

STATE OF NEW YORK

10051

IN ASSEMBLY

January 30, 2026

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

AN ACT in relation to establishing the Clarence Center Volunteer Exempt Firefighter's Benevolent Association

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 "Clarence Center Volunteer Exempt Firefighter's Benevolent
3 Association", is hereby created. It shall be composed of such persons
4 eligible to membership therein as hereinafter provided pursuant to the
5 provisions of this act and shall (a) notify the secretary of the
6 Clarence Center Volunteer Fire Company, Inc., a volunteer fire company,
7 in writing prior to the organization meeting hereinafter provided for of
8 the corporation created by this act of their desire to become members,
9 or (b) attend such meeting or an adjournment thereof and signify their
10 intention of becoming members of such corporation at such meeting, or
11 (c) notify the secretary of the corporation hereby created in writing
12 within sixty days after their election of their desire to become members
13 thereof, and also such persons so eligible as may thereafter become
14 members of such corporation pursuant to its by-laws.

15 § 2. Persons eligible for membership. All persons who are now, or have
16 been, or hereafter shall be active volunteer members of the Clarence
17 Center Volunteer Fire Company, Inc., in the county of Erie, and who have
18 acquired or shall hereafter acquire the status of exempt volunteer fire-
19 fighter as defined in section 200 of the general municipal law by virtue
20 of having rendered service in the Clarence Center Volunteer Fire Compa-
21 ny, Inc., and all persons who are now or hereafter shall be active
22 volunteer members of the Clarence Center Volunteer Fire Company, Inc.,
23 shall be eligible for membership in the corporation created by this act,
24 except that any firefighter who has been removed for cause, expelled or
25 dropped from the rolls of the Clarence Center Volunteer Fire Company,
26 Inc., and who has not been reinstated therein, shall not be eligible for
27 membership in such corporation. The membership of any person in such
28 corporation shall terminate upon the withdrawal of such person as an

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

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1 active volunteer member of the Clarence Center Fire Volunteer Fire
2 Company, Inc., prior to the actual performance by such person of five
3 years service as an active volunteer member of Clarence Center Volunteer
4 Fire Company, Inc. Paid firefighters, if any, of the Clarence Center
5 Volunteer Fire Company, Inc., shall not be eligible for membership in
6 the corporation.

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

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

27 § 5. Organization meeting; by-laws. The secretary of the Clarence
28 Center Volunteer Fire Company, Inc. shall call a meeting for the organ-
29 ization of such corporation to be held not later than sixty days after
30 this act takes effect, notice of which shall be given by the secretary
31 by posting or causing to be posted a notice thereof in five conspicuous
32 places within the territory protected by the Clarence Center Volunteer
33 Fire Company, Inc. and also by publication of notice thereof in one or
34 more newspapers having a general circulation within such territory and
35 also by conspicuously posting such notice on the fire company's internet
36 website. Such posting and publication shall be effectuated at least ten
37 days prior to the date of such meeting. At such meeting or any adjourn-
38 ment thereof, the members of such corporation shall present and adopt
39 by-laws and elect officers and directors to serve until the first annual
40 meeting which shall be held on a date to be fixed by the by-laws. Any
41 member failing to comply with the by-laws, rules or regulations duly
42 adopted by such corporation shall be subject to suspension and expulsion
43 in such manner as may be provided for in such by-laws. Any member, who
44 ceases to be such, voluntarily or otherwise, shall forfeit all interest
45 in the property of such corporation.

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

55 § 7. Precept for payment of foreign fire insurance premium taxes. Such
56 corporation shall collect and there shall be paid to it all taxes

1 imposed by section 9104 of the insurance law for fire department use and
2 benefit, upon premiums for insurance against loss or damage by fire
3 covering property situated in that portion of the town of Clarence,
4 county of Erie, served by the Clarence Center Volunteer Fire Company,
5 Inc., or within any duly organized territory in which the Clarence
6 Center Volunteer Fire Company, Inc. is or may be obligated to render
7 fire protection. The officer of said corporation designated by its
8 by-laws to collect and receive the aforesaid tax imposed shall have all
9 the powers and be subject to all the provisions of the insurance law,
10 relating to treasures of fire departments. Such corporation shall also
11 be entitled to receive a share of the tax imposed by section 9105 of the
12 insurance law, based upon the business written in the territory with
13 respect to which it is entitled to collect and receive the tax under
14 section 9104 of the insurance law. Such taxes shall only be used by the
15 corporation in furtherance of its purposes as set forth in section three
16 of this act.

17 § 8. This act shall take effect immediately; provided, however, that
18 the provisions of section seven of this act shall apply to taxes due on
19 premiums received on and after January 1, 2027.