

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:

1 Section 1. Sections 1, 2, 3 and 8 of chapter 260 of the laws of 1954
2 relating to incorporating the Volunteer and Exempt Firemen's Benevolent
3 Association of Mount Kisco, New York, are amended to read as follows:

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

17 § 2. Persons eligible to membership. All persons who are now, or who
18 have been, or who hereafter shall be active volunteer members of the
19 Mount Kisco fire department, and who have heretofore acquired or shall
20 hereafter acquire the status of exempt volunteer [~~firemen~~ firefighter
21 as defined in section two hundred of the general municipal law or any
22 other applicable law by virtue of having rendered service in the Mount
23 Kisco fire department, and all persons who are now or hereafter shall be
24 active volunteer members of the Mount Kisco fire department shall be
25 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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1 that any [~~fireman~~] firefighter who has been removed for cause, expelled
2 or dropped from the rolls of any fire company or department, and who has
3 not been reinstated therein, shall not be eligible for membership in
4 such corporation. The membership of any person in such corporation shall
5 terminate upon the withdrawal of such person as an active volunteer
6 member of the Mount Kisco fire department prior to the actual perform-
7 ance by such person of five years service as an active volunteer member
8 of the Mount Kisco fire department.

9 § 3. Purposes and duty of the association. The purposes of the corpo-
10 ration created by this act shall be [~~the~~]: (a) to provide relief, aid
11 and assistance [~~of~~] to the volunteer the members of such corporation who
12 are disabled or indigent, or injured in the performance of such member's
13 duties, and [~~their~~] such members' families[~~, the maintenance of~~]; (b) to
14 promote and safeguard the welfare of the volunteer members of such
15 corporation, and such members' families; (c) to provide for the health
16 and safety of the volunteer members of the corporation; (d) to maintain
17 a suitable headquarters for [~~and the promotion of fraternal intercourse~~
18 ~~among~~] the members of such corporation[~~,~~]; (e) to enhance the morale of
19 the volunteer members of such corporation by providing social and recre-
20 ational activities for the volunteer members of such corporation; and
21 (f) the promotion of the volunteer fire service within the territory
22 protected by such Mount Kisco fire department[~~, Mount Kisco, Westchester~~
23 ~~county, New York. However, unless the written approval of the state~~
24 ~~board of social welfare, shall have first been obtained, this corpo-~~
25 ~~ration shall not establish and maintain any home or institution which,~~
26 ~~if separately incorporated, would require the approval of such board~~].

27 § 8. Precept for payment of foreign fire insurance premium taxes. Such
28 corporation shall collect and there shall be paid to it all tax imposed
29 by section [~~five hundred fifty-three~~] nine thousand one hundred four of
30 the insurance law, for fire department use and benefit upon premiums for
31 insurance against loss or damage by fire covering property situated
32 within the territory protected by the Mount Kisco fire department of the
33 village of Mount Kisco, Westchester county, New York, and within any
34 duly organized territory in which the Mount Kisco fire department may be
35 obligated to render fire protection. The officer of said corporation
36 designated by its by-laws to collect and receive the aforesaid tax shall
37 have the same powers as provided by law for the treasurer of a fire
38 department with respect to such collection and receipt. Such corporation
39 shall also be entitled to receive a share of the tax imposed by section
40 [~~five hundred fifty-four~~] nine thousand one hundred five of the insur-
41 ance law, based upon the business written in the territory with respect
42 to which it is entitled to collect and receive the tax under section
43 [~~five hundred fifty-three~~] nine thousand one hundred four of the insur-
44 ance law. Such taxes shall only be used [~~for the care and relief of~~
45 ~~disabled or indigent volunteer and exempt firemen and their families~~] by
46 the corporation in furtherance of its purposes as set forth in section
47 three of this act.

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