed by section [~~five hundred fifty-three~~] **nine thousand one hundred four** of the insurance law, for fire department use and benefit upon premiums for insurance against loss or damage by fire covering property situated within the territory protected by the Mount Kisco fire department of the village of Mount Kisco, Westchester county, New York, and within any duly organized territory in which the Mount Kisco fire department 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 the same powers as provided by law for the treasurer of a fire department with respect to such collection and receipt. Such corporation shall also be entitled to receive a share of the tax imposed by section [~~five hundred fifty-four~~] **nine thousand one hundred five** 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 [~~five hundred fifty-three~~] **nine thousand one hundred four** of the insurance law. Such taxes shall only be used [~~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 three of this act**.

§ 2. This act shall take effect immediately; provided however, that the amendments to section 8 of chapter 260 of the laws of 1954 relating to incorporating the Volunteer and Exempt Firemen's Benevolent Association of Mount Kisco, Westchester County, New York, Inc., made by section one of this act shall apply to taxes due on premiums received on and after January 1, 2025.