

STATE OF NEW YORK

7839--A

2025-2026 Regular Sessions

IN ASSEMBLY

April 11, 2025

Introduced by M. of A. FITZPATRICK -- read once and referred to the Committee on Local Governments -- ordered to a third reading -- committed to the Committee on Local Governments in accordance with Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend chapter 19 of the laws of 1964, relating to incorporating the Nesconset Volunteer Exempt Firemen's Benevolent Association, and providing for its powers and duties, in relation to the 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:

1 Section 1. Sections 1, 2, 3 and 7 of chapter 19 of the laws of 1964,
2 relating to incorporating the Nesconset Volunteer Exempt Firemen's
3 Benevolent Association, and providing for its powers and duties, are
4 amended to read as follows:

5 Section 1. Incorporation; membership. A membership corporation by the
6 name of "Nesconset Volunteer Exempt [~~Firemen's~~ **Firefighter's** Benevolent
7 Association" is hereby created. It shall be composed of such persons
8 eligible to membership therein as hereinafter provided as shall (a)
9 notify the secretary of the Nesconset volunteer fire department in writ-
10 ing prior to the organization meeting of such corporation hereinafter
11 provided for of their desire to become members, or (b) shall attend such
12 meeting or an adjournment thereof, and also such persons so eligible as
13 may become members of such corporation pursuant to its by-laws.

14 § 2. Persons eligible to membership. All persons who are now, or who
15 have been, or who hereafter shall be active volunteer members of the
16 Nesconset volunteer fire department, or of any fire corporation in the
17 Nesconset fire district, and who have heretofore acquired or shall here-
18 after acquire the status of exempt volunteer [~~firemen~~ **firefighters** as
19 defined in section two hundred of the general municipal law or any other
20 applicable law by virtue of having rendered service in the Nesconset

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

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1 volunteer fire department, or of any fire corporation in the Nesconset
2 fire district, and all persons who are active volunteer members of the
3 Nesconset volunteer fire department shall be eligible for membership in
4 the corporation created by this act, except that any [~~fireman~~] fire-
5 fighter who has been removed for cause, expelled or dropped from the
6 rolls of any fire company or department, and who has not been reinstated
7 therein, shall not be eligible for membership in such corporation. The
8 membership of any such person in such corporation shall terminate upon
9 the withdrawal of such person as an active volunteer member of the
10 Nesconset volunteer fire department prior to the actual performance by
11 such person of five years service as an active volunteer member of the
12 Nesconset volunteer fire department. Whenever a member who is not an
13 exempt [~~fireman~~] firefighter as defined by section two hundred of the
14 general municipal law shall move from such fire district or from terri-
15 tory provided with fire protection as aforesaid or if the territory in
16 which a member resides shall no longer be provided with fire protection,
17 [~~his~~] such member's membership in such corporation shall cease. Paid
18 firefighters, if any, of the Nesconset fire district or Nesconset volun-
19 teer fire department, shall not be eligible for membership in the corpo-
20 ration.

21 § 3. Purposes. [~~The purposes of such corporation shall be the mainte-~~
22 ~~nance of suitable headquarters for, and the promotion of fraternal~~
23 ~~intercourse among the members of such corporation, the relief, aid and~~
24 ~~assistance of such members and their families who are disabled or indig-~~
25 ~~ent, and the promotion of the welfare if the volunteer fire service~~
26 ~~within the Nesconset fire district and territory provided with fire~~
27 ~~protection by contract with such fire district.] The purposes of the
28 corporation created by this act shall be: to provide relief, aid and
29 assistance to the volunteer members of such corporation who are disa-
30 bled, indigent or injured in the performance of their duties, and their
31 families; to promote and safeguard the welfare of the volunteer members
32 of such corporation, and their families; to maintain a suitable head-
33 quarters for the members of such corporation; to provide for the health
34 and safety of the volunteer members of such corporation; and to enhance
35 the morale of the volunteer members of such corporation by providing
36 social and recreational activities for the volunteer members of such
37 corporation, and the promotion of the volunteer fire service within the
38 territory protected by the Nesconset volunteer fire department.~~

39 § 7. Precept for payment of foreign fire insurance premium taxes. Such
40 corporation shall collect and there shall be paid to it all taxes
41 imposed by section [~~five hundred fifty three~~] nine thousand one hundred
42 four of the insurance law, for fire department use and benefit, upon
43 premiums for insurance against loss or damage by fire covering property
44 situated within the territory protected by the Nesconset volunteer fire
45 department, located in the town of Smithtown, Suffolk county, New York,
46 or within any duly organized territory in which the Nesconset volunteer
47 fire department is or may be obligated to render fire protection. The
48 officer of said corporation designated by its by-laws to collect and
49 receive the aforesaid tax shall have all the powers and to be subject to
50 all the provisions of the insurance law, relating to treasurers of fire
51 departments. Such corporation shall also be entitled to receive a share
52 of the tax imposed by section [~~five hundred fifty four~~] nine thousand
53 one hundred five of the insurance law, based upon the business written
54 in the territory with respect to which it is entitled to collect and
55 receive the tax under section [~~five hundred fifty three~~] nine thousand
56 one hundred five of the insurance law. Such taxes shall only be used

1 [~~for the care and relief of disabled or indigent volunteer and exempt~~
2 ~~volunteer firemen and their families~~] by the corporation in furtherance
3 of its purposes as set forth under section three of this act.

4 § 2. This act shall take effect immediately; provided, however, that
5 the amendments to section 7 of chapter 19 of the laws of 1964 relating
6 to incorporating the Nesconset Volunteer Exempt Firemen's Benevolent
7 Association, and providing for its powers and duties, made by section
8 one of this act shall apply to taxes due and premiums received on and
9 after January 1, 2027.