

STATE OF NEW YORK

7839

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

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
21 volunteer fire department, or of any fire corporation in the Nesconset
22 fire district, and all persons who are active volunteer members of the
23 Nesconset volunteer fire department shall be eligible for membership in

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

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

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

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

1 § 2. This act shall take effect immediately; provided, however, that
2 the amendments to section 7 of chapter 19 of the laws of 1964 relating
3 to incorporating the Nesconset Volunteer Exempt Firemen's Benevolent
4 Association, and providing for its powers and duties, made by section
5 one of this act shall apply to taxes due and premiums received on and
6 after January 1, 2026.