# STATE OF NEW YORK

10070

# IN ASSEMBLY

May 2, 2024

Introduced by M. of A. BURDICK -- read once and referred to the Committee on Local Governments

AN ACT to amend chapter 620 of the laws of 1938 incorporating the Volunteer and Exempt Firemen's Benevolent Association of Millwood, New York, and providing for its powers and duties, and providing for the payment to such corporation of a share of the foreign fire insurance premium taxes, in relation to the purposes and duties of such association and making certain technical amendments thereto

**The People of the State of New York, represented in Senate and Assembly, do enact as follows:**

Section 1. Chapter 620 of the laws of 1938 incorporating the Volunteer and Exempt Firemen's Benevolent Association of Millwood, New York, and providing for its powers and duties, and providing for the payment to such corporation of a share of the foreign fire insurance premium taxes, is amended to read as follows:

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

2. All persons who now are, or have been, or who hereafter shall be **active** volunteer members of the Millwood fire department or of any fire engine, hook and ladder, patrol, emergency rescue squad**,** or hose company in the Millwood fire district or in any fire district outside of but contiguous to such fire district which contracts with the Millwood fire district for fire protection pursuant to the town law, and all persons in any such fire district [~~or in such village 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, respectively, and acts amendatory thereof or supplemental thereto, or of any other applicable law,~~] **who 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 Millwood fire district, and all persons who are now or hereafter shall be active volunteer members of said fire department** 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**

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

LBD14095-02-4

the rolls of the Millwood fire 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 Millwood fire department prior to the actual performance by such person of five years' service as an active volunteer member of the Millwood fire department. Paid firefighters, if any, in the Millwood 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 Millwood, New York, who resides in a fire district outside of, but contiguous to the Millwood fire district, when the fire commissioners of such districts have contracted with the board of fire commissioners of the Millwood fire district for fire protection under and pursuant to the provisions of subdivision twenty-two of section one hundred seventy-six of the town law and acts amendatory thereof and supplemental thereto.

§ 2. Purposes and duty of the association. The purposes and duty of the [~~association is to provide relief to indigent and disabled firemen~~] corporation created by this act are (i) 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; (ii) to promote and safeguard the welfare of the volunteer members of the corporation and their families; (iii) to provide for the health and safety of the volunteer members of the corporation; (iv) to maintain a suitable headquarters for the members of the corporation; (v) to enhance the morale of the volunteer members of the corporation by the provision of social and recreational activities for the volunteer members of the corporation; and (vi) the promotion of the volunteer fire service within the territory protected by the Millwood Fire Company Number One, Inc.

§ 3. Powers and duties of the association. The said association shall have power to purchase, lease, take and hold, transfer and convey, and to acquire by gift, devise or bequest real and personal property for its corporate purposes. The association shall have power to sue and be sued; may have and use a seal and alter the same at pleasure; may make contracts, execute instruments and do any and all things necessary to carry out its purposes or effectuate its powers; may adopt a constitution and by-laws; may make rules and regulations for the government of said association and the regulation and management of its affairs and for the voluntary withdrawal, censure, suspension and expulsion of its members, for the establishment and collection of the fees and dues of its members, for the election of its officers and the safekeeping of its property and from time to time to alter, modify and change such constitution, by-laws, rules and regulations. Said officers and trustees shall be chosen after the first annual meeting by those members of said association who are now or may be entitled, by the constitution, by-laws and rules and regulations of said association to vote. The officers and trustees of such association shall hold their respective offices for one year and until their successors are chosen.

§ 4. Control and disposal of funds. The control and disposal of the funds, property and estate of the said association, the exercise of its powers, and the management and control of its affairs shall be vested in and exercised by a board of six trustees, composed of the officers of said corporation who shall be the president, the vice-president, the

secretary-treasurer and three trustees. The members of such board of trustees shall be elected at the annual meeting of said association.

§ 5. Meetings of the association. The first annual meeting of said association and each annual meeting thereafter, during the corporate existence of the association, shall be held at a time and place to be designated in the constitution and by-laws of the association. It shall be the duty of the secretary of the board of fire commissioners of the Millwood fire district to mail a notice of the first annual meeting to all persons entitled to membership in the association whose names and addresses are known to such secretary. Such notice shall be mailed at least ten days prior to such meeting. All other and further meetings of the association shall be provided for in the by-laws.

§ 6. Termination of membership. The membership of any person in said association shall be terminated by [~~his~~] the death of such person or by [~~his~~] such person's voluntary withdrawal therefrom, or by expulsion therefrom, and the manner of such withdrawal or expulsion of members shall be determined and provided for by the by-laws of said association, and upon such death, withdrawal or expulsion, all and every right, title and interest of the person whose membership is so terminated, in or to or by reason of the said association, by reason of [~~his~~] such person's former membership therein, or in or to its property or effects, shall except by the unanimous consent of the board of trustees of such association, cease and forever be at an end.

§ 7. Failure to elect officers and trustees. In case that it shall at any time happen that an election of trustees or officers of this association shall not be held on the day designated therein, said association, for that cause shall not be dissolved, but it shall and may be lawful on any other day to hold an election for trustees and officers in such manner and at such time and place as may be directed by such association.

§ 8. Precept of 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 Millwood fire district of the town of New Castle, 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~~] firefighter's association of the 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 taxes shall only be used by the corporation in furtherance of its purposes as set forth in section two of this act.

§ 9. This act shall take effect immediately.

§ 2. This act shall take effect immediately; provided however, that the amendments to section 8 of chapter 620 of the laws of 1938 made by section one of this act shall apply to taxes due on premiums received on and after January 1, 2025.