

# STATE OF NEW YORK

10278

## IN ASSEMBLY

February 20, 2026

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

AN ACT to incorporate the New Hartford Volunteer Exempt Firefighters' Benevolent Association and providing for its powers and duties

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 "New Hartford Volunteer Exempt Firefighters' Benevolent  
3 Association" is hereby created. It shall be composed of such persons  
4 eligible to membership therein as hereinafter provided and shall (a)  
5 notify the secretary of the New Hartford Fire Department, a volunteer  
6 fire department, in writing prior to the organization meeting hereinaft-  
7 er provided for of the corporation created by this act of their desire  
8 to become members, or (b) attend such meeting or an adjournment thereof  
9 and signify their intention of becoming members of such corporation at  
10 such meeting, or (c) notify the secretary of the corporation hereby  
11 created in writing within sixty days after their election of their  
12 desire to become members thereof, and also such persons so eligible as  
13 may thereafter become members of such corporation pursuant to its  
14 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 New Hartford  
17 Fire Department in the county of Oneida, and who have acquired or shall  
18 hereafter acquire the status of exempt volunteer firefighter as defined  
19 in section 200 of the general municipal law by virtue of having rendered  
20 service in the New Hartford Fire Department, shall be eligible for  
21 membership in the corporation created by this act, except that any fire-  
22 fighter who has been removed for cause, expelled or dropped from the  
23 rolls of the New Hartford Fire Department, and who has not been rein-  
24 stated therein, shall not be eligible for membership in such corpo-  
25 ration. The membership of any person in such corporation shall terminate  
26 upon the withdrawal of such person as an active volunteer member of the  
27 New Hartford Fire Department prior to the actual performance by such  
28 person of five years' service as an active volunteer member of the New

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

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1 Hartford Fire Department. Paid firefighters, if any, of the New Hartford  
2 Fire Department, shall not be eligible for membership in the corpo-  
3 ration.

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

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

24 § 5. Organization meeting; by-laws. The secretary of the New Hartford  
25 Fire Department shall call a meeting for the organization of such corpo-  
26 ration to be held not later than 60 days after this act takes effect,  
27 notice of which shall be given by the secretary by posting or causing to  
28 be posted a notice thereof in five conspicuous places within the terri-  
29 tory protected by the New Hartford Fire Department and also by publica-  
30 tion of notice thereof in one or more newspapers having a general circu-  
31 lation within such territory, and such posting and publication shall be  
32 effected at least 10 days prior to the date of such meeting. At such  
33 meeting or any adjournment thereof, the members of such corporation  
34 shall present and adopt by-laws and elect officers and directors to  
35 serve until the first annual meeting which shall be held on a date to be  
36 fixed by the by-laws. Any member failing to comply with the by-laws,  
37 rules or regulations duly adopted by such corporation shall be subject  
38 to suspension and expulsion in such manner as may be provided for in  
39 such by-laws. Any members who ceases to be such, voluntarily or other-  
40 wise, shall forfeit all interest in the property of such corporation.

41 § 6. Control and disposal of funds and property. The control and  
42 disposal of the funds and property of the said corporation, the exercise  
43 of its powers, and the management and control of its affairs, except as  
44 hereinafter provided, shall be vested in and exercised by a board of  
45 trustees which shall consist of no less than 7 members of the corpo-  
46 ration, to wit: the president, the vice-president, the secretary and  
47 treasurer and three other members having the title of trustee. Such  
48 officers and trustees shall be elected at the annual meeting of such  
49 corporation in the manner prescribed by its by-laws.

50 § 7. Precept for payment of foreign fire insurance premium taxes. Such  
51 corporation shall collect and there shall be paid to it all taxes  
52 imposed by section 9104 of the insurance law for fire department use and  
53 benefit, upon premiums for insurance against loss or damage by fire  
54 covering property situated in that portion of the town of New Hartford,  
55 county of Oneida, served by the New Hartford Fire Department, or within  
56 any duly organized territory in which the New Hartford Fire Department

1 is or may be obligated to render fire protection. The officer of said  
2 corporation designated by its by-laws to collect and receive the afore-  
3 said tax shall have all the powers and be subject to all the provisions  
4 of the insurance law, relating to treasurers of fire departments. Such  
5 corporation shall also be entitled to receive a share of the tax imposed  
6 by section 9105 of the insurance law, based upon the business written in  
7 the territory with respect to which it is entitled to collect and  
8 receive the tax under section 9104 of the insurance law. Such taxes  
9 shall only be used by the corporation in furtherance of its purposes as  
10 set forth in section three of this act.

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